LEGISLATIVE COUNCIL

Wednesday, October 16, 1974

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

PETITIONS: LOCAL GOVERNMENT

The Hon. R. C. DeGARIS presented a petition from 150 ratepayers of the East Murray District Council alleging that there were no economic or physical advantages in the proposed amalgamation of their district council, expressing dissatisfaction with the recommendations of the Royal Commission into Local Government Areas, and praying that the Legislative Council would preserve the autonomy of the East Murray District Council by opposing the proposed amalgamation.

The Hon. M. B. DAWKINS presented a similar petition from 453 ratepayers in the District Council of Freeling.

Petitions received and read.

QUESTIONS

SOUTH-EASTERN DRAINAGE

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

Leave granted.

The Hon. R. C. DeGARIS: My question relates to the South-Eastern Drainage Board area, where the rate for maintenance of the drains under the board's control is now based on the unimproved value, as applies to land tax assessment. I understand that a new assessment has been made of part of the area, and that assessment will apply for rating this financial year. However, I think this means that there will be a disparity in the amount of drainage rates paid in one part of the district compared to that paid in another. I ask the Minister whether this matter has come to the attention of Cabinet and what action the Government intends to take to make sure that the rates are applied with some equality.

The Hon. T. M. CASEY: I know that the Minister has been concerned about this matter for some time, and both he and Cabinet have considered it. Although there is no indication at this stage that the Act will be amended this session, I can inform the Leader that the Valuer-General has been directed to assess the remainder of the area coming under the South-Eastern Drainage Act, and it is expected that this whole matter will be finalised in about the middle of 1975 and that everybody's rates will then be on the same basis. If the Leader once again demonstrates that he is an expert in South-Eastern affairs, and if he thinks it is in his interests to do so, it is not beyond him to move, as he has done so often in this Chamber, a motion relating to this matter.

The Hon. R. C. DeGaris: I might do just that.

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

Leave granted.

The Hon. M. B. CAMERON: Yesterday, in reply to a question I asked regarding the South-Eastern Drainage Appeal Board and the determinations thereof, I understood the Minister to say that people in whose determinations an error had been made had no access to the Ombudsman. As these people have no other right of appeal, they are left with an error in their determinations, at least for the duration of the operation of the South-Eastern Drainage Act. As the Minister said that these people do not have a right of access to the Ombudsman, because this was considered to be a judicial appeal, will the Government consider amending the Ombudsman Act or the South-Eastern Drainage Act to give them a right of appeal to the Ombudsman in case a serious error is made?

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

HORSE DISEASE

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

Leave granted.

The Hon. A. M. WHYTE: In South-Western Queensland and in the North-East and Far North of this State there is affecting horses a disease commonly known as the Birdsville disease. Although it is not certain what causes this disease, it is commonly believed that it is induced by a creeper plant eaten by horses, and it results in the loss of many good working horses, crippling and even killing many of them. Because this disease has been reported to me as occurring farther south than I have ever known it to occur previously, I ask the Minister whether any work has been done in connection with it and, if it has, whether there is any possibility of an antidote (if such exists) being made available for the purposes of vaccination or whatever treatment may be necessary to try to counter this serious disease.

The Hon. T. M. CASEY: I cannot name the disease to which the honourable members refers, and I do not think he can name it, either. However, I have had experience and am aware of the situation existing in the Far North and even in South-Western Queensland. This matter has been examined by the Queensland Government over several years without any success. Although I am rather surprised to learn that the disease is occurring farther south than previously, I accept the honourable member's statement that that is so. I will refer the matter to my departmental officers to see what exactly is the situation. In my experience, this matter has never been reported directly to the department by station owners, who, as the honourable member well knows, have to battle against many elements in that part of the country. Nevertheless, I will see whether I can find out something for the honourable member.

MEAT INDUSTRY

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

Leave granted.

The Hon. M. B. DAWKINS: The Minister has stated on several occasions in the Council and publicly (and rightly so, I believe) his confidence in the future of the agricultural industry in this State and Australia generally. He has gone on to mention the cereal industry and the wool industry. However, my concern at present is the meat industry, which is going through a period of some difficulty. This was highlighted in the Council, if I remember correctly, by the Hon. Sir Arthur Rymill about a month ago. Has the Government considered ways and means of helping producers, particularly small producers, in the meat industry, who may find themselves in difficulty as a result of the very unsatisfactory prices obtaining in various lines of meat production at present?

The Hon. T. M. CASEY: The honourable member knows full well that every so often the agricultural industry, whether it relates to the production of wool, mutton, lamb, beef or pork, experiences unfavourable conditions. I have

always advocated strongly that, in the interests of this country's producers, the Australian Meat Board should become more involved in the production of meat of all descriptions, be it live or dead meat, because, after all, the board is made up of primary producers. For some reason a Liberal Government gave exporters the power of veto; why that Government did it, I will never know. I was very pleased to read that the Australian Meat Board is considering the possibility of sending frozen mutton and lamb carcasses to Middle East countries. I believe that the board is sending experts to advise housewives in Iran, with a population of 32 000 000, how to prepare frozen meat so that it can satisfy their palates. These people are used to killing their own livestock, so their meat is not usually frozen. I hope the board's exercise in Iran will succeed and, if it does, the trade will no doubt spread to other parts of the Middle East. This can only benefit meat producers in this country in the long term.

WEST LAKES FLOODING

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Acting Leader of the Government in this Council.

Leave granted.

The Hon. C. R. STORY: It has been reported that a sand levee bank at West Lakes has broken. The bank was installed to keep the water level constant in the new lake scheme. As a result of the breaking of the bank, the water has escaped and reached the Old Port Road, causing damage estimated at $500 000. Is the Minister aware of this report, is it factual, and will the Government report to Parliament on what would appear to be negligence in the construction of the scheme? It affects people in other parts of the area who are not in any way connected with West Lakes.

The Hon. T. M. CASEY: I am not aware of a sand bank levee bursting and allowing water to inundate other parts of the West Lakes area. However, I shall ascertain the situation and let the honourable member know as soon as possible.

PORT WAKEFIELD ROAD

The Hon. M. B. DAWKINS: Has the Minister of Health a reply from the Minister of Transport to my question of October 8 regarding the possible cessation of work on Port Wakefield Road?

The Hon. D. H. L. BANFIELD: The Highways Department construction gang located at Two Wells will remain operative until the completion of the construction of the Two Wells to Dublin section of the Port Wakefield Road and the duplication at Waterloo Corner. The reconstruction of the Waterloo Corner intersection is due for completion in mid-February, 1975. Further construction work on the Port Wakefield Road is subject to the availability of funds from the Australian Government under the National Highways Act. On the basis of present priorities, construction of the next stage, the Virginia by-pass, has not been included in the Highways Department's present advance construction programme. Termination of the work will inevitably mean a rearrangement of personnel comprising the Two Wells gang. Employees of the gang have already been offered alternative employment for work in the northern districts but, notwithstanding this, alternative employment will be offered to them at the completion of the present programme.

TICKET MACHINES

The Hon. C. M. HILL: Will the Minister of Health ascertain from the Minister of Transport whether any investigation has been undertaken by the South Australian Railways into the acceptance and installation of self-service ticket machines for use in metropolitan Adelaide; secondly, if an investigation has not been undertaken, could this matter be considered; and, thirdly, if an investigation has been undertaken, what was the result of it? I believe that the machines are being investigated by the Victorian Railways.

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to my colleague in another place and bring down a reply when it is available.

RACING

The Hon. R. C. DeGARIS: Has the Acting Chief Secretary a reply to the question I directed to the Chief Secretary recently regarding racing?

The Hon. T. M. CASEY: Because of the matters reported on pages 320 and 321 of the report on racing in South Australia the Government has given approval in principle to the recommendation of the committee that the lease agreement made between the Enfield council and the Days Road Social Club be cancelled. The question of legislation will be considered by Cabinet with the result of further inquiries now in progress is known.

NATURAL GAS PIPELINES AUTHORITY ACT AMENDMENT BILL

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

That a message be sent to the House of Assembly requesting that the Minister of Development and Mines (Hon. D. J. Hopgood) be permitted to attend and give evidence before the Legislative Council's Select Committee on the Natural Gas Pipelines Authority Act Amendment Bill.

Motion carried.

SOUTH-EASTERN DRAINAGE

The Hon. R. C. DeGARIS (Leader of the Opposition) moved:

That Standing Orders be so far suspended as to enable him to move a motion without notice.

Motion carried.

The Hon. R. C. DeGARIS: I move:

That, in the opinion of the Council, if the new land tax assessment applying to part of the area under the jurisdiction of the South-Eastern Drainage Board creates inequalities in drainage rates payable to the board then the Government should vary the rates payable in the areas affected by the new assessment until an equitable assessment is produced for the whole area.

In moving that motion at such short notice, I am responding to the challenge thrown out to me by the Acting Minister of Lands in his reply to my question. I believe this is quite an important matter because, unless the Government takes some action, a system will be produced in which there will be quite a number of inequalities in the drainage rates payable in the South-Eastern drainage area. With that brief explanation, I ask the Council to support the motion.

The Hon. M. B. CAMERON (Southern): I second the motion. I believe that a situation could be created in which there would be some degree of hard feeling between people in various areas of the South-East toward each other but, more particularly, toward the Government. I understand the problems of the Valuation Department, but I do not think it is fair that areas should be subjected to a specific tax such as this one, varying between the areas involved. I have no hesitation in supporting the Hon. Mr. DeGaris in his move. I am not by any means certain

that the land tax valuation is the fairest way of assessing the areas, but that is another argument and one that may be taken up at a later date.

Motion carried.

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Southern) obtained leave and introduced a Bill for an Act to amend the Wheat Delivery Quotas Act, 1969-1973. Read a first time.

The Hon. J. C. BURDETT: I move:

That this Bill be now read a second time.

It is designed to give relief to wheat quota holders who have had their land compulsorily acquired. I am thinking especially of landowners in the Monarto area, as well as other quota holders elsewhere whose land has been compulsorily acquired and who are equally entitled to consideration. Dispossessed landowners who seek to continue wheat farming find themselves in a difficult position.

Wheat is practically the only primary product which now offers a reasonable profit, and dispossessed landowners from the Monarto area and elsewhere find it difficult to purchase land to which a reasonable wheat quota applies because, generally, farmers who have land with sufficient quotas applying are not selling that land. Therefore, many dispossessed farmers are precluded from carrying on their traditional avocation of wheatgrowing. Originally, wheat quotas were allocated on the basis of production over a five-year period, but that period has long since expired. In South Australia there is much land suitable for wheatgrowing. However, wheat quotas had not been applied to that land, because wheatgrowing was not traditional in such areas during the period when wheat quotas were set and, if dispossessed Monarto wheatgrowers could take their quotas with them, they would be able to purchase such land to carry on their traditional activity.

This Bill seeks to enable quotas allocated to dispossessed landholders, whose land has been acquired compulsorily under the Land Acquisition Act, and who, within 12 months of such acquisition purchase other land, to be applied to the newly purchased land, but the new nominal quotas in respect of the new land so established cannot exceed the quota applying to the land compulsorily acquired. For example, a Monarto landowner having a nominal quota of 544.40 tonnes might have his land compulsorily acquired and, if he purchased another property within the 12 months period provided, he could apply his 544.40 tonnes nominal quota to that new land. Further, having a 544.40 tonnes quota applying to Monarto land, if the farmer purchased land with a nominal quota of 272.20 tonnes, he could not add the two quotas together. The quota applying to him would be only the original nominal quota of 544.40 tonnes.

A committee called the advisory committee fixes the quotas. The term "advisory committee" seems to be somewhat of an anomaly because under the principal Act it is not given an advisory role at all: it is given an administrative function. Nevertheless, this committee fixes the quotas; it does not advise anyone, but the provision in the Bill gives a discretion to the committee to reduce the quota established under this Bill when the quota applicable to the acquired land would not be suitable to the land purchased, having regard to the nature and area of such land.

This provision is designed to cover certain situations that might arise; for example, where a Monarto farmer had, say, 809.4 ha with a large nominal quota. After his land had been compulsorily acquired, he might purchase only eight hectares of land elsewhere. It is obvious that the nominal quota he had at Monarto would not be suitable for that land. The purpose of the proviso is to allow the advisory committee the discretion to reduce the quota in such a case to a degree that it considered to be suitable having regard to the nature and the area of the land.

I am confident in saying that this Bill has the support of the wheat industry. The matter was dealt with in the United Farmers and Graziers of S.A. Inc. Grain Section Conference held on March 27-28, 1973. Motion No. 4 in that conference reads as follows:

> Displaced landowners—zone 8. Mr. Forrest moved: That wheat quotas held on properties likely to be acquired by Government authorities be transferable to properties purchased by displaced landowners. (Note: To thus enable the person, the amount of up to the original quota.)

That motion was seconded and carried. I refer now to the paper *Farmer & Grazier,* of Thursday, April 11, 1974. This was on the occasion of the 1974 conference of the United Farmers and Graziers. The part I will read was reporting Mr. Roocke, the Chairman of the advisory committee. He said:

> Of Monarto's displaced farmers, Mr. Roocke said the Minister had been approached on this matter and the Government indicated their entitlement to the quotas on the land concerned, in order that they could lease this back to the growers. However, at a recent meeting the Minister indicated he wanted to alter the Act to allow farmers to take quotas away with them, without question. I feel this could create a lot of anomalies and that discretionary powers should be given to the quota committee in this regard for this conference.

I point out that this Bill does what the Minister is reported as saying he wanted, namely, to alter the Act to allow farmers to take quotas away with them without question. The Minister has since in this Council changed his mind: he says they cannot take their quotas with them.

I have carefully considered the views expressed by Mr. Roocke. His opinion was that the advisory committee should be allowed a discretion; I have spoken to Mr. Roocke and discussed the matter with him. He adheres to the view that he there expressed: he thinks the best thing would be if the advisory committee was simply given discretion in the matter of land acquired under the Land Acquisition Act in Monarto and other places. It was in deference to his view that I inserted in the Bill the provision giving the committee a discretion to reduce the quota in circumstances where the nominal quota was not suited to the area and nature of the land that the dispossessed quota holder subsequently purchased. We do not know who will constitute the committee in the future; we do not even know the future constitution of the committee, because I believe there is some doubt about that and some legislation may be pending to change the constitution of the quota committee; but, if the committee was simply given a discretion to do what it thought right to do, whatever was just in the case of a quota holder who was dispossessed of land compulsorily acquired under the Land Acquisition Act, the committee could at any time well take the view that it should not exercise that discretion unless good reasons were shown why discretion should be exercised.

Therefore, I thought it better to establish the right to the quota holder whose land was compulsorily acquired to take his quota with him, but to give the committee the discretion to reduce the quota in suitable circumstances—that is to say, where land that he subsequently purchased was not suitable in area or nature for the quota it had. The guidelines or terms of reference of the committee in exercising the discretion to reduce the quota are spelled out, and there is no reason to suppose that the committee would not exercise the discretion in an appropriate case.

On at least three occasions in this Council I have asked the Minister whether he would consider introducing legislation to amend the Act to enable landowners in Monarto and other areas, dispossessed of land being compulsorily acquired, to take their quotas with them. We have heard what has been reported as having been said in the *Farmer & Grazier*. The Minister's answer in the Council was that he would not consider such legislation. He did give me an undertaking in the Council that he would do something about it, but I do not know what the "something" was. It would be fair to say, I think, that the Minister's reason that he expressed in the Council why he was opposed to introducing legislation such as is contemplated in this Bill was that he claimed that, when compensation was assessed in regard to the land that was compulsory acquired in Monarto, the value of the quotas was, in effect, taken into account.

That is a serious argument, and I regard it seriously but, as I have pointed out, the Monarto landowners were given an assurance by the Government that they would be able, so far as the Government had the power, to acquire land similar to what they had had and carry on the business in the same way. Secondly, it has been reported to me by many Monarto landowners that they accepted the figure proposed by the Government, after discussions and negotiations, on the understanding that they could take their quotas with them, *not on* the basis that they were being paid for their quotas. Of course, quotas cannot be paid for under the provisions of the principal Act. We cannot pay for a quota, but the only thing that could be said was that the land quota might have been taken into account in assessing the value. However, contrary to what the Minister has said, many of the Monarto landholders were under the impression (or, certainly, they told me they were under the impression) that, when they agreed to a figure, as far as they were concerned, it was on the basis that they could take their quotas with them and not on the basis that they were being paid, in effect, for their quota.

Thirdly, some have certainly reported to me that they purchased properties without a quota, on the understanding (and they thought it was something about which they had been given assurances by the Government) that they could apply to that land the quotas that they had held in Monarto. Having perused the figures of some of the properties that have been acquired at Monarto (I have had the opportunity of seeing only the values of private valuers and not those of the Government's valuers), I am certainly not satisfied that the landowners have been given value for their quotas.

Regarding different areas of land, some of which have a large quota and some of which have only a small quota, I have not been satisfied that the value of the quota has been reflected in the price that was eventually agreed to and accepted by the landowner. Quite certainly, it has not been spelt out in a signed document that the quota has, in effect, been compensated for. I have undertaken the exercise of speaking to a number of quota holders outside of the Monarto area and, indeed, in various areas of the State. One would think that, if anyone was entitled to complain about this Bill, these people would be. I have put the matter to them, and not one of them has said he objects to a Bill such as this. Indeed, everyone has said that the people at Monarto who were dispossessed but who wanted to take their quotas with them and grow wheat elsewhere should have been able to do so.

I have also undertaken what I suppose is the contrary exercise: I have spoken to Monarto landowners whose land has been compulsorily acquired and who do not intend to continue growing wheat. Some of these people may have retired or gone into another field, such as pig-raising. From these people I have received a unanimous reply: that they were satisfied that legislation such as this was warranted. They were only too pleased to state that the landowners at Monarto who wanted to remain in the wheatgrowing business should be able to retain their quotas.

I have said in the Council several times that I am satisfied that this State's land acquisition legislation needs overhauling and that there are various kinds of genuine financial loss which a person can suffer when his land is compulsorily acquired and which, under our present legislation, cannot be compensated for. This may be a start in rectifying that situation. If landowners at Monarto or those in other parts of the State whose land is acquired under the land acquisition legislation obtain some sort of advantage by having their land valued on the basis that it has got a quota and by their being able to take their quotas with them and apply them to the new land, so what? Is this something that really matters? After all, it is only enabling these people to carry on with the avocation they were following before. Surely this is something that should apply to people whose land has been compulsorily acquired.

Surely these people should be able to continue with the business they were conducting previously and, if they receive a slight advantage, I suggest that it does not matter much. Certainly, I have found that no-one is worried about it. I point out that these quotas have already been issued: it is not as though they were being established for the first time or that anyone else was going to be disadvantaged by it. No-one is going to be any worse off because of this Bill. If it does not pass, the quotas of the Monarto landowners will return to the pool and be spread over the State. Therefore, the amount that each quota holder will receive will be negligible. It would indeed be different if anyone was going to be worse off because of this Bill, but no-one will be worse off. If anyone is going to be slightly better off, I suggest that it does not matter very much and that it would be just a small thing that might be a start towards really compensating people who did not want to lose or sell their land but whose land was taken from them. I refer now to the clauses of the Bill. Clause 1 is formal. Clause 2 sets out the various definitions, including that of "acquired production unit", as follows:

> "Acquired production unit" means a production unit, acquired pursuant to the Land Acquisition Act, 1969-1972, for the purposes of an authorised undertaking as defined in that Act.

It also contains a definition of "former holder" in relation to wheat delivery quotas. The "former holder" is the person who held the quota previously. The "prescribed period" is the period to which I have already referred. It means the last day of the twelfth month next following the day on which the production unit was so acquired, or the last day of the twelfth month next following the day of commencement of the Wheat Delivery Quotas Act Amendment Act, 1974, whichever day last occurred.

Clause 2 inserts in the Act new section 24h (1), to which I have also referred. New section 24h (2) provides that, where a person who was the former holder of a wheat delivery quota in respect of an acquired production unit becomes, within the prescribed period, the owner of (*a*) a production unit in respect of which a nominal quota has been established; or (*b*) a production unit in respect of which a nominal quota has not been established, then that person shall, subject to subsection (3) of this section, be entitled to have established by the advisory committee in respect of (*c*) the production unit referred to in paragraph

(*a*) of this subsection, where the nominal quota established for that production unit is less than the nominal quota that was established for the acquired production unit, a nominal quota not less than the quota that he held in regard to the acquired production unit. It provides also that the total quota will not exceed that figure. New subsection (3) provides a discretion, to which I have already referred, namely, that the advisory committee may reduce the nominal quota that would otherwise be established under new section 24h (2), having regard to the area and the suitability for wheat production of the land acquired within the 12-month period. I commend the Bill to honourable members.

The Hon. T. M. CASEY secured the adjournment of the debate.

TRANSFER OF LAND

Adjourned debate on motion of the Hon. R. C. DeGaris:

That in the opinion of this Council, the Minister of Lands should give his consent to the transfer of section 116, hundred of Riddock, to Brian de Courcey Ireland, of Mount Burr.

(Continued from October 9. Page 1357.)

The Hon. J. C. BURDETT (Southern): I support the motion. As I understand it, a brief summary of the history of this matter would be as follows: the subject land in the South-East has been held by the proposed seller for some time. During the period in which he held the land, the Woods and Forests Department had made approaches to acquire it. However, the proposed seller would not sell, as he did not agree to the price offered. Finally, the proposed seller arranged with a proposed buyer a sale subject to the Minister's consent, because this was Crown leasehold land, and this sale was at a higher figure. As I understand it, the application for consent to the transfer was refused by the then Acting Minister of Lands, who was also Minister of Agriculture and Minister of Forests. I understand that subsequently an approach was made to the proposed seller by the Woods and Forests Department to purchase the land at the new price which the proposed buyer had offered.

I suppose the reason why the Woods and Forests Department would not go to a higher figure previously was that it was working on the basis of Land Board valuation, and I suppose that, after the sale had been suggested and the consent had been refused, the Land Board was able to use that offer as the basis for suggesting a higher figure. In any event, the application for consent was refused, and subsequently the Woods and Forests Department made an approach to the proposed seller to purchase the land from him at the figure that had been offered by the proposed buyer.

I have conducted a legal practice for more than 20 years in an area where most of the agricultural land is Crown leasehold land, and in that period I can recall only one occasion when an application for consent to a transfer was refused. There may have been others, but I cannot recall them. The one that I can recall was in the case of a series of several applications forming a single overall matter. In that case, which occurred only a couple of years ago, the Minister refused consent on the ground that he considered that each of the areas sought to be sold would not be a viable economic proposition. In refusing consent, the Minister suggested that, if the application was put in another way, it would be favourably considered. The application was put in another way, and it was then acceded to. So, in one sense, I suppose it could be said that in all my experience I cannot recall a case where consent has been refused.

As the Hon. Mr. DeGaris has said, the Act specifically provides that the Minister may not capriciously withhold consent. I would say that in practice (and the Crown Lands Act has hardly been a matter of practice; it goes further than that) consent should not be withheld except on principle. I believe that this withholding of consent was capricious: it was on a whim, rather than on principle. Consent was withheld because the Minister wanted to buy the land for another department, of which he had control; it was not because of any matter of principle regarding the size or suitability of the land, the purpose for which it was required, or any of the principles that have been accepted as regards whether consent should or should not be granted. It was because the Minister who happened to be Acting Minister of Lands at that time wanted to acquire the land for the purpose of another department, of which he had control under another portfolio.

Whether or not, strictly speaking, under the terms of the Act this refusal of consent can be said to be capricious, I say that consent to an application to transfer land should be withheld only on a matter of principle, and the reason should be stated. In the only case where consent was withheld in my experience, the reason was given; later, when the Minister's suggestion was adopted, consent was given. The reason should be stated, and a matter of principle should be involved. This was not a matter where the departmental officers would have suggested any reason why consent should be withheld. In fact, I should dearly love to hear the officers of the Lands Department express their views on this matter, and I should like this Council to know what the officers' views are about this refusal of consent. Because this was not a departmental matter—because it was a Ministerial decision—the Ombudsman has no competence and therefore cannot consider it. However, it is within the competence of this Council to express its view on what should have been done and on what should now be done. I strongly support the motion, which suggests what should now be done.

The Hon. C. M. HILL (Central No. 2): An important principle, which ought to be highlighted, has emerged as a result of this issue. That principle is that, if any Government department wishes to acquire land, it must be extremely careful that it offers the individual who is being dispossessed of that land a fair and adequate market value.

From what I have heard during this debate, it seems that the land was in the first instance submitted to the department by the owner, but the department at that time would not pay the price that the owner required. Obviously, at that point the owner believed that the price he was asking was full and fair value. At that point the departmental advisers no doubt said, "No: this is not the market value. It is higher than market value."

Subsequently that same owner found a buyer on the open market. He, in fact, substantiated his view that the price at which he had offered it to the department was in fact fair and reasonable market value. Then, as we have heard, the private sale between the owner and the purchaser required the Minister's consent, because it was perpetual lease land, and that consent was refused.

The Hon. T. M. Casey: It was sold through an agent. Do you know who he was?

The Hon. C. M. HILL: I am not interested. I am concerned with the point that the owner established that the value at which he had submitted the land to the department was, in effect, market value, because he found a purchaser who was willing to buy that land. Now, as I understand it, the department is willing to pay the original price. It has had another look at its records

and made another assessment of the value, and perhaps has been influenced by the fact that a purchaser was under contract in writing (conditional although that contract might have been on the Minister's consent). Nevertheless, the contract existed, and at the new price the Government was willing to buy the land.

The department should have had better knowledge of the market value in the original instance. If that had been the case, much of this trouble would have been avoided. Departments involved in the acquisition of land and the officers who advise them (and I refer especially to the Land Board valuers, because they are, in the main, the valuers who advise in this area) must be extremely careful to assess land value at true and current market rates.

In this case they have admitted, in effect, that their original assessment was wrong. They have now come up to the owner's price, but it took the owner to prove to them the actual value of the holding. Now that the volume of acquisitions by Government departments has increased so much in recent years, a much more understanding and sensitive approach should be adopted by Government valuers. When they fix prices to be offered or accepted by private owners, the figures must be "spot on" the market value.

If that does not occur, injustice can be done to the individual who is selling his land, as occurred in this instance, or to individuals who are dispossessed of their properties in cases when they are first approached by Government valuers. Had that been known to the departmental officers, I do not think this problem would have arisen.

If, in the first instance, they had accepted that the market value of this property was the figure at which the owner first offered it, all the later trouble would have been avoided. Departmental officers, and also Ministers in charge of these departments, have a responsibility to see to it that, when negotiations are in train with private owners, the prices fixed by Government valuers are accurate.

The Hon. T. M. CASEY secured the adjournment of the debate.

SUCCESSION DUTIES

Adjourned debate on motion of the Hon. C. R. Story:

That, in the opinion of this Council, the Government should, as a matter of urgency, introduce a Bill to amend the Succession Duties Act, 1929-1971, to provide for—

i. Increased proportional rebates of duty, so that the value of the rebates relates more accurately to the present value of money.
ii. The right to claim rural rebate on land held in joint tenancy or tenancy in common.
iii. Clarification of the daughter-housekeeper provisions,
iv. A new provision to alleviate the financial burden of widows with dependent children.

(Continued from October 9. Page 1361.)

The Hon. JESSIE COOPER (Central No. 2): I support the motion, and congratulate the Hon. Mr. Story on his initiative in bringing the matter forward at this time. I firmly believe that succession duties is a form of taxation that should be abolished. I have said this previously, and probably I shall say it again. It is a cruel and savage tax, hitting all kinds of people at a time when they are least able to bear it. It provides little money towards running the State, but it takes sufficient money to destroy many a self-supporting business, either primary or secondary. It inflicts hardship in the majority of cases where it applies.

It is a tax beloved by Socialists. A millionaire dies. "Ha, ha", say the Socialists, rubbing their hungry hands together, "now we will make a kill." And they do. But how many millionaires have we got in South Australia? Honourable members all know many cases of people who have made modest provision for the welfare of their families, and who have died. Subsequently, the families are reduced to financially difficult circumstances by the necessity to find sufficient money to meet succession duties. I say further that today, at this time of inflation and loss in the value of money, it is a tax that is hitting even the poorest people and taking part of the savings of those who have had little more than a pension and a few thousand dollars invested in a house; in fact, that is the normal situation facing retired pensioners today. I have six examples of the damaging impact of succession duties in and around the sphere contemplated by the Hon. Mr. Story.

The first case is that of a widow who died at the age of 79 years. The beneficiaries were two daughters. The estate was $29 500, and consisted of a small bank account, a house, debentures, and shares, and the duty payable on that estate was $2 500. There it is: a small bank account plus a house. The second case is that of a widow who died at the age of 86 years. Her beneficiary was a daughter. The estate was very small ($9 484) and consisted of a small bank account and the house (one can realise how small that house was). The daughter, who must have been of a certain age because the mother was 86 years of age (probably the daughter was about 60 years of age), had to pay out of that small estate $522.70, and there was no rebate for that woman; no rebate was allowed for the house, because the daughter had worked a couple of mornings a week to supplement the mother's pension and was not wholly engaged in looking after the mother. How was that person to find $500 except by selling the house? There again, a small bank account and a house.

The third example is an interesting one. A married woman died at the age of 78 years and the beneficiary was the widower. Here again, the estate was a small one of $10 050, and consisted of a small bank account and half the matrimonial home, yet that poor man *had* to find $307. Again, the house had be sold to meet the duty. The fourth case is that of a retired businessman who died at the age of 73 years. The beneficiary was his widow, who had a life interest in the estate, and half the matrimonial home residue went to two daughters equally. The estate came to a total of $55 450 and consisted of life insurance, a bank account, debentures and shares, and half the matrimonial home. Duty was assessed at $2 869.

The fifth case was that of a spinster aged 50 years who had not expected to die at that stage. She left a life estate to her father, who was then over 80 years of age. She left legacies to a sister and nephew and the residue to the church societies. Her estate was only $15 236, and consisted of a small bank account, debentures, and a half share in the house. The duty payable on that estate was $1 207, bearing in mind that the missionary societies, which operated in the other States, paid full duty.

The last case is a particularly senseless and cruel one. It is the case of a male pensioner who died at the age of 68 years. The sole beneficiary was his sister, and the whole estate amounted to $1 805. It consisted of only a bank account and shares. The sister had to pay $130. Certainly, there is something wrong with a State which extracts that sort of tax. It is obvious to those dealing with this matter that the rebates provided in the amendments made by this Council in 1971 are not sufficient to exempt a matrimonial home at today's valuations, and this was brought home clearly by the other speakers. I ask the Government to examine the possibility of amending the Act to provide an exemption or a higher rebate on the family home, and I also ask it to examine the

hardships generally applying in such cases as those to which I have referred. I support the motion.

The Hon. C. M. HILL (Central No. 2): I commend honourable members who have spoken in this debate, to which I have listened with great interest. Obviously, the changing monetary values and the changing economic situation create an urgent need for a general review of succession duties legislation. If this motion is passed by the Council, I hope the Government will consider such a review and will take heed of the points that have been made.

This debate has highlighted also the extremely complex nature of succession duties. Succession duties involve such complex considerations that almost every suggestion made deals with trying to overcome one specific problem, while at the same time admitting that many other areas should be closely examined as well.

The matter of succession duties has also become more important as a result of the recent Commonwealth Government announcement of its intended capital gains tax. One proposal mooted by the Commonwealth Treasurer was that, at the time of transfer of property after death, a capital gains tax would be imposed on any appreciation in value from September 17, 1974, until the day of death.

True, that legislation has not yet been enacted by the Commonwealth Parliament, but that clearly was the impression given by the Treasurer when he raised the general issue of a capital gains tax. If that tax eventuates, it will mean that, at the time of death or soon afterwards, when properties transfer from the executor to the beneficiary or beneficiaries of an estate, there will be a capital gains tax, which, of course, people will consider as further death duty.

In many instances this will be an extremely high tax and will impose great difficulty on people involved in such estates. Therefore, rather than there being a possible improvement in relation to succession duties, the situation will worsen if this new Commonwealth tax is introduced.

The Hon. F. J. Potter: In some cases it will be a third tax.

The Hon. C. M. HILL: True. The total tax to be applied at the time of death will comprise succession duties; the Commonwealth estate duty, and the capital gains tax. I ask the Government, when it reviews this situation and examines the points that have been made in this debate, to consider a rather simple approach of creating a provision in our legislation whereby a person will be able to take out a whole of life insurance policy on his own life, and that policy will be specifically marked as a probate policy, but will not be part of the estate: it would not be aggregated in the estate, as are most other policies.

The Hon. C. R. Story: Would the payments on such a policy represent a deduction for normal income tax purposes?

The Hon. C. M. HILL: Payments could count as a deduction for normal income tax purposes, but that matter would have to be looked into. I think the best way to approach this problem is to accept the present arrangements that apply in relation to insurance premiums.

The Hon. F. J. Potter: Such payments could be regarded as a deduction until the present ceiling is reached.

The Hon. C. M. HILL: Yes, within the limits now provided.

The Hon. C. R. Story: You mean, subject to the existing insurance deduction ceiling being reached?

The Hon. C. M. HILL: Yes. If a person could take out such a policy, specifically indicating that its purpose was to provide for succession duties, such duties could be paid from that policy, so that his estate would not be affected. The implementation of such a system would provide great benefits to many people in South Australia.

All honourable members know that the splitting of estates, the sale of property, and the borrowing against property at death means great hardship to the people involved. However, if such estates were to remain intact, the Government would receive considerable revenue, and it is questionable whether it is in the Government's interest for them to be broken up simply as a result of the burden of succession duties.

In times such as these we know that, if the estate can be retained, the employment position can be helped rather than hindered. Also, matters such as family unity and the family generally, can be advantaged if provision for the payment of succession duty can be made by the Government to allow estates to be retained intact or remain financially unencumbered, so that there will not be a burden on the beneficiaries. It would be of benefit to individuals involved, but it would also be of benefit to the State.

Many people have said to me, especially people in country areas, that they would prefer to provide for their probate whilst they were alive, and they would not object to doing that. However, the real problem occurs after death when money has to be found from the estate and, in most cases, there is not much money to spare at that stage. Most of the estate is often made up of property, plant, stock and similar assets.

I suggest that the Government thoroughly investigate the suggestion to permit people to take out a whole of life insurance policy. The policy-holder could vary his policy over the years according to the amount that the succession duty would be on his estate as times changed. So the idea could be taken even further, in that the whole of life policies that might be in existence at the time (and this would apply particularly to the older people) could well be earmarked and specified for use for this purpose. There would be no means of evading the principle involved if the amount of the policy at death exceeded the amount of the succession. The balance could well be entered as part of the estate.

In cases, too, where it would be impossible, for health or reasons of that kind, for people to be able to take out a life assurance policy of this kind, provision should be made whereby such people could deposit money at the Treasury and build up a fund, again being a probate fund, for the payment of their succession duties at death. An approach of that kind would mean that everyone, if he so wished, would have an opportunity to provide for the payment of his ultimate succession duties; and that appears to me to be a very fair approach to this problem.

I realise that, because aggregation would not be involved, the amount of succession would not be as great as it would be in other cases; nevertheless, I think the difference would not be that great. In any case, we are not dealing with an immense amount of money from the point of view of State revenue. As I recall, the revenue from succession duties to the State last year was about $12 500 000, and the Government is expecting to get $13 500 000 in this current year. The total Revenue Budget was between $750 000 000 and $800 000 000, so compared to the total State revenue not a great amount of money is involved in succession duties; but there certainly is a great amount of money involved and there are serious consequences from the point of view of the individual. Any Government sympathetic to the cause and importance of the individual must surely look seriously at this matter to see whether all these present complexities and all those complexities that

honourable members have mentioned that are presently occurring and should be countered in one way or another, to a large extent, would be overcome if a person while alive could provide for his succession duties so that his estate, upon which he would ultimately pay succession duties, could remain intact after his death.

I put this proposition to the Government for its consideration. I do not know that it is an entirely new idea. I recall in this State that many years ago (I am going back now 30 to 40 years) there were life assurance policies known as probate policies, but they have not the effect to which I have referred. Whether they were originally intended to have this effect when the idea or name of the probate policy was first introduced I do not know, but I rather suspect it was intended in those days that that should be the case.

So there may well be a precedent for it but, in any case, it would be of tremendous help to people in this State whose estates were either small or large if they could make provision as I have suggested. I commend that proposal to the Government for its consideration.

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

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

(Second reading debate adjourned on October 9. Page 1361.)

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Share of widow or widower."

The Hon. T. M. CASEY (Minister of Agriculture): As I am substituting for the Hon. Mr. Kneebone and I have nothing with me relating to this matter, I would be pleased to have progress reported so that we could look at the situation in the meantime.

The Hon. F. J. POTTER: Yes; I am happy that progress be reported at this stage to enable the Minister to look at the subject matter.

Progress reported; Committee to sit again.

ROAD TRAFFIC ACT AMENDMENT BILL (CROSSINGS)

Adjourned debate on second reading.

(Continued from October 9. Page 1362.)

The Hon. D. H. L. BANFIELD (Minister of Health): I support this Bill. The Hon. Mr. Hill, in his second reading explanation, praised the Leader of the Opposition in another place for introducing the Bill. I have looked at the Bill introduced by the Leader in another place, and this is different from the Bill introduced in the other place.

The Hon. R. C. DeGaris: They are pretty obstructive there.

The Hon. D. H. L. BANFIELD: What intrigues me about the whole thing is that, while they may be obstructive there, the fact remains that the Leader in another place did not even see fit to call for a division on any amendment made there, so I think the Leader introduced it only for the exercise rather than for any real benefit to anyone. Had he been convinced of his argument, he might even have won a few members from the Government side. After all, it was a private member's Bill but the Leader was not prepared to call for a division on his own Bill. He was prepared to accept amendments by the Government but not prepared to call for a division.

The Hon. Sir Arthur Rymill: Perhaps they are all buddies down there, after all.

The Hon. D. H. L. BANFIELD: We wonder how fair dinkum he was with this Bill, or perhaps he could not trust his own members to support its provisions and he was not prepared to have it recorded that they voted against that Bill.

The Hon. J. C. Burdett: Are you talking to the Bill?

The Hon. D. H. L. BANFIELD: The Hon. Mr. Hill also, in his second reading explanation, praised the member for Hanson for the part he had played regarding the Bill. Having looked through the record, I could not see what the member for Hanson did regarding this Bill. How, therefore, he came to receive praise from the Hon. Mr. Hill, I do not know; perhaps we will learn more about that later. The only thing that was recorded on the debate was an interjection by the member for Hanson.

The Hon. R. C. DeGaris: On what page is that?

The Hon. A. J. Shard: He read it in the *Advertiser.*

The Hon. D. H. L. BANFIELD: Does not the Leader of the Opposition ever go to the library to see what is recorded?

The Hon. J. C. Burdett: You aren't referring to the Assembly *Hansard*, are you?

The Hon. D. H. L. BANFIELD: I do not know about that; I listened to what the Hon. Mr. Hill said about the member for Hanson, and there is nothing in *Hansard* about him, except interjections, the same as I am getting from honourable members opposite today.

The Hon. C. R. Story: It wouldn't be just a coincidence that *Hansard* was opened at that page, would it?

The Hon. D. H. L. BANFIELD: To what page is the honourable member referring? If he looked at page 1361 of *Hansard,* the honourable member would see what the Hon. Mr. Hill said when giving the second reading explanation of the Bill, and I challenge honourable members opposite to examine my volume of *Hansard* and say that that is not the page at which I am looking. This Bill—

The Hon. M. B. Dawkins: You're getting back to the Bill now, are you?

The Hon. D. H. L. BANFIELD: I have as much liberty as the Hon. Mr. Hill had in relation to the Bill. In his second reading explanation, the honourable member said the following:

> The Bill converts the maximum speed limit of 30 km/h to 25 km/h when passing stationary school buses or travelling between "school" and "playground" signs, across some pedestrian crossings, and in other areas where signs indicate that roadworks and other road construction operations are being carried out.

True, there has been agitation since July 1, when we converted to the metric system, to have these speed limits reduced. Indeed, a petition on this matter, which I do not intend to oppose, was presented to the Council only last week. The Bill also lowers from 30 km/h to 25 km/h the speed at which a motor cyclist can ride his motor cycle without a helmet. This is a safety precaution. I understand that this amendment to the Act was moved by the Minister of Transport in another place.

The Hon. J. C. Burdett: You haven't been reading *Hansard* again, have you?

The Hon. D. H. L. BANFIELD: Members opposite obviously do not read their copies of the *Advertiser.* Just because they have given up hope and do not get a good coverage in the *Advertiser,* whose reporters leave the Chamber when honourable members get on their feet to speak, honourable members opposite have given up reading that newspaper and do not see what is reported therein regarding the proceedings in another place.

The Hon. C. M. Hill: I think you are slowing down. You had better get down to 20 km/h.

The Hon. R. A. Geddes: I think the Minister is looking for a four-star rating.

The Hon. D. H. L. BANFIELD: Honourable members opposite are indeed helping me in that respect.

The Hon. M. B. Dawkins: That would be right: you've got nothing to say yourself.

The Hon. D. H. L. BANFIELD: But the honourable member obviously has. I hope he will contribute to the debate so that everyone will know what he has to say about the matter. The metric system has applied since July 1, and there has been agitation since then for a reduction from 30 km/h to 25 km/h in the speed past schools. Indeed, the Minister of Transport said he would be willing to examine the matter after a trial period. After this Bill was introduced by the Leader of the Opposition in another place, the Government supported it there, and I have much pleasure in supporting it in the Council.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Speed limits."

The Hon. C. M. HILL (Central No. 2): The Minister has caused me to rise because, in his reply to the second reading debate, he challenged me about why I had complimented the member for Hanson regarding this Bill. I was trying to make the point that the member for Hanson deserved to be complimented because, when in another place (I think in about February), the Road Traffic Act was amended to incorporate the metric system—the actual metric system not being introduced until July 1—the member for Hanson moved an amendment, which he pursued with all the resources at his disposal, to have the speed limit past schools reduced to 25 km/h. It was because of his representations and efforts in that debate that I complimented him because, in effect, he has been proved correct.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

STATE BANK ACT AMENDMENT BILL

Read a third time and passed.

PARLIAMENTARY SALARIES AND ALLOWANCES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It is designed to achieve five main objects. First, the first, second, third and fourth schedules to the principal Act being now obsolete, none of their provisions can any longer be regarded as providing the tribunal with any statutory guidelines for the purpose of making a determination. This Bill therefore proposes to repeal those schedules and to incorporate in the principal Act such of the provisions of those schedules as should be preserved for the purpose of providing the tribunal with such guidelines. Secondly, specific provision is made for the tribunal to fix a special remuneration for the Minister who carries out the functions of Deputy Premier over and above the remuneration he receives in his capacity as a member of Parliament and as a Minister of the Crown.

Thirdly, the Bill makes provision for additional allowances to be fixed for Ministers whose electorates are outside the metropolitan area as defined in the Bill and enacts certain matters to which the tribunal should have regard in determining such additional allowances. Fourthly, the Bill provides, as the second schedule at present does, that each member of Parliament is entitled to an electorate allowance in addition to his basic salary but an electorate allowance payable to a member, other than a Minister, pursuant to a determination made after July 1, 1974, must be fixed by the tribunal having regard to certain criteria that are laid down in the Bill for the tribunal's guidance.

Lastly, the Bill proposes that certain duties are to be deemed part of the duties of a member of Parliament to which the tribunal must have regard when fixing any allowance payable to a member in respect of the expenses of discharging his duties as a member. The need for a specific allowance for the Deputy Premier is self-evident; he is required to perform onerous duties and bear greater responsibility, for which he ought to be recompensed. As the Act now stands, it does not require that Ministers whose electorates are outside the metropolitan area should be given any special consideration. It is quite evident that in these cases a Minister may be required to give up a great deal of his home life and incur considerable travelling expenses by reason of his Ministerial duties, and that he ought to be compensated for these factors.

At the moment, all members of Parliament (other than Ministers) receive certain fixed electorate allowances. The Government believes that the criteria for fixing these allowances are too rigid and that the tribunal should be able to fix a more realistic allowance having regard to the actual facts pertaining to an individual electorate, subject of course to keeping equality between electorates within the metropolitan area and, where possible, between electorates outside that area. It is hoped that these amendments will enable the tribunal to make determinations on a more flexible and realistic basis and remedy existing unfair disparities and inadequacies in remuneration.

Clause 1 is formal. Clause 2 amends section 2 of the principal Act. The definition of "basic salary" in the Act as it now stands is meaningless, as it is related to the obsolete provisions of paragraph 1 of the second schedule. That definition is accordingly repealed and replaced by a more realistic definition. The clause enacts a new definition of "metropolitan area" for the purposes of interpreting the Bill and strikes out the definition of "Ministerial office", which is unnecessary as it has a well recognised meaning. The clause also clarifies the definition of remuneration. Clause 3 amends section 3 of the principal Act by up-dating the citation of the Public Service Act.

Clause 4 amends section 4 of the principal Act by up-dating the citation of the Public Service Act and altering the reference to Public Service Commissioner to that of the Public Service Board. Clause 5 amends section 5 of the principal Act, which deals with the powers and functions of the tribunal, by adding a further power to determine specific additional remuneration for the Deputy Premier.

Clause 6 enacts new sections 5a, 5b, 5c and 5d of the principal Act. New section 5a provides that the remuneration payable to a member must include a basic salary and incorporates the relevant provisions of Part I of the second schedule. New section 5b deals with electorate allowances. Subsection (1) provides that a member of Parliament is entitled to an electorate allowance in addition to his basic salary, but an electorate allowance payable to a member, other than a Minister, pursuant to a determination made after July 1, 1974, must be fixed by the tribunal having regard to all relevant matters including those laid down in that subsection. Subsections (2) and (3) incorporate the provisions of paragraphs 7 and 8 of the second schedule to the principal Act.

Subsection (4) provides that electorate allowances payable to members whose electorates are within the metropolitan area must be equal. Subsection (5) provides that electorate allowances payable to members whose electorates are outside the metropolitan area must, where the electorates have reasonably similar characteristics, be equal. Subsection (6) requires electorate allowances payable to Ministers to be fixed at such annual rate as the tribunal may determine having regard to all relevant matters.

New section 5c deals with remuneration of Ministers and substantially incorporates the provisions of the third schedule to the principal Act, except that subsection (3) of that new section is consequential on the provisions of clause 5 of this Bill. New section 5d deals with the remuneration of certain officers of Parliament and incorporates the relevant provisions of the fourth schedule to the principal Act. This clause at proposed subsection (2) also fixes the additional salary of the Leader of the Opposition in the House of Assembly as the same as the salary payable to a Minister of the Crown.

Clause 7 repeals section 12 (2) of the principal Act, as that subsection is now obsolete, and enacts two new subsections (2) and (3) in its place. New subsection (2) provides that the duties of a member shall be deemed to include acting as agent for his constituents, keeping in touch with his constituents and attending functions, and possessing means of transport. New subsection (3) provides that a Minister whose electoral district is outside the metropolitan area shall be granted an extra allowance having regard, amongst other things, to his absences from home and his travelling expenses. Clause 8 repeals the first, second, third and fourth schedules which, as I have explained earlier, are now obsolete and the relevant provisions of those schedules are being incorporated in the principal Act by the provisions of this Bill.

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

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill, which amends the Parliamentary Superannuation Act, 1974, is intended to make six disparate amendments to the principal Act, and it is suggested that the most convenient method of explaining these amendments is in the consideration of the relevant clauses of the measure. Clause 1 is formal. Clause 2 enacts a new section 14a in the principal Act and gives a member, who for one reason or another ceases to be entitled to contribute for an additional pension by reason of being in receipt of "additional salary" as defined, the right to continue to make voluntary contributions and so preserve, to a considerable extent, his right to an additional pension.

Clause 3 amends section 16 of the principal Act and now provides that a member who retires involuntarily will be entitled to a pension if he has had six years service. In addition, this clause also provides that a member who has attained the age of 60 years and who retires voluntarily will be entitled to a pension after six years service.

Clause 4 amends section 17 of the principal Act and is intended to correct an anomaly that may occur where by reason of the freezing of Parliamentary salaries the pension payable to a member who retires towards the end of the freeze will be substantially less than that of a member of similar length of service who retired shortly after the commencement of the period covered by the freeze. During the period of the freeze the latter member would in these inflationary times have received the advantage of one, two or three automatic adjustments of pension. In addition, this clause provides for the lifting of the pension "ceiling" from 70 per cent of salary to 75 per cent of salary.

Clauses 5 and 6 combined are intended to provide a rather more generous commutation percentage for a retiring member of or over the age of 60 years who is entitled to a maximum pension. In the case of such a member he may commute up to 40 per cent of his pension in lieu of the 30 per cent at present provided for. Clauses 7 and 8 provide that a spouse pension payable to the spouse of a deceased member will be payable for life and will not be suspended during any subsequent marriage of the spouse.

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

STATUTES AMENDMENT (COMMITTEE SALARIES) BILL

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

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

That this Bill be now read a second time.

It amends the Constitution Act, the Public Accounts Committee Act and the Public Works Standing Committee Act to the end that the fees payable to the chairmen and members of the various committees constituted under or referred to in those Acts be adjusted. For some time the Government has been concerned that remuneration of the chairmen and members of these committees has not kept pace with the clearly declining value of money and hence the work performed by those people has become increasingly less well remunerated.

With this in mind, the Government caused an in-depth examination to be made of, amongst others, the committees touched on by this Bill. This examination was carried out by the Public Service Board in this State and included an examination of the position in other States and the Commonwealth. Arising from this examination certain recommendations have been made to the Government and this Bill gives effect to those recommendations by proposing amendments to the relevant Acts.

Clauses 1 to 4 are formal. Clause 5 amends section 55 of the Constitution Act by increasing the fee payable to the Chairman of the Subordinate Legislation Committee from $600 a year to $1 900. This clause also increases the fee payable to each member of that committee from $500 to $1 400 a year

Clause 6 is formal. Clause 7 adjusts the fees payable to the Chairman and members of the Public Accounts Committee by increasing the Chairman's fee from $1 500 to $1 900 and the fee of a member of that committee from $1 000 to $1 400. Clause 8 is formal. Clause 9 adjusts the salary of the Chairman and members of the Parliamentary Standing Committee on Public Works. In the case of the Chairman, the salary is increased from $1 500 to $2 500, and in the case of each member the increase is from $1 000 to $2 750.

The Hon. A. J. Shard: Surely the remuneration for each member is increased from $1 000 to $1 750, not $2 750?

The Hon. T. M. CASEY: Yes. I have now been informed that the final figure in that explanation should be $1 750.

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

WHEAT INDUSTRY STABILISATION BILL

Adjourned debate on second reading.

(Continued from October 15. Page 1436.)

The Hon. M. B. DAWKINS (Midland): I support this Bill. The wheat industry stabilisation provisions have been of very great benefit to the wheatgrowers, to the wheat industry, and to the country as a whole over many years. This Bill, in common with policies adopted in five other States and the Commonwealth, seeks to renew the agreement for a further period of time. I support the legislation, because I have great faith in the wheat industry; to oppose the legislation at this time would result in the collapse of the stabilisation scheme, and no-one wishes to see that. However, in saying that I support it, I do not mean that I support the Bill in every detail.

As other honourable members have mentioned, the Government of New South Wales for some time resisted some of the provisions in the present arrangement, as did the Government of Western Australia, and I believe that was for a very good reason. The Bill was covered in considerable detail by my colleague, the Hon. Mr. Story. I listened to his speech with interest and I read the report of it in association with the Bill. It is not my intention to go over the matters that he dealt with so competently. The details of the Bill were also dealt with by the Hon. Mr. Gilfillan, and I compliment both gentlemen on their coverage of the Bill. As I said, I do not intend to go over all of those matters, but there are two matters to which I wish to refer in the speeches they made. The first is one to which I shall refer because I want to underline what the honourable gentleman said. It was raised by the Hon. Mr. Story, who stated:

> The wheat industry has stabilised the bread, feed wheat and associated industries for many years. There is, therefore, no need for the Commonwealth Minister's intrusion. It is interesting to see that he is referred to in the Bill not as the Australian Minister but as the Commonwealth Minister. At least there are still a few old-fashioned Parliamentary counsel with whom the Australian Government has not yet caught up.

I would suggest that what the honourable member could have said was that at least there are still a few constitutionally correct Parliamentary counsel with whom the Commonwealth Government has not yet caught up. I agree with what the honourable gentleman said. He continued:

> Australian wheatgrowers are now going to be dictated to, in relation to policy, by the Commonwealth Government through the board.

When I said in the first instance that I did not agree with all the provisions of the proposed legislation, this is a matter with which I violently disagree. The Hon. Mr. Story continued:

> This is indeed a sad day because, once a Commonwealth Government (and I do not care of which political persuasion it is) is given that sort of power of direction over a statutory body, many things can happen, such as the diversion of wheat supplies from one country to another.

I seem to remember that, when a Socialist Government was in power many years ago, it sold a considerable parcel of wheat to another country (I think it was New Zealand, from memory) at a rate very much to the wheatgrowers' disadvantage. It might have been all right for the Socialist Government to make a good fellow of itself with its neighbours, but it was not a fair deal for the wheatgrowers, because the wheat was sold at a price much lower than the average price at that time. The Hon. Mr. Story also said:

> Although the board may be opposed to some countries receiving wheat from Australia for the first time, as a result of which old customers will be denied supplies, this can occur if the Commonwealth Government uses its new powers over the board.

I make no apology for repeating what my honourable friend said, because I want to emphasise it. I could not agree more with his sentiments. It is a most unfortunate situation when we have a Government seeking to dictate to a board. Where we have a responsible, competent statutory board, such as the Wheat Board has been for many years, it ill becomes a Government (and an inexperienced Government at that) to put into legislation provisions enabling that Government to dictate to the board, quite possibly dictating in an unfair and unwise manner, as the Hon. Mr. Story has mentioned.

I want also to underline one remark made by the Hon. G. J. Gilfillan, because I believe many people seem to think that the wheat industry legislation has been a "perk" for wheatgrowers for many years. That has not always been the case, by any stretch of the imagination. There was the instance to which I just referred, when the Socialist Government in the 1940's did a most unfair thing to the wheatgrowers at that time. Some honourable members may forget, and certainly the general public forgets, but what the Hon. Mr. Gilfillan has said needs underlining. He said:

> Wheatgrowers and barleygrowers are standing four square on their own feet and, as well, are heavily subsidising Australian consumers. I do not believe people realise just how valuable this industry is to the country and to every man, woman and child in it.

I emphasise what my friend said on that occasion. Many people do not realise the value of this industry to the country as a whole and to our export income. The Hon. Mr. Gilfillan mentioned that, and I do not propose to repeat his remarks. The Hon. Mr. Chatterton, in his rather theoretical speech, made one comment to which I must refer. The Hon. Mr. Chatterton stated:

> I have been surprised to see how much support such a Socialist-type organisation has received.

The Australian Wheat Board has been in existence for a long time, and it provides a very good example of an orderly marketing organisation. I was surprised to hear the honourable member suggest that this was a Socialist-type organisation, because it is stretching the case considerably to suggest that this organisation, which plays a most valuable part in primary industry, is a Socialist-type organisation.

The Hon. Mr. Chatterton, who has become a Socialist, should know what Socialist means. I have consulted two dictionaries, and I find that it is defined as, "a political and economic principle that the community as a whole should have ownership and control of all means of production and distribution." The words "means of exchange" are omitted, and that could easily come into it, too. Certainly, the Wheat Board has control over the marketing of wheat, but it does not have control over the ownership of the commodity, and it certainly has done an extremely good job. I believe that any suggestion that the board is a Socialist-type organisation is inaccurate.

Over the years there have been periods when credit has been extended to wheatgrowers through the board by the Commonwealth Government, and there have been occasions when a wheat subsidy has been paid. As I have said, I believe orderly marketing is not Socialistic, yet the Hon. Mr. Chatterton appears to believe that it is. I wonder whether the honourable member would suggest that, when subsidies are withdrawn (for example the withdrawal of the subsidy applying to superphosphate), that is anti-Socialist.

The Hon. R. C. DeGaris: Anthony-Socialist?

The Hon. M. B. DAWKINS: The Hon. Mr. Chatterton could believe it was anti-Socialist as well as Anthony-Socialist. The effects of the foreshadowed withdrawal of the superphosphate bounty could be extremely serious for cereal growers, and the withdrawal of concessions, which the Hon. Mr. Chatterton seems to think would be a good thing, could also have an extremely serious effect on wheat-growing. As the Hon. Mr. Gilfillan has made so clear, there is much value for Australia in the wheat industry. True, there are seasonal variations to the wheat crop, and I agree with the Hon. Mr. Chatterton about that. Nevertheless, I refer to the situation dealt with by the Hon. Mr. Story when he was Minister in 1968 and 1969 involving marketing problems during a period of world-wide wheat surplus. The situation is now slightly different, because there is now a real need for wheat, and prices are buoyant.

On certain occasions there has been a need for credit to be extended to enable farmers to get their first advance. Money has been provided to enable the wheat industry and farmers themselves to be stabilised, to enable the farms to pay, and in turn to pay their taxes. This in turn means that the Government has got back by means of income tax some money it advanced.

As I have indicated, this Bill is most necessary. I am totally opposed to the compulsion clause and, if the situation were different, I would do my best to see that it was thrown out. However, all honourable members realise we are in this sort of cleft stick situation where the Bill must be similar in all States and, in order for this Bill to be passed, such action cannot be undertaken. The Bill must be passed to allow the stabilisation scheme to proceed. For that reason, I support the Bill.

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

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 15. Page 1437.)

The Hon. J. C. BURDETT (Southern): I support the second reading of this Bill. The first main thing it does is establish a small debtors court. As the Hon. Mr. Potter has said, this has been consistent with Liberal Party policy for some time, and it is a policy with which I agree. I approve of the establishment of a small debtors court. The Hon. Mr. Potter said yesterday that it was difficult for people who sought to have small claims heard, especially claims involving amounts of less than $1 000 which were controverted, and that is true. If it is simply a matter of getting judgment, that is easy. However, if the defendant defends the claim, the situation is often difficult. The claims may be claims in debt or claims in contract, or they may be common law claim such as damages and other replevin, and other matters which were referred to during the second reading explanation. Problems have arisen in the past because of legal costs and because the scale of costs under the local court scale, which costs are recovered by the successful plaintiff, are related to the amount recovered. As solicitors' charges to clients may be greater than the sum involved, the situation may arise whereby a plaintiff winning his case could still lose, because the costs incurred may be more than the amount recovered plus the taxed costs on the court scale.

Although the scale of costs is based on the amount of the claim and the amount recovered, the amount of work involved in a claim for $100 is the same as that involved in a claim for $30 000, or it may be dependent on the nature of the claim. This has been a problem for some time, especially in cases where people had believed they had a genuine claim and had wanted to proceed with it. Perhaps they were correctly advised by their solicitor, as the Hon. Mr. Potter said, that, because of the risk of litigation (and there is always a risk) and because of the cost situation, it probably would not be worth proceeding with the matter. Therefore, it is proper that some machinery be established whereby such claims can be proceeded with.

Much will depend on the work done by the judicial officers of the small claims court (the magistrates who set up this court in the first place), and much, too, will depend on the rules of the court, the magistrates who sit in the court initially, and the manner in which they get it started. There are other places in the British Commonwealth where small debtors courts have satisfactorily functioned, especially in Queensland. This was referred to by the Hon. Mr. Potter. However, the Queensland tribunal is a lay tribunal, and does not involve magistrates, as is the case here.

The concept of cheap, quick justice is appealing and attractive to the layman. In fact, there is an old saying that quick justice is good justice. The point I make, however, is that it must be justice. It is not much good having a matter handled quickly and cheaply if justice does not prevail. I believe that the new court will face many problems, but I hope and believe that these will be overcome, especially if they are properly tackled. It is well known that lawyers are unequal, that one party often has a good lawyer while the opposing party has a lawyer not as accomplished as the lawyer contesting the matter against him. This applies ever so much more to lay people.

The Hon. M. B. Cameron: What about petty lawyers?

The Hon. J. C. BURDETT: What about petty laymen? Under this Bill legal practitioners will not be permitted to represent their clients, except in certain circumstances where the court is satisfied that it will not be to the detriment of the other party. One would think that it would be rare for a court to be so satisfied. So in most instances the litigants will have to present their own cases. As I have said, lawyers may be unequal but laymen will be ever so much more so.

As an example, there may be the case in which there are two parties, one of whom may have had legal training but may not be a practitioner. However, he may otherwise be suited by his ability and his training to present his case in the best possible way; and the other party may be most unsuited, by training, temperament and ability, to present his case properly. I have no doubt that in such a case the magistrate will fall over backwards trying to remedy the imbalance. He will try to see that the case is properly presented and that the person who is not capable of presenting a case properly is not disadvantaged; but this will be hard to do. There is a limit to the extent to which a magistrate can also act as an advocate. It is his job to be the impartial chairman, as it were, and there is a limit to the extent to which he can act as advocate in one case. There will be cases where, although the magistrate may try to help the weaker party to present his case, he will not be able to do that. The Bill provides that lay people may assist litigants, without charge, but they will be unequal in ability in just the same way as lawyers are.

The Hon. F. J. Potter: I do not think there would be too many of those.

The Hon. J. C. BURDETT: I do not think so, although it may surprise the honourable member, as it surprised me, to know how many lay people there are who come along and insist on helping their friends in these matters. They

have even been known to try to tell a lawyer what to do.

The Hon. D. H. L. Banfield: That could help sometimes!

The Hon. J. C. BURDETT: Generally, the lawyer does not take very much notice of such a person.

The Hon. D. H. L. Banfield: Unfortunately.

The Hon. J. C. BURDETT: The Minister says "unfortunately". This small claims court will give him an opportunity of working out whether this kind of assistance is fortunate or unfortunate, because he will be able to see whether or not it helps the litigant. It is important to note that in small claims (claims of, say, $100) it is possible to find (and it frequently happens) that there are questions of law and fact as difficult as there are in cases involving $30 000. In such cases, this kind of jurisdiction will run into some difficulty. As I have said, I hope this court works, and I believe it will. I say that sincerely; it is capable of working. I repeat that much will depend on the judicial officers setting it up in the first place and then presiding over it when it starts sitting. It behoves the Government and Parliament to keep a close eye on the operation of the court and, if this Bill, when it becomes an Act, needs any further amendment, amendments should be introduced. It would be a shame to see injustice done under the guise of being quick and cheap. These difficulties can be overcome.

The other main thing that the Bill does is increase the jurisdiction of the Local Court of Full Jurisdiction; that is what we know as the Intermediate Court, the court set up by Parliament a few years ago. I have every confidence in the ability of Their Honours the Local Court judges, and I am sure they will be able to handle the extended monetary jurisdiction the Bill seeks to give them. I agree with the Hon. Mr. Potter that the Law Society was somewhat conservative in its criticism of this Bill and in its suggestion that the increased jurisdiction should not be allowed. I think it should be allowed. The Law Society's complaint seemed to be mainly based on matters of procedure, that the rules were somewhat deficient in some cases. I accept the Minister's assurance that the rules are in the process of being overhauled. If that is all that is wrong (and it is the basis of the Law Society's criticism) the rules of court can easily be brought up to date and made more specific (that seems to be the trouble) and brought more into line with the Supreme Court rules, particularly in regard to the higher claims. I have every confidence that the Local Court full jurisdiction (the Intermediate Court) has every competence to deal with the extended jurisdiction.

A big reason for the extended monetary jurisdiction must be inflation, that values have changed since the Act was first introduced; and, of course, it is likely that inflation will increase much more and the value of money will change much more between now and the time when the Act is again amended. Therefore, I support the second reading aspect of the Bill, increasing the jurisdiction of the Local Court full jurisdiction, and I have every confidence that that court will be able to cope with its increased duties. I support the second reading of the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Arrangement of Act."

The Hon. T. M. CASEY (Minister of Agriculture): As some Government amendments are to be moved, I ask that progress be reported.

Progress reported; Committee to sit again.

SWINE COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 15. Page 1438.)

The Hon. R. C. DeGARIS (Leader of the Opposition): My contribution to this debate will be—

The Hon. A. J. Shard: Pork.

The Hon. R. C. DeGARIS: —short. We have already had a few comments from honourable members on this legislation. One honourable member referred to "suckers", which probably defines the matter very well. My mind goes back to the Cattle Compensation Act Amendment Bill, which was before us some time ago. When that Bill came before us, the Government wanted to use the money in the Cattle Compensation Fund to be used in preventing disease in cattle. If my memory serves me correctly, the Commonwealth made available to the States funds that had to be matched. The Government then saw fit to use the money in the Cattle Compensation Fund to embark on a campaign to eradicate brucellosis and tuberculosis in order to match the Commonwealth grant. I do not deny that in that campaign an excellent job was done in South Australia. Indeed, for many years before that money was used, South Australia's campaign for the eradication of brucellosis and tuberculosis was in advance of the programmes in all other States.

The money in the fund was raised from the sale of cattle: every person who sold a beast through the cattle yards had a certain amount of the proceeds deducted for compensation. This was done with the intention of compensating growers who had carcasses condemned or who had to slaughter stock because of disease. When that Bill was before the Council, questions were asked regarding the use of the fund for the purpose of preventing diseases and of matching available Commonwealth money. I believe that there was about $700 000 in the Cattle Compensation Fund, which was invested with the Government, and the Government paid interest beginning at 1 per cent and increasing to 5 per cent. Most of the money was used to fund the programme for the eradication of brucellosis and tuberculosis. Suddenly, the fund had to be assisted by the Government, which is now charging 10 per cent interest on the money it is putting into the fund.

The Hon. C. R. Story It's almost usury.

The Hon. R. C. DeGARIS: I do not know about "usury". All I know is that the borrowers have, to use a phrase that the Hon. Mr. Creedon will understand, been taken to the cleaners. What concerns me regarding this Bill (and we are dealing with swine compensation) is that we have a similar fund, the money in which (some hundreds of thousands of dollars) has been contributed directly by the pig breeders of this State. That fund is in a buoyant condition, being well funded. Indeed, it is in the trust funds of the State. I do not know whether the Government is paying interest on it or not, but it has had the use of the money for a long time at a rate of interest that is of assistance to the Treasury.

There should be control provisions in legislation relating to these funds. Exactly the same thing is happening with this fund. Money that has been put into it by the pig breeders for compensation purposes is to be taken out of it and used by the Government for research work in relation to the pig industry. I do not want to see a repetition of what happened in relation to the Cattle Compensation Fund. There is a need for strong control of this fund by those who provide the money for it.

That is all I wish to say on the matter. I believe the Cattle Compensation Fund has been depleted to satisfy the Government's demands, to which the Council drew attention when the relevant Bill came before it previously.

I well remember representatives of the cattle breeding industry (the producers) not wanting the Council to interfere with that Bill. Indeed, they strongly backed the then Minister of Agriculture (Mr. Bywaters). I think some people are now regretting that some safeguards regarding the moneys provided for the fund were not included in that Bill when it was before us.

These funds need to be protected from Government manipulation, particularly in the present situation when the Government is searching everywhere for every dollar on which it can lay its hands. I draw the Council's attention to this matter, and ask honourable members to bear in mind what happened to the Cattle Compensation Fund. I also ask honourable members seriously to think about the fund's being controlled by those who provide the money in it.

The Hon. T. M. CASEY (Minister of Agriculture): I thank honourable members for their contributions to the debate. Much noise has been made, I think unnecessarily, regarding this matter. Nevertheless, it pays for honourable members to air any reservations they may have regarding legislation that comes before the Council, and what has happened in this debate clearly indicates honourable members' concern regarding compensation funds such as the Swine Compensation Fund, with which we are now dealing.

I was surprised to hear the Leader of the Opposition say that what happened regarding the Cattle Compensation Fund was not in the interests of the producers. As a primary producer, I contribute towards a scheme for the eradication of disease, just as I would contribute towards research for the industry in which I was interested or, indeed, to a fund providing compensation for diseased animals. Whichever way one looks at the matter, one is enhancing the future of the industry, whether for research, for the prevention of disease, or for compensation for diseased animals. It is unfortunate that the Cattle Compensation Fund ran down to the extent it did, because there was a terrific, and unexpected, drain on it at the time. Diseases in cattle are, as has been borne out in recent years, probably more prevalent than they are in pigs.

The Hon. R. C. DeGaris: Would you comment on the 1 per cent interest paid compared to the 10 per cent interest charged?

The Hon. T. M. CASEY: I do not want to enter into the ramifications of cattle compensation compared to swine compensation. We are now dealing with swine compensation only and, if cattle compensation comes up for review in future, I shall be happy to deal with it. I do not want to waste the Council's time on the aspect to which the Leader has referred.

The Hon. R. A. Geddes: It would be interesting.

The Hon. T. M. CASEY: It is just not on. Let us stick to the Bill. The stud and commercial breeders of swine (or pigs or hogs, whatever they are called) have done an excellent job in promoting pig meat in this State. If one examines recent figures, one will see that, compared to other meats, pork has increased considerably in popularity. Unfortunately, however, when there is an increase in the consumption rate of one type of meat, another type of meat has to suffer as a consequence. Over the past few years the poultry industry and the pig industry have made great inroads into the red meat industry. It is a feather in the cap of the pig industry that it has been able to promote its product to the extent that has been achieved. However, I assure the pig industry that, if it does not watch out, it may finish up in the same way as have the beef producers, who have priced themselves out of the market. This has not happened in the pig industry up to the present, although pork is one of the dearest types of meat in the shops today.

The Hon. A. M. Whyte: How did beef producers do that?

The Hon. T. M. CASEY: The beef producers were warned for many months by the industry itself, the Government and members of the trade that beef prices were rising to such an extent that beef could be priced out of the market. It is all very fine to see the dollar signs go up. The beef producers knew full well that they were getting wonderful prices for their animals, but there is a limit to the capacity of the consuming public to pay the prices.

The Hon. C. R. Story: Do you think beef should have been brought under price control?

The Hon. T. M. CASEY: No.

The Hon. C. R. Story: Then, how else could you control the price?

The Hon. T. M. CASEY: One could not do it. Probably a lot of stock that could have been put on the market were not put on the market. When there is a free auction system, as has applied in the meat industry, one has to take market value. We never get complaints from producers about high prices but, as soon as the prices fall, we get all the complaints in the world. If members of the industry want an auction system, they must take the good with the bad. The pig industry in Australia is enjoying a very good period of high prices and good quality pigs, although the quality can probably be further improved. I would hate to see a downturn in the industry, and I do not think there will be such a downturn. I think there is a wonderful export potential for pork, provided we can supply the type required. In Hong Kong, although 7 000 pigs are slaughtered daily, there could soon be a market for Australian pigs in that city, if they are not already being exported there. Singapore and other places in South-East Asia consume large quantities of pork. So, the potential of the pig industry is very rosy.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

New clause 2a—"Arrangement."

The Hon. A. M. WHYTE: I move to insert the following new clause:

2a. Section 3 of the principal Act is amended by inserting after the heading "PART I—Preliminary." the heading "PART IA—Advisory Committee.".

This is the first of a series of amendments to establish an advisory committee consisting of the chief inspector, an officer of the Agriculture Department, two nominees of the commercial pig section of the United Farmers and Graziers of South Australia Incorporated, and one nominee of the Australian Pig Breeders Society (South Australian Branch). The committee would advise the Minister on the distribution of the surplus in the Swine Compensation Fund.

The Hon. M. B. DAWKINS: I support the new clause. Some leaders of the pig industry interviewed the Hon. Mr. Whyte and me about this matter. While they appreciate the Government's introducing this Bill, they are concerned to see an advisory committee established. I stress the term "advisory". I hope that the Minister will consider the amendment sympathetically.

The Hon. T. M. CASEY (Minister of Agriculture): I compliment the Hon. Mr. Whyte and the Hon. Mr. Dawkins, who went to the trouble of finding out from members of the pig industry exactly what this Bill means. Whenever I have introduced legislation of this type I have

told honourable members that the industry involved has been consulted and that it has been on the advice of that industry that the legislation has been introduced. The same can be said in connection with this Bill. I have had lengthy discussions with the departmental officers who were responsible for contacting members of the pig industry, and those officers have assured me that the industry is happy with the legislation. I believe that the new clause is not desirable, but I give to honourable members an unqualified undertaking to set up an advisory committee consisting of the chief inspector as Chairman, one other officer of the Agriculture Department, two nominees of the commercial pig section of the United Farmers and Graziers, and one nominee of the Australian Pig Breeders Society. I am sure that in future we can come to an amicable agreement and, if other people in the industry want to be consulted, no doubt the committee will consult them. If honourable members will accept my unqualified assurance that I will set up this advisory committee for the distribution of money which, after all, belongs to the pig breeders, I shall be happy to do that. I ask them not to accept the amendment, but to be guided by my statement.

The Hon. C. R. STORY: I appreciate the conciliatory manner in which the Minister is approaching this matter, but I cannot see why he has any objection to writing into the legislation that he will appoint an advisory committee. It seems that he is agreeable to having exactly the same people as an advisory committee as are mentioned in the amendment, and I cannot see why he will not accept that as part of the Act. The Minister's undertaking will be recorded in *Hansard,* but we know that many undertakings, especially those given in circumstances such as this, can be forgotten. When Ministers go out of office people have remarkably short memories. Members of Parliament change and things are forgotten unless someone with a keen memory sifts through a great deal of material. After four or five years, when something goes radically wrong with the fund, the Government is called to account. I do not know why the industry tolerates the situation that prevails with the Cattle Compensation Fund. I am sure I would not do so if I were part of that industry. This provision should be incorporated in the Act because the Minister might be acting on Government policy, but that policy could change in a month's time or after an election. There could be a change of Government or a change of policy by the same Government.

The Minister has been asked to adjudicate on certain sections of the Act entrusted to his keeping. As a previous Minister, I was asked whether, in consideration of the industry's advancing certain money, we would enter into a research programme. At the same time, I was asked whether my Government would agree to making funds available to the industry for the promotion of pig meat by advertising. I did all I could to assist in the establishment of a research section at the Northfield Research Station. We are indebted to the pig industry for having made money available so that research could be carried out. Agriculture Departments are notoriously short of money because the Education Departments and the Hospitals Department get it all. I know the Minister has the same problems as I had. However, we appointed a research officer and constructed a piggery and got together a working committee. It has gone very well, and now the industry is offering increased amounts. If the Minister threw the Bill out of the window the industry would be protected, as it always has been. The only difference would be that the Government would not have the money to continue the research. In consideration of its help, I believe the industry should keep control over the way in which the fund is disbursed.

The Hon. R. C. DeGaris: It should not be at the whim of the Minister, any Minister.

The Hon. C. R. STORY: The committee should have more teeth. The Minister has agreed with everything the Hon. Mr. Whyte has put forward, and he should accept the amendment. I cannot understand why he does not want this provision in the Act. If he can see that the committee is acting imprudently he has the means by which to deal with it. The pig breeders would be given confidence if they knew the department wanted them and that they were regarded as part of the rural economy, especially in the areas where cereals were grown. I think the Minister, on reflection, would see little danger in accepting the amendment. If he sees real danger he could tell us and we would not press him further. I do not know the circumstances surrounding the setting up of the committee or whether undertakings were given in the first place. The Minister has not satisfied me that acceptance of the amendment would be detrimental to him in administering the Act.

The Hon. C. M. HILL: We have an amendment on file in relation to the setting up of an advisory committee. The Minister has said that he does not agree that this should be part of the legislation but that he will undertake to set it up. I should like the Minister to say whether there are any differences between what he has proposed in relation to an advisory committee and what is in the amendment.

The amendment proposes to set up the committee, but the Minister says he does not want that in the Act. I do not think we have ever had a similar situation in this Council. Surely the Minister agrees that, if it is the opinion of the Council, this is the place in which such amendments should be made to the Statute Book. The Minister's policy can be changed by the Government, or another Minister may administer the portfolio. I seek only to ensure that the best legislation emanates from this Council. Will the Minister say why he will not accept the amendment, notwithstanding that he is willing to carry out the meaning of the amendment without having it included in the Bill?

The Hon. T. M. CASEY: If advisory committees are established in relation to all types of legislation that come before this council, we will be inundated with advisory committees.

The Hon. R. C. DeGaris: How many advisory committees have been appointed under your own legislation in the last 12 months?

The Hon. T. M. CASEY: I do not know the exact figure. Honourable members opposite have criticised the Government for establishing too many advisory committees, yet here they seek the establishment of another committee. I do not believe it is necessary, and I do not believe that honourable members opposite believe that it is necessary. One moment they are criticising the Government for establishing an advisory committee, and in the next moment they seek to have another committee created. The Minister can set up an advisory committee, and that is done in many cases in the agricultural industry, even though it is not laid down in the Act. I have undertaken that this will be done and, when another Minister sees that on the books, he will follow suit, as the Hon. Mr. Story well knows.

The Hon. C. M. Hill: But he needn't.

The Hon. T. M. CASEY: That is so, but it is never otherwise. The Hon. Mr. Story was a Minister (he shouldn't have been one, but he was), and he has done the same thing. He would not throw out an advisory committee unless a department was almost defunct. In the agricultural area many committees appointed by

Ministers years ago are still in existence. I undertake to establish this advisory committee within a few days, if necessary, and it can remain as an advisory committee to the Minister. If honourable members are not willing to accept that undertaking, they will vote for the amendment, or they can adhere to the principle that has been observed over the years in my department, and that is the department I am now talking about, where not once has an advisory committee been wiped out to my knowledge. If this is done, I am sure that everything will work out in the best interests of the industry.

The Hon. C. R. STORY: I thank the Minister for his explanation. This is a large amendment in respect of the job to be done, and it seems to be over-administering the situation. My colleagues and I sought merely the incorporation in the Bill of the words, "there shall be an advisory committee". I do not mind the Minister appointing that committee because, if he appoints it in a manner detrimental to the industry, perhaps by loading the committee with departmental boffins, the Council will get to him. If there is a statutory requirement that there shall be an advisory committee, at least it is provided for by legislation. Otherwise the committee can be appointed or rescinded at the whim of a Minister. In return for the providing of large sums from producers' funds, there should be some guarantee to the industry that it will be represented.

The Hon. B. A. CHATTERTON: Can the Hon. Mr. Whyte say whether the power granted to the suggested committee and its authority will be any greater if it is appointed by Statute or appointed by the Minister?

The Hon. A. M. WHYTE: The authority of the committee would not depend on whether it was a statutory body or not. The matter at issue is whether there will be a committee or not. That is what I am questioning; I am not questioning the integrity of the present Minister. However, he could be supplanted, and it would not be necessary for his successor to provide for a committee to be constituted.

In respect of this amendment, I thank the Minister for the courteous attention he gave the Hon. Mr. Dawkins and me during our discussions with him. The industry has held discussions with the Minister, too, and they ran counter to my original intentions in bringing forward this amendment, seeking to have a statutory committee created under the Act. However, I believe that is the right and proper thing, as it will cause no inconvenience to the Minister whatever. I agree with Mr. Story that the amendment could have been drafted in a tidier manner, but the Parliamentary Counsel should know best. In his discussions with the industry, the Minister said that he did not want to fool around with the Bill, and that it would be dropped. I believe that panicked the industry into accepting a suggestion different from my original intention.

'The Hon. M. B. DAWKINS: I should like to add to what the Hon. Mr. Whyte has just said. First, I say that I, too, appreciate the discussions I have had with the Minister and I endorse the well reasoned comments of the Hon. Mr. Story about the considered approach evident in these matters; I hope that will continue. In further answer to the Hon. Mr. Chatterton, if he gets through the four pages of amendments and sees the amendments to clause 4, he will appreciate that they provide for the advisory committee that the Minister has undertaken to set up, and which I accept. However, the committee under the Minister's suggestion would have no permanence and both permanence and strength would be given to that committee if the amendments to clause 4 (which is what the whole of the preamble is really about) were passed. As the Hon. Mr. Whyte has said, the representatives of the industry came to him and to me and discussed this matter, being concerned about this legislation.

They gave us the impression that they wanted the advisory committee written in as a statutory body. As a result, the amendment was prepared and, as the Hon. Mr. Whyte has said, the suggestions that were made to the Parliamentary Counsel were briefer than those here. The industry, not being experienced in this sort of negotiation, did, as I believe the Hon. Mr. Whyte said, rather panic when the Minister in his experience and (I would say) bluff said that the Bill could go out of the window. In my opinion, the advisory committee as set up in this amendment is much to be preferred to the Minister's undertaking but, if the industry wants to back down on what it originally wanted, that is for it to judge, but that is not the best solution to the matter.

The Hon. R. A. GEDDES: I support the amendment and use, as my argument, two speeches—one by the Hon. Mr. Chatterton yesterday and one by the Minister this afternoon. The Hon. Mr. Chatterton, in his well-informed speech yesterday, referred to oversea pig producers producing meat and not fat—good pig meat. The South Australian pig producer is producing fat, and much waste product because of that, and the housewife is buying this inferior product as this sort of meat cannot be exported (we know this because of our limited markets overseas, where quality and not rubbish is demanded) so an advisory committee such as this, given the necessary incentive by the Minister, could do much good for the industry. At home, it could influence the housewife to buy meat, not fat, and therefore quality meat. As the Hon. Mr. Chatterton has said, if quality meat can be produced, the demand will be better, and that will create a premium type market for that meat. The advisory committee could do much to assist in that regard.

The research that money is going into could well assist, but it must be a two-pronged attack—one on the housewife and one on the breeder. All this can be done by the advisory committee, if we give the committee the teeth, the authority and the will to go ahead. In this way, the Government could well do an immeasurable amount of good for the whole industry. Having listened to the speeches on the Government side, I am convinced there is a need for better pig meat on the market. The Minister has emphasised that there is an export potential, but it can be only for quality meat. If we do not watch the position, other States in the Commonwealth will be selling quality pig meat overseas, to the detriment of the pig breeders of this State.

The Hon. T. M. CASEY: I point out to the honourable member who has just resumed his seat that he is getting away from the advisory committee's role in this matter—anyway, as I see it. The Hon. Mr. Story spoke of providing money for promotion. We cannot provide money for promotion purposes; that is not on. We cannot spend the money for advertising in the way the honourable member suggests, but we can spend the money for research promotion. Perhaps we can reach the stage of purchasing equipment for that purpose. For instance, if progeny testing needs to be done, the money is available on the recommendation of the advisory committee; but, if the committee made a recommendation to the Minister on promotion (for example, that eating pork makes better lovers, or something like that) it just is not on.

The Hon. R. A. Geddes: That it makes nicer crackling!

The Hon. T. M. CASEY: That may be so, but we must get our facts right. We must remember, too, that the

fund is subject to the scrutiny of the Auditor-General. We and the committee have to be guided by the Government officers on the state of the fund. They must know exactly how much they can afford to spend in a year. For that reason, there are many other people who would come into this matter besides the advisory committee.

The honourable member gave me the impression that the advisory committee is the be all and end all of the matter; it is not. It is a committee with a job to do in certain fields. For that reason, I would not like to see provision for it in the Bill. I am sure honourable members realise the Minister has a responsibility not only to the industry but also to Parliament. Honourable members are free to raise the matter at any time in this Council and hammer the Minister into the ground, if they want to, if he does not do the right thing for the industry. I ask honourable members to give us an opportunity to pursue the course we have adopted for many years. It has worked quite well—in fact, so well that the fund is so buoyant that it is almost an embarrassment to the industry; and I am pleased to see that. But to give the impression that the advisory committee is the be all and end all of the industry is wrong. I ask honourable members to consider that and the fact that an advisory committee can be set up; there is no doubt that it will be set up, and I hope that with the co-operation of the advisory committee this matter can be administered properly. I could tell honourable members much about what went on before the introduction of this Bill and what has gone on since it was introduced, but I do not want to bore the Committee with that. All I say is that the Government will not accept the amendment.

The Hon. C. R. STORY: I do not know what the outcome of this vote will be. The Minister has said that if he does not do the right thing Parliament can deal with him. However, the difficulty is that honourable members do not really know what is happening until the situation has got so grim that there is nothing left in the fund or until the money has been frittered away. We have had a classic example of this. In the other case, relating to the Phylloxera Act, it was not frittered away but was used for a purpose for which it was not intended to be used. The expenditure of this money is guided by a good board and advisory committee, and is used for research work carried out at Northfield in the same way as money contributed by the pig industry is being used.

Not long ago, when they wanted to deal with a Minister, primary producing organisations used to get the local member of Parliament to introduce them at a deputation. The member saw to it that the deputation received its reply from the Minister and, as well, the deputation was guaranteed that the member would watch its interests. Any undertaking that the Minister gave would be followed through by the member, and questions would be asked in Parliament if the deputation's wishes were not being acceded to. However, that is a long time ago. Many times now one person, or perhaps a deputation of three people, seems to go to the Minister representing slabs of the primary industries in this State. As a result, members of Parliament are not appraised of the situation or of approaches made to the Minister generally, and members must wait until the last minute, when the legislation comes before the Parliament and when, perhaps, something has not worked out as the deputation thought it would, to take up a matter. These deputations are all word-of-mouth things, as the Minister does not write and say that he has agreed to certain things.

Consequently, until the matter reaches Parliament members are not properly appraised of the facts to enable them to do the work required by their constituents. Because of this, the time not only of the Minister but also of honourable members generally is wasted, to ensure that the industry concerned gets a better deal. The so-called open-door system of Government is ridiculous. Indeed, there has never been a more closed-door type of Government than we are experiencing at present, with things filtering out from the Minister's offices, often by hand-outs from the press secretaries. In this respect, I am not referring to the Minister of Agriculture only.

The Hon. T. M. Casey: I hope not.

The Hon. C. R. STORY: This applies to most Ministers. Unless the organisation that goes to a Minister is willing to tell its member of Parliament what has happened, that, member will not even know that the deputation waited on the Minister. This did not happen in days gone by, when the member of Parliament was treated with status and dignity as he represented the constituents who elected him. Now, however, he is merely a messenger boy and not much else. Members of Parliament are entitled to know what is happening, and, if the Minister does not like being questioned in the Council, he should adopt the old idea of telling honourable members that he is receiving a deputation, because he and his officers know which members represent various districts and interests in Parliament.

The Hon. A. M. WHYTE: I did not realise when I had this amendment drafted that it would attract such a stimulating debate. However, it is obvious from the debate that any organisation should consider impending legislation much more carefully than the pig producers considered this legislation before it was debated. I hope that industry generally will take heed of what has happened in this case. Realising that the Minister and the industry have reached some sort of an agreement on the undertaking that the Minister has now given, and there having been much discussion on the matter, I am willing to withdraw my amendment. In doing so, I inform you, Sir, that the amendment to clause 5 standing in my name should be standing in the name of the Hon. Mr. Dawkins. I seek leave formally to withdraw my amendment.

Leave granted; new clause 2a withdrawn.

Clause 3 passed.

Clause 4—"Establishment of Swine Compensation Fund."

The Hon. T. M. CASEY: I move:

In new subclause (3a) to strike out "excess" second occurring and insert "surplus".

This amendment merely corrects a mistake of which the Parliamentary Counsel has informed me.

Amendment carried; clause as amended passed.

Clause 5—"Duty on sales of pigs."

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

In new section 14 (2) to strike out "five" and insert "three".

My amendment will mean that the maximum stamp duty chargeable will be 3c, which is about the duty chargeable under the present legislation. I do not believe there is any need for a possible increase. In the past three years the surplus in the Swine Compensation Fund has been between $43 000 and $50 000. If this Bill is passed, that surplus, at the present rate of levy, would be reduced by the sum referred to in clause 4. The surplus would still be about $30 000. Because the fund is buoyant, I hope the Minister will accept the amendment.

The Hon. T. M. CASEY: I am happy to accept the amendment. I agree with the honourable member that

there is a large sum in kitty and there is no need for the industry to contribute to the extent it has in the past.

The CHAIRMAN: As this is a money Bill, the amendment will have to be a suggested amendment.

Suggested amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 15. Page 1438.)

The Hon. C. M. HILL (Central No. 2): I voice my strongest possible opposition to this measure. Here we have a bank that has traditionally been known as the people's bank and now, for the first time in the history of the State and the bank, the Government of the day is grabbing money to which the people whose savings are in the bank are justly entitled.

Over the years Governments have considered proposals to levy the bank so that the general revenue of the State can benefit but, until this day, no Government has dared touch the people's money in the Savings Bank of South Australia. Yet now this Government has seen fit to seek $500 000 under this Bill, and I pose the question: whose money is it? The Bank comprises a vast number of people. I do not know how many, but they are the little people of the State.

The Hon. M. B. Cameron: Including schoolchildren.

The Hon. C. M. HILL: Yes.

The Hon. D. H. L. Banfield: And pensioners.

The Hon. C. M. HILL: Yes. Their money is in the bank, and they trust the Government.

The Hon. T. M. Casey: Have you got money in the bank?

The Hon. C. M. HILL: I do not think I am a depositor of the Savings Bank of South Australia.

The PRESIDENT: Order! Let us leave hilarity out of this debate and get on with the business.

The Hon. C. M. HILL: The Saving Bank of South Australia declares itself to be the people's bank. Money is put there in the expectancy of the maximum possible interest coming back to the people, and that interest is assessed by way of the balance between, on the one hand, the interest earned by the savings that are invested by the bank and, on the other hand, the administrative costs of running the institution. That surplus has been and should be distributed to the depositors by way of interest. That has been the arrangement and now, for the first time, the Government has seen fit to say, "We are going to get our hands on some of this money."

The Government has used as an excuse the fact that the State Bank is also subject to a levy. However, there is a vast difference between the State Bank and the Savings Bank of South Australia. Traditionally the State Bank has been a trading bank. As the Hon. Mr. Gilfillan has said, it is in competition with other trading banks. However, the Savings Bank of South Australia is a different type of institution altogether, and I do not believe that the people of South Australia realise what is happening to their money. They do not realise that, from money that they ought to be receiving in interest, the Government of the day is, under the Bill, taking $500 000. What is more, it is setting the precedent that, from now on, 50 per cent of the bank's profit will be applied to the Government and taken into revenue. If they realised the situation, the people of this State would ask what the revenue was being used for. If they pursued that point further they would be unhappy and dissatisfied if they realised that $30 000 000 of State revenue was being used to bolster the Josses of the South Australian Railways while tens of thousands of dollars was being used for unnecessary oversea trips by Ministers and their wives.

The Hon. R. C. DeGaris: And back again for elections.

The Hon. C. M. HILL: Yes, coming back for elections, as happened last year.

The Hon. D. H. L. Banfield: Did Ministers of your Government go overseas?

The Hon. C. M. HILL: Some did, but they did not come back and then go overseas again.

The Hon. M. B. Dawkins: And they did not take their wives at Government expense.

The Hon. C. M. HILL: That is right. Then we have the lavish expenditure on the South Australian Film Corporation, which, in the current year, despite the financial predicament of the State, is being increased by more than $500 000, and there is also the expenditure on such items as the monitoring system in the Government offices and its maintenance.

The people would think expenditure on those items should be reduced, and yet here $500 000 is being taken, and there is no need whatsoever for it. The Government could well say it needed the money for further welfare and social services, and I am in complete agreement with optimum money being spent on those causes, but some of the items I have mentioned are completely unnecessary.

The Government is taking this money from the Savings Bank. I do not think the people realise what is happening; I object most strongly to the Government's action. I know we are in something of a predicament in that this is a financial measure, but we must record our opposition as best we can. The message will get out to the people that this is wrong in principle. The bank and its board should enjoy some independence.

I know it is classed as the people's bank and it is guaranteed by the Government. The board is appointed by the Government, but it has a responsibility to ensure some independence of policy. It is being overridden on this occasion by the Government, which is taking $500 000 that should be going out to the depositors as interest.

Those people are entitled to that interest. They are getting a bad enough deal as it is, and most of them are being taxed more than usual on the interest rates they receive, following recent action by the Commonwealth Government. However, to know that their interest will be affected in the future because the Government will be taking half the bank profits from now on is treatment they do not deserve. The Government stands condemned for introducing this measure and for making this grand Government grab of the people's money from the Savings Bank of South Australia.

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

ADJOURNMENT

At 5.56 p.m. the Council adjourned until Thursday, October 17, at 2.15 p.m.