LEGISLATIVE COUNCIL

Tuesday, October 19, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

DEATH OF MR. G. T. CLARKE

The PRESIDENT: It is with profound regret that I draw the attention of honourable members to the death of Mr. Geoffrey Thomas Clarke, A.U.A., F.C.A., Australia, formerly member for Burnside in the House of Assembly from 1946 to 1959. Mr. Clarke served on the Industries Development Committee, and was Chairman from 1954 to 1959; he was Government Whip from 1955 to 1959, and Chairman of the State Traffic Committee from 1954 to 1959. He was appointed as one of the representatives from the House of Assembly on the University Council on August 21, 1947, and served until 1959.

Mr. Clarke served with the Australian Imperial Forces in the Middle East, New Guinea and Northern Australia as a Red Cross representative, and after the war was Honorary Secretary of the Lord Mayor's Food for Britain Appeal from 1945 to 1949. He took a keen and active interest in the Young Liberal Organisation, Taxpayers' Association of South Australia, Royal Commonwealth Society, and the Pioneers Association of South Australia. I have conveyed to his widow, two sons and daughter the sincere sympathy of all honourable members of the Legislative Council, its officers and staff. I ask honourable members to stand in their places in silence as a tribute to his memory and his excellent public services.

Members stood in their places in silence.

QUESTIONS

HERD TESTING

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

Leave granted.

The Hon. J. C. BURDETT: My question relates to herd testing in South Australia, which, I understand, has so far been carried out by recorders employed by associations. I understand that, because of escalating costs, the system has become impossibly expensive, and that it has become necessary to look for some changed means of coping with the problem. I understand, too, that the system has so far been Government-subsidised and that, in fact, about half the cost involved has been met by the Government. I have been told that two schemes have been suggested to replace this present system, one of which is the establishment of a central testing laboratory, which would involve farmer sampling. The farmers themselves would take the samples, which are mainly required for their own herd management programmes, to a central testing laboratory, where they would be quickly processed. I am told by constituents that the other main alternative is for the recorders at present engaged through the association and the subsidised scheme to form a co-operative company or association under the Industrial and Provident Societies Act and continue to function by themselves privately in that way.

Many of my constituents have expressed concern about the second alternative, the co-operative. They are concerned about the continuity, whether after it is established it is certain it will continue and whether the costs will remain the same. I am informed that a herd testing committee of inquiry was set up to report to the Minister, and that the report has been made but has not been made public. First, where does the Minister stand on this issue: does he favour the establishment of a central testing laboratory or does he favour the existing system of recording being maintained through a private co-operative? Secondly, will he make public the report of the herd testing committee of inquiry?

The Hon. B. A. CHATTERTON: As the honourable member has said, the position, as far as herd recording is concerned, is that it has become very difficult through escalating costs, and we have a situation where many primary producers have withdrawn from the herd testing scheme. I think that 40 per cent have withdrawn. The economics of the situation have been difficult for the association. It was obviously necessary to look at the whole area of herd recording, and that was what the report was intended to do. I thought it was also necessary to look at the relevance of herd recording to today's agriculture, because it has not changed its principles on which it was formed many years ago; it was about 60 years ago that herd recording began, and I thought it was particularly important to look at it in terms of its relevance to the production restraints that are now being advocated for the dairying industry. Here, we have a scheme whereby it is intended to increase production. That can be very relevant to improving the efficiency of production, but we still have the scheme, which is aimed at increasing production. The report of the committee was delivered to me some time ago. Unfortunately, it did not really look in detail at the scheme as regards its relevance to today's agriculture. It did not look at the details of working costs, and so on; it did not look at the basic principles. I have asked the committee to consider this scheme again and I have received its reply, but I have not had an opportunity yet to study it in detail. I have not made a decision yet whether the report and the addendum to the report should be published.

The Hon. J. C. BURDETT: The object of herd testing is to ensure increased efficiency rather than increased production, and that surely is relevant in the present situation. When the Minister has perused the report and considered my question, will he say whether or not he will make the report public? Perhaps at the same time, will the Minister answer my first question concerning where he stands in regard to this matter; whether he supports the establishment of a central testing laboratory or whether he supports the establishment of a private co-operative?

The Hon. B. A. CHATTERTON: I will certainly let the honourable member know when I have had an opportunity to consider the supplementary material. On the other point raised by the honourable member, while I agree that herd testing can improve efficiency and production, that aspect is not incorporated in the present scheme. It is an aspect I am anxious to have examined. Herd testing merely records production per cow. I know that that is extremely difficult here, but some oversea schemes try to incorporate an assessment of the input with the output achieved. However, it is much easier to do this in the oversea schemes than it is in Australia, because overseas the major input is purchased foodstuffs, which are easy to measure. Several schemes in Great Britain are run by major feed compound companies, which provide this

service for their dairy farmer clients to determine the relationship between feed input of purchased grain and compound foods and the milk output. However, we cannot make such a comparison so easily because the major feed input in Australia is grass, hay or other products that are not easily measured. Nevertheless, the basic principle should still be examined and used, perhaps, as a tool for dairy farmers in examining production costs and output. This major area should be examined in conjunction with any recording of input. Dairy farmers are currently being asked to undertake production restraint and must increase production efficiency. Therefore, more such data should be provided to assist dairy farmers in making management decisions that are relevant to today's dairying industry.

EYRE HIGHWAY

The Hon. N. K. FOSTER: Has the Minister of Lands a reply from the Minister of Transport to my recent question about the Eyre Highway?

The Hon. T. M. CASEY: The rail systems handle 90 per cent of the general freight movement from South Australia and the Eastern States to Western Australia. Road operators handle the balance, which is usually consignments and which is not suitable for rail traffic. The road pricing structure has, for years, been using the rail freight rates as a datum and the road operators have been forced to set their charges higher than ruling rail rates due to an imbalance of loading. Many charge for the round trip ex Eastern States because of the lack of back loading from Perth. The general consensus of opinion in the forwarding industry is such that no alteration to the *status quo* is foreseen and the fact that there is now a sealed road does not mean a great swing to road movement of goods. The railways is still in a position to compete more than favourably in view of imbalancing of loading and the reluctance of eastern consignees to pay for empty vehicles returning from Western Australia.

DAIRY BLEND

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. J. R. CORNWALL: Since we seem to be having a dairying day, I shall ask a question on behalf of the "directors of home management", as the Hon. Miss Levy rightly calls them—the Housewives Association. These people are waiting for the dairying industry to produce a more spreadable butter. Last week's *Stock Journal* reports that the Federal Minister for Science (Senator Webster) was questioned on whether there had been any research carried out in Australia to develop a spreadable butter. The Senator outlined research work carried out in Sweden, and he also referred to work done in New Zealand. The report states that the New Zealand work has been investigated by the Victorian Institute of Technology. However, it has indicated that the product would be uneconomical and unsatisfactory under Australian conditions. It concerns me greatly that the man who holds the Federal portfolio of science makes absolutely no mention of the excellent work that has been carried out by the Department of Agriculture and Fisheries at Northfield. It also concerns me that it is almost two years since the South Australian product was subjected to consumer trials and was proven to be a most acceptable product. Can the Minister explain what has happened to the South Australian product and why people in South Australia are being denied access to this much sought after product?

The Hon. B. A. CHATTERTON: I, too, am concerned that the South Australian product known as "Dairy Blend" is not yet available to the public. It was produced by research officers of the Agriculture and Fisheries Department at Northfield. The patent on Dairy Blend is held jointly by the State Government and the Commonwealth Government. The responsibility for placing Dairy Blend on the Australian market is in the hands of the Australian Dairy Corporation. The problem that has arisen over the Swedish patent for a similar type of product has meant that the Dairy Corporation has not proceeded with the marketing of this product in Australia. That was the situation more than 12 months ago. I have raised the matter with the Commonwealth Minister for Primary Industry in Canberra on a number of occasions to try to clarify the situation and to get the product moving on to the Australian market. At the Agricultural Council meeting in Bundaberg last August, Mr. Sinclair said that he would look into the matter. When I again asked him about it the other day, when there was an Agricultural Council meeting in Sydney, he told me that he thought the Dairy Corporation ought to proceed with the marketing of the product and take its chances in connection with any legal challenge over the question of the Swedish patent. I am in the process of writing to Mr. Sinclair asking him to confirm that decision and asking whether the Australian Government would in any way support the Dairy Corporation if it was faced with a legal challenge and who would bear the costs, and other detail of this sort. I hope to have a letter from Mr. Sinclair shortly.

ROCKY RIVER BRIDGE

The Hon. R. A. GEDDES: I seek leave to make an explanation before asking a question of the Minister representing the Minister of Transport.

Leave granted.

The Hon. R. A. GEDDES: In October, 1975, when very heavy rains in the northern areas of the State made the bridge over the Rocky River impassable, a by-pass was made operative by the Highways Department across Ippinitchie Creek, a subsidiary of the Rocky River. Last weekend, the crossing over Ippinitchie Creek was closed because the cement roadworks had fretted away as a result of the abnormal rains that the district has received over the last couple of weekends. On June 8, 1976, the first sitting day of this session, a petition, signed by 605 persons, was presented, asking Parliament to expedite the rebuilding of the bridge over the Rocky River. In his Speech on the same day His Excellency referred to the fact that $250 000 would be allocated for this bridge. Because of all the circumstances that now exist with the Ippinitchie Creek crossing and, because it is dangerous for heavy traffic, it makes it difficult for children to get to school conveniently, although they can still get there, and it will make it difficult to get livestock to market and for heavy traffic using the Main North Road travelling in either a northerly or a southerly direction. One solution that crosses my mind is the possibility of a Bailey bridge from the Army being erected over the Rocky River so that the transport convenience of the district, visitors and tourists would be enhanced. Will the Minister give serious consideration to requesting the Army to erect a Bailey bridge over the Rocky River as soon as possible?

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

TROJAN AND OWEN

The Hon. R. C. DeGARIS: Can the Chief Secretary say whether the Government contracts any work to a company known as Trojan and Owen and, if so, what is the nature of the work performed by the company?

The Hon. D. H. L. BANFIELD: I will seek the information for the honourable member.

ENERGY REQUIREMENTS

The Hon. R. A. GEDDES: I understand the Minister of Agriculture has an answer to a question I asked recently relating to the future energy requirements of the State.

The Hon. B. A. CHATTERTON: The Minister of Mines and Energy informs me that the northern power station, which will commence generating power in 1983, will be based on Leigh Creek coal and will commit fully the usable reserves in that field. Further demand for power will require additional generating capacity in the second half of the 1980's. Such capacity could not be based on either natural gas or Leigh Creek coal. The reference in the Electricity Trust of South Australia's annual report points out the need for a new source for such capacity, for example, coal from Lake Phillipson or Balaklava.

SUPERANNUATION

The Hon. J. C. BURDETT: I understand that the Chief Secretary has a reply to a question I asked recently concerning superannuation.

The Hon. D. H. L. BANFIELD: Records maintained by the State superannuation office are not updated on a continuing basis to show the marital status of persons receiving superannuation benefits. To establish with any degree of accuracy the cost of extending these benefits to sisters who have cared for bachelor public servants would be a considerable task. First, the number of persons involved could be determined only by seeking the information from those public servants presently receiving benefits and those approaching retiring age. The estimated cost would then have to be calculated by the Public Actuary after making a number of assumptions and having regard to the life expectancy of both the public servants concerned and their sisters.

However, the extent of the additional cost is not at issue. In every Government programme involving a benefit, as in the case of the superannuation scheme, or a concession, as in the case of a remission of taxation, there must always be a point in time or in circumstance beyond which the programme does not operate. Therefore, there are always people who fail to qualify by a small margin, no matter how extensive the programme in question. Even if it were small, there would be some increase in the cost of a Superannuation Scheme which is already very generous and the Government does not believe it would be justified in widening the scope of the scheme to cover the situation the honourable member has described.

UNEMPLOYMENT RELIEF GRANTS

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking a question of the Minister of Health, representing the Minister of Labour and Industry.

Leave granted.

The Hon. R. C. DeGARIS: On June 15 last, the Naracoorte District Council applied for a State unemployment relief grant of $5 000, with a 100 per cent labour content, to finance additional saleyard alterations at Naracoorte. To date, the council has not received a reply to its application, although many other councils have received unemployment relief grants. Will the Minister of Health ask the Minister of Labour and Industry, who I think is now administering this matter, to re-examine the council's application and send it an early reply to that application?

The Hon. D. H. L. BANFIELD: I will seek that information for the honourable member.

GEPPS CROSS ABATTOIR

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to my recent question regarding the South Australian Meat Corporation?

The Hon. B. A. CHATTERTON: As the honourable member has asked two closely-related questions on the subject, I have taken the liberty of incorporating the answers to both questions in a single reply. I seek leave to have the reply inserted in *Hansard* without my reading it, as it involves a table relating to meat quantities.

Leave granted.

SHEEP SLAUGHTERING

First, the amount of meat coming into the metropolitan area from sheep slaughtered in Victoria constituted 1·3 per cent during the year ended June 30, 1976, and the 56 000 sheep present for sale at the market referred to by the honourable member were slaughtered as follows:

	per cent
Samcor for slaughter	28
Other S.A. meatworks for slaughter	34·5
S.A. country (graziers and country butchers)	23·1
Interstate (graziers and abattoir operators)	14·4
	100 p.c.

It is understood that the bulk of the sheep slaughtered for consumption in other States was consigned to Victoria.

STOCK DISEASES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

INDUSTRIAL COMMISSION JURISDICTION (TEMPORARY PROVISIONS) ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This short Bill is intended to extend the life of the principal Act, the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975. Honourable members will recall that the purpose of the principal Act was intended to enable proclaimed wage fixing authorities, as defined, to give effect to "indexation decisions" of the Australian Conciliation and Arbitration Commission in the exercise of its powers.

The operative provision, clause 2, repeals and re-enacts section 9 of the principal Act, which provided that the principal Act would expire on December 31 this year. In its re-enacted form, section 9 will provide that the principal Act will expire on a date to be fixed by proclamation, with the proviso that, if such a proclamation is not made before December 31, 1977, the principal Act will expire on that day.

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

LIBRARIES (SUBSIDIES) ACT AMENDMENT BILL

Second reading.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

This short Bill to amend the Libraries (Subsidies) Act, 1955-1958, is intended to enable subsidies to be paid under that Act towards the cost of establishing and administering libraries for both school and community use. The Local Government Act has recently been amended to empower councils to contribute towards these costs. This measure will enable the Government to match the contribution made by local government. It is intended that these libraries will be managed by bodies representative of the councils and schools involved.

Clause 1 is formal. Clause 2 amends section 2 of the principal Act. The restrictive provisions of this section that limit the payment of subsidies to cases where the library premises are owned or leased by the council or the approved body are removed. Thus, the way is opened for the payment of subsidies in the case of co-operative ventures of the kind outlined above.

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

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 12. Page 1418.)

The Hon. R. C. DeGARIS (Leader of the Opposition): In supporting the second reading, I should like to make certain observations which I have made previously on the matter of taxation. As a State and a nation, we have been relying too heavily on forms of capital taxation where the liability for the taxation is not based on an ability to pay. Capital taxation is collected in the following way. I refer, first, to local government rates, which are based not on any equity that a person holds in a property but on capital valuations. It is, therefore, a form of capital taxation of the worst type.

I refer, secondly, to land tax, which is levied by the State and which, once again, is based on the fact that a person owns a property and not on any equity that he has in that property. Succession duties and gift duties and, to some extent, stamp duties, fall into the capital taxation category. In some respects, water and sewerage rates fall into the same category.

At the Federal level, death duties and gift duties, which are capital-type taxation, are levied also. So, whether one looks at the local, State or Commonwealth Government sphere, one sees a varying degree of reliance on a straight, capital form of taxation. In a society that has changed dramatically in the last 20 or 30 years, we have not changed the basis of our taxation system, which relies upon a capital form of taxation dating dack to the 1850's and 1860's. As I have mentioned previously in other contributions to debates in this Council, there has been a dramatic rise in State taxation other than capital. I refer particularly to pay-roll tax. So far, there has been little alleviation, following the escalation of pay-roll tax, in the collection of capital taxes. Recently, the Hon. Don Laidlaw said he thought that pay-roll tax was an iniquitous form of taxation, and perhaps one can be inclined to agree with that viewpoint, but I say that, if one compares pay-roll tax with the impositions that are being placed upon people with no ability to pay, on a purely capital form of taxation, then even pay-roll tax can look like an angel.

It is interesting to note that pay-roll tax in America, for local, State, and Federal Governments, is now returning to those Treasuries about 27 per cent or 28 per cent of the total taxes being allocated. In Australia, it is about 5 per cent. Of course, pay-roll tax in itself leaves much to be desired as a form of taxation, but I point out that in all Western societies pay-roll tax is playing an important part in the overall raising of money for the Treasury.

As I have said, in America about $60 000 000 000 a year is collected in pay-roll tax, or about 25 per cent of the total tax raised. But, whatever one may say, pay-roll tax is less objectionable than the large raisings of tax based only on the fact that land happens to be in a person's name, irrespective of the equity that that person may have in that property. Therefore, any relief afforded in any area of capital taxation, particularly where equity is not a consideration, should be applauded: hence, my delight in being able to support this measure.

It is perhaps trite of me to say that the Bill does not go far enough; nevertheless, it is at least a step in the right direction. It is doubtful whether the Government will lose any revenue, in actual money terms, as a result of the passage of this Bill, although the second reading explanation states that the proposals will cost the Government about $6 200 000. Obviously, that figure given in the second reading explanation means the tax that would have been collected in this financial year if this Bill had not been introduced.

As I say, reading the figures, if one examines the Budget papers, one sees that the estimated receipts for 1975-76 for land tax were $19 350 000, and actual receipts were $19 900 000. Estimated receipts for 1976-77 are $18 600 000, or a fall in the estimates from 1975-76 to 1976-77 of about $700 000. In the normal escalation that takes place in these tax raisings, in the coming financial year the Government will still raise about $19 000 000 in land tax in South Australia. It is clear that the actual loss of revenue to the Government will be minimal comparing the revenue raised in 1975-76 with that to be raised in 1976-77. As I have said, I applaud the Bill and am pleased to support it. It does two things: first, it removes the incidence of land tax upon primary producing land and, secondly, it removes the high marginal rate on unimproved land over $150 000. After $150 000, the actual rate increases from 27c in each $10 up to a maximum of 38c in each $10. The maximum rate in this Bill is 27c, which is the rate at $150 000.

I will raise one query and deal with it not at length but in passing, because other honourable members may like to comment on clause 7. As I understand the existing clause 7, I should like the Minister to examine it and bring me back a reply on it. If I am correct, it appears that the Comissioner can determine when land is used for

primary production. He can bring in land that is already exempt under section 12 (*c*) of the Act, and I suppose he can declare land not so declared now as land used for primary production, but it does not seem right to me in this area, when one is abolishing land tax on land used for primary production, that the Comissioner, and he alone, can make that determination. It could be that, if the Commissioner made a wrong decision—

The Hon. C. M. HILL: Mr. President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. R. C. DeGARIS: It appears to me that under clause 7 the Commissioner can make the determination whether or not land is used for primary production. The point I make is that any mistake made by the Commissioner in making a determination could have a dramatic effect upon landowners who are genuinely using their land for primary production, and this could have a serious effect, particularly upon land close to the metropolitan area or to any developing township. I should like the Government to explain, in reply to this debate, on what basis the Commissioner will make that determination and, if a taxpayer is dissatisfied with the Commissioner's determination, what means he has at his disposal to have his case justly heard in regard to that determination.

My next point on this is that there is at present a period when land can be excluded from taxation by being declared land used for primary production. If that land is sold and subdivided, the person doing that subdivision is liable to pay land tax based on a valuation as urban land, back for a period of five years. In this case, that is a reasonable piece of legislation; that is the way it is done. However, what of the future of that provision in relation to this exemption now of urban land or land used for primary production? I could develop other matters, but I will confine my questions to those points at this stage and will listen with interest to the Minister's reply to them. I most certainly will debate further in the Committee stage the matter relating to clause 7. In the meantime, I support the second reading.

The Hon. M. B. CAMERON: Of course, when one looks into history, this Bill can be said to be too little too late in many areas. This Government, through its failure to move in this area and remove some of the land tax burden on rural communities, particularly those near the metropolitan area, has much to answer for regarding development of the Hills towards hobby farming techniques. The whole purpose of the Bill is to abolish rural land tax altogether but, if the Government had moved into this field earlier, many landholders in the Hills area would not have been forced to sell their land because of the land tax burden placed on them. Of course, one must relate that back to the system of valuation, which always has been on the basis of the potential land use. Where there is a potential land use of hobby farming, or whatever else we may call it, the valuation must be placed on the land on that basis, and then land tax is based on that valuation, so genuine landowners in the Hills area have been forced out because of the potential land use in the form of hobby farming, based on a valuation that should have taken that into account, and valuers should have been allowed some discretion in that area.

The more serious situation is in the vineyard areas to the south, where many landowners have been forced out of their present usage by heavy land tax. Of course, they always have had the opportunity to have their areas opted out under the provisions of, I think, section 12c of the original Act, but it relies entirely on the owner opting himself out and, if the owner's property is surrounded by areas that already have been subdivided, it is difficult for him to put a case for his area to be opted out. If only the Government had moved in earlier and declared some green belts in that area, much of what is probably poor development there would not have taken place. Immediately the person concerned is faced with the land tax burden, he has no choice but to move out, so we have willy-nilly development in that area, and, whilst we get words from the Government, saying that it will preserve that area, no definite action has been taken and the Government has failed to give definite direction and to allow certain areas to be declared green belt areas and left as they are.

If the Government had only considered this problem earlier those areas that were declared green belts obviously would suffer some potential loss through loss of future use of the land, although some areas would have an increase in value because they could be subdivided. Surely it would have been possible to provide for a levy in those areas that would have an advantage and perhaps to provide compensation for those areas disadvantaged by the application of that levy to owners in the green belt. The real effect of land tax has been a major factor in the destruction of Hills farming as we have always known it.

Secondly, land tax has placed an almost impossible burden on landowners adjoining vineyards in the South-East and other areas of the State because of the valuation system of potential land use, and that has led to extreme hardship in those farming units that are based on large family concerns. As the Minister and other people would know, if there were a series of farms in a family company, all the valuations were amalgamated and so the rate of tax increased enormously and created an almost impossible burden on that family company, to a point where it probably was more economic to split the area up.

Surely, when it is obvious that larger units are by far the more efficient, it would have been much wiser for the Government to allow a land tax situation that encouraged the development of larger farming units, rather than discouraging it. At long last, the Government has done something about the matter, but for many units, particularly in the Hills area, the Bill represents too little too late, and it is an indictment of this Government that it has taken so long to pass on an advantage that has been enjoyed by every other mainland State for many years. I condemn the Government for its failure to move in this direction earlier. Of course, no member on this side would speak against the Bill, because it is something that should have been implemented a long time ago. For that reason, I support the Bill.

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

MARINE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1494.)

The Hon. J. C. BURDETT: I support the second reading. First, I mention explicitly, because it has not been mentioned earlier in the debate, that this Bill will be reserved for Her Majesty's personal assent, and that is because the measure has a bearing on the Merchant Shipping Act. All the matters relative to this short Bill have been comprehensively and capably covered by the Hon. Mr. Geddes, and I do not propose to repeat them.

A particular interest that I had in the Bill was in relation to clause 4, which simply provides that section 67f of the principal Act is repealed. That section, which was enacted in 1973, provides:

This Division shall not apply to any fishing vessel that is used solely on the River Murray or on any tributary, anabranch or lake connected therewith.

"Fishing vessel" is defined in the 1973 amending Act as follows:

"fishing vessel" means any vessel not propelled solely by oars and used in the taking of fish or oysters for sale (including trawlers, pearling luggers and whale chasers).

The effect of section 67f is that fishing vessels, as defined, used solely on the Murray River or any tributary, anabranch or lake connected therewith are exempted from the Act. In the Minister's explanation, it was reasonably argued that there was no reason for this and that, as the provisions of the Marine Act pertained to safety, it was important that a fishing vessel on the Murray River be as safe as one anywhere else. I suppose that, in the past, generally speaking it could have been said that the requirements of seamanship, seaworthiness and equipment were not as high on the Murray River as at sea, but the Murray River is defined so as to include a lake, and on Lake Alexandrina, where many of the fishermen who are left do ply, it is just as important that they meet the requirements of seamanship, seaworthiness and proper safety equipment as it is that those requirements be met at sea. The Hon. Mr. Geddes said that it was difficult to find professional fishermen on the Murray River at present, and that is true. I wanted to see whether I could locate some of these men before I spoke on this Bill, and I have been able to do so.

Most of these fishermen, especially those who belong to an association, were well aware that this legislation was coming before Parliament, and they realised that they were going to be brought within the ambit of the Marine Act and would be subject to requirements involving the operation of their vessels, as well as seaworthiness and safety equipment requirements. The only question in the minds of fishermen belonging to an association concerned when the legislation was to be introduced. They knew it was to be introduced and they agreed with it.

Some of those to whom I spoke who were not members of an association were not aware of the legislation, but did not realise that they were not subject to the Boating Act, and most of them had obtained licences pursuant to that Act and had complied with the safety requirements under it. So far as I have been able to determine, there is no disagreement on the part of Murray River professional fishermen. Those fishermen who are aware of this Bill are satisfied that they should be brought within the provisions of the Marine Act. I support the second reading.

Bill read a second time and taken through its remaining stages.

WEST TERRACE CEMETERY BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1474.)

The Hon. C. M. HILL: I support the Bill, which gives the Government legislative power to redevelop the West Terrace Cemetery. All honourable members will agree that over the years this cemetery has become rather dilapidated, and for some time there has been a need for some authority to try to improve the general appearance of this large area. However, this must be done with considerable care. The Minister, who will accept responsibility for this redevelopment work, must ensure that, in rearranging graves and headstones, he causes the least possible concern to relatives of deceased persons buried in the cemetery.

I was pleased to read in the Minister's second reading explanation that in one situation, a certain congregation having objected to his actions, the congregation's requests had been met by the Government, with that part of the cemetery not being disturbed. I believe that the Minister intends taking some headstones and rearranging them elsewhere in the total area and, doubtless, he believes that they can be grouped to some advantage, or perhaps rearranged along a boundary. The Minister should be under some obligation to exercise extreme care in removing such stonework because, although many relatives may not show much interest in the cemetery now, they will certainly do so when they hear of and see the changes taking place there. To ensure that the Minister and his staff do exercise extreme care, I have a small amendment which I will move and which I believe will improve the Bill. The problem the Bill seeks to overcome has been present for some time, and I approve of the Government's action in this matter. Accordingly, I support the second reading.

The Hon. M. B. CAMERON: I referred briefly to this Bill in my speech in the Address in Reply debate. I indicated that I had carried out a small investigation into this matter. This is not the first time that there has been an attempt to close the West Terrace Cemetery. I refer to a Select Committee report of 1854, which is a long time ago. That report makes interesting reading, because it indicates that the slowness of Governments to react is not much better today than in earlier years. The first section of the report to which I refer deals with the man who was in charge of the cemetery. On reading the report I found that he was the only man who knew where people were buried, because no plan was marked out. He kept all the information in his head, and this is what happened to him:

Your committee learned with astonishment of the permission given to the Sexton—

Mr. Monk—

to leave for the gold diggings, on the understanding that should any parties be interred in ground not belonging to their families the Sexton was, on his return, to disinter them at his own expense; and regret that, when the inconveniences likely to arise from the absence of a plan of the ground was thus prominently brought before those in charge, steps were not taken to remedy the evil.

Mr. Monk left his father in charge. I believe that three errors were made, and Mr. Monk fixed them at 10 o'clock at night. He thought it was all right if the mistakes were corrected at night. The report goes on to indicate what should have taken place, as follows:

It appears, as far as your committee can form an opinion, that Colonel Light, in laying out the city, set apart about 60 acres for a cemetery for the use of the public at large, without reference to any sectarian distinctions. The minutes of the trustees appointed in 1838 by Colonel Gawler to manage the cemetery do not recognise any sectarian distinctions or privileges, but accord to all the right to lease a small plot of ground (on somewhat similar terms as the family burial-places), on which they may erect *chapels for the performance of the funeral service.* (The setting apart of a small portion of the cemetery for the use of the Jews—differing, as they do, in so marked a manner, not only as a nation, but religiously, from the rest of the colonists—appears to your committee as an excusable exception to the general rule above stated.)

Members of the Church of England and the Roman Catholic community were not supposed to have a separate sectarian area; that would not have been proper, because the area was set aside for general public use, but it was not considered hypocritical at all for a separate section to be set

aside for the Jewish population. It was a fair indication that, even in those days, things were different when they were not the same. The Select Committee's report indicates that the siting of the cemetery was wrong and that the cemetery had been in the hands of the City Council, not the Crown, since the foundation of the city. The Select Committee concludes:

After the most careful consideration of the whole of the evidence, your committee have come to the conclusion that no time should be lost in selecting another site for a public cemetery for the city, and closing that on West Terrace;

This matter was again raised in Parliament on July 30, 1857; the *Hansard* report is as follows:

Mr. Bagot asked the Hon. Chief Secretary what steps, if any, have been taken respecting the removal of the cemetery from its present site, in pursuance of the report of a Select Committee appointed on September 6, 1854; and what policy the Government intend to pursue respecting it. The Chief Secretary said the Government had taken no steps to carry out the recommendation of the committee. He thought it desirable to have another committee, as the Government had doubts as to whether a better site could be obtained.

So, even in those days, if a Minister did not like a report, he suggested that another committee be set up, to see whether he could get a more suitable report. In 1890, it was indicated that within one year the cemetery would be full. From then on, the authorities re-used certain sections of the cemetery. It is a pity that the move now being made was not made in 1854, 1890, or later, because, even if we make this move now, it will not be until 2030 that the cemetery can be finally closed. It is a pity that action was not taken earlier, but I do not mean to cast any reflection on the present Government. The sooner action is taken the better. As the Hon. Mr. Hill has pointed out, there are feelings involved that must not be trampled on by some immediate action. We must allow the lapse of time before bringing about the final closure.

I commend the Government for taking this step and I trust that eventually people will be able to see the park lands as probably they should have appeared in the first place—an area for the use of the public as a whole. In 1890, a move was made to purchase an additional area near Parafield. During the Address in Reply debate, I asked the Chief Secretary what had happened to that land, but he has not yet replied to my question. I would be interested to know what happened to the land and whether some of that land might be available for cemetery purposes. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Development of closed portions."

The Hon. C. M. HILL: I move:

Page 2, after line 42—Insert:

(3) Where in the exercise of the powers conferred by subsection (1) of this section, the Minister causes any headstone to be moved, he shall, as far as practicable, ensure that that headstone is not damaged or defaced.

This clause makes the Minister responsible for the preservation of buildings, headstones, and monuments of historical or religious significance. As far as it goes, the provision is commendable, but it takes into account only relatively few headstones—those headstones which the Minister believes should remain in their original situation and which the public will visit, because of the historical or religious significance of those headstones. I am concerned about the balance of the headstones. It is reasonable to place responsibility on the Minister for exercising extreme care as regards removing headstones.

The Hon. T. M. CASEY (Minister of Lands): While I sympathise with what the honourable member is trying to do, I think the amendment is completely unnecessary. Anyone who is to remove headstones from a cemetery would take extreme care, and it is not necessary to include in the Bill an amendment providing that such care be taken. Far more trouble will come from vandals than from workmen who may remove headstones. I recently drove past an area of open space in New South Wales which was previously a cemetery. The headstones were arranged in such a way that a nice area of park land was created. As far as I know, there is no provision in New South Wales legislation stating that one must act with extreme caution to see that headstones are not damaged. Anyone employed on such a job would treat the headstones as sacred things.

The Hon. C. M. HILL: I am surprised at the Minister's reply. I am concerned about the position in South Australia, not New South Wales. Parliament has a responsibility to the descendants of deceased people who have been buried in the West Terrace Cemetery: to ensure that the best possible legislation is passed effecting a great change in the aesthetics of that cemetery. The Minister of the day and his officers will remove headstones, completely interfering with many old graves. In these circumstances, it is amazing that the present Minister is not willing to be bound by an amendment of the kind I have moved. It is all very well to say that he will exercise all due care, but what if he does not, and what if relatives go down to the cemetery and see headstones broken and crumbled and being badly damaged or defaced?

The Hon. R. C. DeGaris: Could you follow the Minister's argument regarding vandals?

The Hon. C. M. HILL: I could not understand or follow his argument at all. It was absolutely absurd. All this amendment is endeavouring to do is to make the Minister face up to his responsibility, and future Ministers to face up to their responsibilities, to be most careful in the rearranging of old headstones and grave furniture and other items at the West Terrace Cemetery, and when he says, "I am not prepared to be bound by that" well, it seems to me, he is being very unreasonable indeed.

I did not hear one point raised by the Minister which could substantiate the stand that he has taken. The Government itself went to the detail of writing in the point that some headstones would be preserved in their existing positions, which indicates it is not treating the matter in general terms, and this amendment covers the whole number of headstones which the Government is going to be concerned with. I believe that it will be far better legislation if this requirement is contained in the Bill, and I cannot accept the Minister's point of view.

The Hon. M. B. CAMERON: I ask the Minister to reconsider what he has said about this amendment because, whilst I commend the Government for its moves in this matter, I do not think that should be construed as being an indication that I would not support the amendment to ensure that, where the cemetery is to be altered by the removal of headstones to another place (wherever that might be), there should not be great care taken. I do not think that that does any harm and I cannot see what adverse effect it has on the Bill and what exception could be taken to it. I believe it is a necessary amendment and one that gives people who have relatives buried in this cemetery the assurance that no Government can come in and remove headstones without proper care.

Amendment carried; clause as amended passed.

Clauses 10 to 13, schedules 1 and 2, and title passed.

Bill read a third time and passed.

LEVI PARK ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1474.)

The Hon. C. M. HILL: I support the Bill. It simply deals with the question of fees for the trust members at the Levi Park Reserve. Levi Park, as honourable members probably know, was established in about 1948 as a result of a most generous bequest by the Belt family of Walkerville. I have been informed that presently it is established as a caravan park and has a sporting area and is a very successful operation, both from the point of view of those who gain enjoyment from using the area and from the point of view of the financial return to the trust. I make that latter point because I believe that it is self-supporting financially. I understand that the fees of the trust members have not been altered for some 30 years. The Bill will allow for a reasonable adjustment in these fees, and it also allows the Minister to fix the fees, and that is an alteration from the present arrangement. I support the Bill.

The PRESIDENT: I have examined this Bill and believe that it may be a hybrid Bill within the meaning of Joint Standing Order No. 2 and Council Standing Order No. 268. However, as the Bill makes only one amendment to the remuneration of the trustees as provided in section 12 of the principal Act, it would appear expedient that the situation in this instance could be met by suspending Standing Orders to enable the Bill to be dealt with as a Public Bill.

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

That Standing Orders be so far suspended as to enable the Bill to be proceeded with as a Public Bill.

Motion carried.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (GIFT DUTY AND STAMP DUTIES) BILL

Adjourned debate on second reading.

(Continued from October 12. Page 1418.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The purpose of the Bill is to extend the period during which gift duty and stamp duty on the transfer of an interest in a matrimonial home for one spouse to the other is reduced. Originally the concession was to have effect until July, 1976. This Bill extends the period for six months. The original Bill was at the time of its introduction of some minor value to people wishing to minimise the effect of death duties on their estates. I received many requests for information from people interested in transferring half the matrimonial home to joint ownership, but in most of the cases I examined I found there was no savings in death duties on such a transfer.

Since the moratorium on gift duty and stamp duty on transfer to joint ownership was introduced, some 1 700 transfers have taken place, the vast majority transferring to joint tenancy. Those people thought they were taking some advantage of the offer made in the original legislation. Not all of those who have transferred to joint ownership will be better off in relation to the impact of duty on their estates. Following the Government's announcement that it intends to remove succession duties on estates passing to surviving spouses, I do not think the proposed extension of time will be of much value to anyone. Indeed, the Government's announcement regarding the abolition of succession duties on estates passing between spouses may well adversely affect estate planning where people have transferred to joint ownership instead of tenancy in common in relation to the matrimonial home.

Over many years, the Australian Labor Party attacked the provision in the old succession duties legislation, under which it was of some benefit to hold a property in joint tenancy. I well remember the attacks that were made. It was stated that that provision in the succession duties legislation was a loophole through which people were escaping the payment of death duties. I would say that it was not a loophole but a humanitarian piece of legislation that allowed a joint tenancy to be treated as a succession separate from the rest of the succession. It meant that a great benefit was to be derived in a husband and wife holding a house in joint ownership. Now, in some cases, it is disadvantageous to hold a property in joint tenancy, particularly in later life. It restricts the ability to plan an estate to the best advantage.

Although I support the Bill, I do not see it as providing a great advantage to anyone. Before anyone uses the extension of time to transfer to joint ownership, I strongly advise him to obtain advice from those who know what they are doing, because such a change may not be in the best interests of planning that estate. The 1 700 people who have already transferred to joint tenancy should now, once again, look at their position and change, if joint tenancy is disadvantageous to them, to tenancy in common, in order to allow a better means of planning in relation to that estate.

This is an important point because, in the moratorium that the Government has given on stamp and gift duties, many estates could be put in a worse situation rather than a better one with the transfer of the matrimonial home to joint tenancy. I believe that joint tenancy has a most important application where young people are buying their house, but it may well be seriously detrimental later in life. I advise people to examine this matter and, if they consider it desirable, change to tenancy in common. Such a change can be made cheaply, and it may well be in the best interests of planning an estate that it should involve tenancy in common.

The Hon. R. A. Geddes: Would you care to explain the difference between tenancy in common and joint tenancy?

The Hon. R. C. DeGARIS: Certainly. Under a joint tenancy, the surviving spouse must inherit the property from the deceased. Tenancy in common allows a person to leave his share to whomever he pleases. So, one is restricted by joint tenancy. That is why the previous provision existed: it was advantageous to have a property in joint tenancy. Now, I believe that in some cases it pays to have a property in tenancy in common, thereby allowing greater flexibility in handling the estate. It may well be that those who have already transferred their property to a joint tenancy should re-examine the matter to see whether it should be in joint tenancy or in tenancy in common. I do not believe that the Bill will do much: it is somewhat of an emotional Bill. Perhaps it has more value emotionally than it has in relation to saving anyone duty on a person's death. I support the second reading.

Bill read a second time and taken through its remaining stages.

POULTRY PROCESSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1493.)

The Hon. C. M. HILL: I support the second reading. I have listened with interest to Opposition members who have contributed to the debate since the Bill was introduced in the Council. Generally, I support some of the improvements that honourable members have foreshadowed in their speeches.

The Hon. B. A. Chatterton: Which ones?

The Hon. C. M. HILL: I refer particularly to the ones to which the Hon. Mr. Dawkins alluded. However, I am willing to wait to see what transpires in the debate. The Bill deals with the establishment of some form of orderly industrial arrangement for the poultry meat industry.

The one aspect of the whole measure that gives me some concern, as I foresee the situation, is that if this Bill is passed, and a young man wishes to establish himself in the poultry meat industry, he may well find that, if he applies for a licence for a farm, he will be refused a licence because the committee may tell him that the existing industry can cope with any expected increase in demand.

I do not like the principle in which a person who wants to enter an industry and who is willing to compete within that industry on the basis of performance is precluded by law, in effect, from doing so. Therefore, if it is possible for this Bill to be amended in any way to provide a better opportunity for a new applicant to establish himself in competition within the industry, that is the kind of amendment that will receive my full support.

The matter I raise in principle is dealt with in clause 8, which inserts new section 11c, part of which provides that, where an application is made by a person wishing to establish himself in the industry, approval for the applicant to proceed will be given only if the committee is satisfied that "there is a demand for the supply of chickens for processing that cannot reasonably be met by the operators of approved farms".

The Hon. J. R. Cornwall: What is your attitude to wheat quotas?

The Hon. C. M. HILL: I realise that the honourable member, in his continuous endeavours to play politics in this place instead of getting down to the business of debating, can raise the matter of wheat quotas; he can also raise the matter of egg legislation as well, but that does not mean that one has to agree with this principle *ad infinitum*.

The Hon. J. R. Cornwall: Do you believe in orderly marketing?

The Hon. C. M. HILL: In a general sense, I believe in the principle of orderly marketing; what I am opposed to, if I may explain this in simple terms to the honourable member, is the closed shop; I do not like that. This matter that I raise in clause 8 means, in effect, as I see it, that invariably those businessmen in the industry would indicate to the committee that they could cope with an increased demand, even with their existing facilities; or they would, I imagine, agree to expand their facilities and thereby keep a new applicant out of the industry. I do not know whether or not it is possible to have an amendment to cover this point. I understand that some honourable members are looking closely at this matter at the moment and are consulting with the industry. I commend this form of liaison and discussion, because the matter can perhaps be resolved as a result of such discussion.

The Hon. A. M. Whyte: That is what it is designed to do, to keep it on a proper basis.

The Hon. C. M. HILL: The point can be taken that it may well be designed for this purpose. If it is the basic design of the measure, I am somewhat disappointed.

The Hon. M. B. Dawkins: The basic design was to stabilise the industry, but this point raised by the Hon. Mr. Whyte does come into it.

The Hon. C. M. HILL: In some way, I should like to see a full investigation in this Council into whether the point I make can in any way be covered. If it can be, I will certainly support an amendment of that kind.

The Hon. B. A. Chatterton: Two points are involved: one is the demand for chicken, and the other is whether the demand can be met by existing suppliers.

The Hon. C. M. HILL: Yes; I agree with the Minister's interjection. Two points have to be considered, and I would agree that, if the demand for chicken at the time of the new person's application was such that the existing production could satisfy that demand, it would be ridiculous that a new applicant be given the right to enter the industry. I take that point, but I am concerned particularly with this aspect: provided that the demand is greater than the supply, will the new applicant be restricted from entering the industry at the expense of the existing producers, especially when the existing producers can invest more capital at that time and expand their facilities to cope with that increased demand?

The Hon. B. A. Chatterton: Then it comes down to an interpretation of "reasonable"—whether they should invest further capital in the industry and whether the expansion is needed.

The Hon. C. M. HILL: I suppose questions such as those must be considered in full by the committee, which seems to have a proper balance of the points of view of both the plant operators and the chicken farmers. I agree that the committee must weigh up matters such as those raised by the Minister, but I still return to the basic approach of giving a new applicant a reasonable opportunity to establish himself in the industry. I again say that, if an amendment can be forged to provide for that, it will secure my wholehearted support. To the general approach within the Bill I have no real objection.

I hope that, when it finally passes this Council, if it does, the future law will be such that the existing producers will be satisfied with its working and (I emphasise this point) that, even under the new law, new farmers will be able to establish themselves with the passing of time. I support the second reading.

The Hon. J. A. CARNIE secured the adjournment of the debate.

INFLAMMABLE LIQUIDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1474.)

The Hon. R. A. GEDDES: I rise to support the second reading of this Bill, which deals with the problems of heating oil within the industry. The reason for the Bill is to ensure that those inflammable liquids that will readily ignite are stored and conveyed in a safe manner. Motor spirit and kerosene are inflammable liquids to which the Act applies, whereas diesel fuel, because of the temperature at which it will ignite, is not subject to the Act.

The Hon. A. M. Whyte: Do you think it should extend to inflammable material used in children's night attire?

The Hon. R. A. GEDDES: That is a vexed question. We are concerning ourselves with heating oil. If it is not used correctly, it can create the problem, suggested by the Hon. Mr. Whyte, of the night attire of children catching alight, with death or serious injury resulting. Of course, this raises the matter of the branding of garments "Inflammable" or "Non-flammable" to help parents decide to use the correct sort of material. Be that as it may, I am dealing with the problem of the Inflammable Liquids Act, which is different from the Flammable Clothing Act. However, I thank the Hon. Mr. Whyte for making me appreciate the significance of our premier product—wool, which is one of the safest materials for anyone to wear, whether the person be a child, a man, or a woman.

To continue with the Bill, it is necessary to appreciate that Australian crude oil is such that the heating oil now produced in Australia ignites at a different temperature from what it did in the past. The flash point for petrol, kerosene and heating oils was formerly 65 degrees Celsius (150 degrees Farenheit), but it has been possible to reduce the flash point for heating oils to 61°C, and there is no longer the need for the same care as is set out in the Inflammable Liquids Act regarding the transportation and storage of heating oils used in Australia. That is the purpose of this short Bill, which amends the definition of "inflammable liquids" by reducing the flash point from 150°F to 61°C, a reduction of 4°C. The effect of the amendment is that heating oil will not be subject to the provisions of the Act.

Since the Bill has been before this Council reference has been made to the word "inflammable". Almost every petrol tanker and other vehicles carrying flammable material now have written clearly on their sides not the word "inflammable" but "flammable". I have been doing research into why we are not cutting out the prefix "in" of "inflammable" in this legislation, but so far I have had no success. The Parliamentary Counsel advanced the suggestion that many people, especially new Australians, get mixed up by the prefix of words. I refer to "operative" and "inoperative". "Operative" means to do something, and "inoperative" means not to do something. I refer to the same distinction in "effective" and "ineffective" and apparently confusion exists regarding "flammable" and "inflammable".

However, the New South Wales Act has been amended and the word "flammable" is used. Fowler's *Modern English Usage* provides the following definition:

Inflam(e)able, formed from the English verb, and used in 16th-17th cc., has been displaced by *inflammable* adapted from French or Latin. *Inflammable* and *inflammatory* must not be confused . . . It must have been a supposed ambiguity in *inflammable* that led to the coining of the word *flammable.* But that could only make things worse, and *flammable* is now rare, usually in the compound *non-flammable,* a more compact version of *non-inflammable.*

Members interjecting:

The Hon. R. A. GEDDES: I hope that I am not confusing honourable members. However, this is not an inflammatory speech, as I support the Bill, although I have no suggestion to make as regards providing for the proper use of "flammable" or "inflammable".

Bill read a second time and taken through its remaining stages.

URBAN LAND (PRICE CONTROL) ACT AMENDMENT BILL

Second reading.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

Its purpose is to extend the operation of the Urban Land (Price Control) Act for a further two years and to make two other comparatively minor amendments to the principal Act. The Urban Land (Price Control) Act was enacted in 1973 at a time of high inflation in land values. Since its enactment, the Act has had a significant effect in reducing spiralling land values, especially in developing areas. The Act has not had the dampening effect upon development that was feared by some members of this Parliament at the time of its enactment. Indeed, the Act had generally been welcomed in the community, even amongst land developers. The Government believes that the success of the Act to the present time, and the present indications that real estate values may be poised for a further bout of inflation, justify the extension of this Act for a further two years.

The Bill contains two clauses designed to facilitate enforcement of the principal Act. A new section is inserted in the principal Act enabling the commissioner to call for documents and to make investigations to determine whether the Act has been complied with. This new provision is analogous to a similar provision in the Prices Act. A further amendment is included making it possible for prosecutions to be instituted at any time within two years after the date of an alleged offence. At the moment, this period is limited to six months by the Justices Act. However, frequently evidence of an infringement of the Act does not appear until after documents have been lodged at the Lands Titles Office for registration. This may be many months after the date of the transaction that constitutes the offence. Accordingly, an extension of the period within which prosecutions may be launched seems warranted.

Clause 1 is formal. Clause 2 enacts a new section 27a in the principal Act. This new section enables the commissioner or a person authorised by the commissioner, to require production of documents, or to require a person to answer questions relating to dealings in land. This power can, of course, only be exercised where the inquiry is relevant to the enforcement of the principal Act. Clause 3 amends section 28 of the principal Act by providing that proceedings for an offence against the new Act may be commenced at any time within two years after the date on which the offence is alleged to have been committed. Clause 4 provides that the Act will expire on the thirty-first day of December, 1978. The present date of expiry is the thirty-first day of December, 1976.

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

HOUSING ADVANCES BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1475.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The principal Act established an account in the Treasury known as the Housing Advances Account to facilitate the advancing of funds for housing. In last year's Supplementary Estimates a line made funds available from the

Treasury for housing purposes. The sum provided was more than the normal allocation made to the State Bank and the Housing Trust.

The measure is purely a machinery one to allow for an accounting procedure for the Supplementary Estimates that were passed by this Council. I support the second reading of this simple Bill, which caters for amounts appropriated for housing purposes.

Bill read a second time and taken through its remaining stages.

WAR FUNDS REGULATION ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1475.)

The Hon. A. M. WHYTE: I support this worthwhile Bill, which deals with the war fund that was established during the First World War primarily to provide some supervision and control over the collection and expenditure of money raised for patriotic purposes. At that time, some unscrupulous people had put into their own pockets money that people had thought would be used for troops serving overseas. In 1916, a Bill was introduced making it an offence to withhold such money from its proper purpose. The original Act provided that not less than three persons should be appointed to the State War Council, which was given certain powers in relation to the management and control of war funds. However, in his second reading explanation the Minister of Agriculture said:

The council, which has latterly been constituted of two Ministers of the Crown . . . .

Since the original Act has never been amended, can the Minister explain how the provision relating to not fewer than three persons was altered to two Ministers of the Crown? From time to time, large sums have been in the fund. In 1916, £5 000 000 sterling was collected in Australia, of which £500 000 was contributed in South Australia; that sum would be equal to about $13 500 000 at today's rates. It is questionable whether the public today would contribute to the same extent in a period of two years, even though we now have a much greater population. Obviously, the people who contributed during the First World War thought that Australia was worth defending and that the men who had been sent to do battle were worth supporting.

The sum of $4 800 will be transferred to the War Veterans Home Myrtle Bank Inc., which was established in 1915 on land given by the Ferguson family to the Red Cross. The establishment has grown from an assembly of tents, as it was in those days, to a fine home for veterans comprising 101 single rooms and a 26-bed infirmary. After being subsidised, the sum transferred will amount to almost $15 000. The people who handle the affairs of the veterans are grateful to see this sum being transferred to their use. Having visited the War Veterans Home at Myrtle Bank several times, I am impressed with the accommodation there, and it is a pity that a larger sum cannot be provided. I support the Bill.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I will obtain a reply to the question that the honourable member raised.

Bill read a second time and taken through its remaining stages.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1475.)

The Hon. R. A. GEDDES: The principal Act provides that the Public Service Act shall not apply to the Secretary of the Institutes Association of South Australia Inc. It became necessary for the Council of the Institutes Association to seek the help of the Government, with the result that the council's staff has been employed under the Public Service Act since July 1. Consequently, the staff has received the benefits of the South Australian Superannuation Fund. Of course, because of the principal Act, the Secretary of the Institutes Association was precluded from receiving the benefits of the Superannuation Fund, the principal Act stating that he could not be a member of the Public Service. This Bill is a retrospective one dating back to July 1, 1975. It is regrettable that it has taken so long to come before Parliament, but nevertheless the Institutes Association and the council (of which I am President) are very pleased to see the measure come along at all.

It does not hurt, whilst talking about the Institutes Association, to make some further comment on it concerning the problem of book distribution within the State. The principal Act, which was passed in 1910, was designed to allow for the distribution of books to all members of the public. The Institutes Association is proud of its track record and achievements, and in the last financial year, if one looks at the figures, it distributed 1 600 000 books in the State to 46 000 subscribers. The system of financing the Institutes Association is a threefold one, involving subscribers, local government, and the State Government, and it is interesting to note that the finance is provided in almost equal proportions.

Last year subscription income amounted to $66 000, the local government contribution was $65 000, and the State Government subsidy was $50 000, totalling $181 000. This sum helped finance 171 institutes (24 in the metropolitan area and 147 in the country). The concept of 1910 is still operative in a great many of the areas of the State today, where the institute is the meeting hall, book distribution centre, the place where the Country Women's Association or the Agricultural Bureau meets, or where weddings or Anzac Day services are held. The institute is often the hub of the local community. The librarians have a wonderful reputation for understanding their subscribers' needs and for the sympathetic concern that they show for the community of which they are such a vital link. People go to the librarian to find out what is happening, and the librarian is there to assist them not only with books but with other snippets of information that are of interest in rural areas, and of course this also happens in many instances in the metropolitan area.

In 1955 the Libraries (Subsidies) Act was amended so as to provide free books for all sections of the public—free to the extent that the individual is able to select and take home the book of his choosing, but that service cost the Government $370 000 and local government $227 000 last financial year. That is a total of $597 000 for books alone, without taking into account salaries and wages. The system, working as it does under the Libraries (Subsidies) Act, with local government contributing with the State Government on a $1 for $1 basis, means that only a limited number of councils or metropolitan municipalities can afford the high cost of providing this type of service.

For years the Institutes Association has been asking the State Government to have one book distribution system for the whole State instead of the association doing one part of the job and the Libraries (Subsidies) Act doing another part. One of the problems that has constantly cropped up has been that the Libraries Board has said that in no circumstances will it have anything to do with the institutes system, where the only people who can take books out are subscribers. It insists that the principle must be altered to provide that all books are free, and the only way this principle can be altered is by an amendment of the Act.

The Hon. Joyce Steele, when Minister of Education, initiated an inquiry into this problem, and Mr. Mander-Jones, a former Director General of Education, was given that job. However, although the Mander-Jones report is quoted by Ministers of Education, still nothing is done. The system under which the Institutes Association operates seems to be an equitable one, the three tiers (the subscriber, local government, and the State Government) contributing in proportionate shares to keep the scheme working correctly.

It is a great shame that after all these years (since 1955) nothing has been done by any Government or any Minister and, although many have made suggestions, things have never got off the drawing board.

Last year the Federal Government started an inquiry into book distribution right across Australia, and the evidence is strongly against the idea of only subscribers having access to books: it is insisted that all books be free and that the $1 for $1 basis of contributions as between the Federal and State Governments should continue, involving a levy of no more than 1 per cent on local government. A levy of no more than 1 per cent on local government may sound a lot better when it is said quickly, but, here again, in many small rural areas such a contribution would be an impost and extremely uneconomical for the local council. However, we can only wait and see. The present State Government, under the Minister of Education (Hon. Mr. Hopgood) has a committee looking at effective ways of implementing the Federal report.

The Institutes Association has been the butt of writers and academics who say that it is responsible for a most anachronistic type of book distribution, that it should be condemned and should not receive any help. It is a source of great disappointment to me that the Institutes Council, and also the numerous institute committees throughout the State which can do so much for their communities, are constantly harassed regarding the system which they maintain but over which, without amendment to the Act, they have no control; only the Government can amend the Act. I support the second reading.

Bill read a second time and taken through its remaining stages.

SOUTH AUSTRALIAN HEALTH COMMISSION BILL

Adjourned debate on second reading.

(Continued from October 14. Page 1556.)

The Hon. C. M. HILL: First, I commend the Minister of Health for the manner in which he explained this Bill in great detail when he introduced it last week. He emphasised the great extent of the administration with which the Bill is concerned, and the complexities and all the areas of the delivery of health services throughout the State that will be affected if a measure of this kind passes in this Parliament.

I can only reinforce that point by making a quick reference to this year's Auditor-General's Report, and to refer therein to the financial area that becomes involved in the total health administration. Under the heading, "Hospital, medical and public health services", the Auditor-General deals with the Hospitals Department, non-government hospitals and institutions, and the Health Department.

Within these three groups, the Auditor-General points out that the State provides funds for those services from the Consolidated Revenue Account, the Loan Account and the Hospitals Fund. In 1975, $141 123 000 was spent from Consolidated Revenue, whereas in 1976 $189 254 000 was spent. In 1975, $32 435 00 was spent from Loan Account, while in 1976 $47 159 000 was spent. In 1975, $8 700 000 was spent from the Hospitals Fund, whereas in 1976 $11 500 000 was spent. This means that in 1975 $182 258 000 was spent, and that in 1976 $247 913 000 was involved.

One can say with certainty that we are, therefore, spending more than $250 000 000 in the areas of administration covered by this Bill. It may be of interest to note that the total payments on health services, to which I have just referred, increased by 36 per cent from 1975 to 1976. The Auditor-General points out that this increase is far greater than the general rise in costs for labour and services, and reflects the extensive expansion in facilities and services that have been provided.

So, together with the great amount of detail to which the Minister has referred, it is apparent from expenditure of this kind that the existing administrations will be changed considerably by this Bill, and that the structure of the commission, as proposed in the Bill, will be a very great administration within the area of the South Australian Public Service and commissions and trusts of this kind.

The Minister also explained the Bill in detail, so I will not take up the Council's time by discussing individual clauses. However, the Bill provides very early in its clauses the objects of the legislation. I should like to read those objects, as they should be placed on record. After all, it is this Council's challenge finally to shape legislation that can make these objectives achievable. Clause 3 sets out the following objects:

(*a*) the establishment or continuation of hospitals and health centres under the administration of autonomous governing bodies;
(*b*) the integration of mental health services within a unified system of health care;
(*c*) the provision of medical diagnostic services by existing instrumentalities;
(*d*) the delegation of responsibilities and functions of the commission, in so far as they affect the various regions of the State, upon regional authorities;
(*e*) the continued participation of voluntary organisations and local government authorities in the provision of health care; and
(*f*) generally the provision of health care upon scientific and humane principles.

I now refer to clause 8, which deals with the constitution of the commission. It should be noted that the commission is to comprise three full-time and five part-time members. The full-time members shall be appointed for periods of office not exceeding seven years, and the part-time members will have periods of office not exceeding three years. The commissioners shall be appointed by the Governor on the nomination of the Minister, which means, in effect, that they are appointed by the Minister. The Bill does not set out any qualifications that persons should hold to qualify them for appointment as commissioners. This is a matter which needs to be considered and to which I will refer later.

The next clauses that are of particular interest are clauses 15 and 16, which deal with the functions and powers of the commission. Pursuant to clause 15, the commission shall be subject to the general control and direction of the Minister. Clause 26 deals with the incorporation and management of hospitals. It provides that hospitals shall be incorporated by proclamation, but, for that to occur, the governing body of an existing hospital must first consent to the incorporation, and the commission and that governing body must reach mutual agreement on the terms of the constitution under which the hospital is to be incorporated.

The other clauses that are of particular interest to me are clauses 39 to 42, which deal with the levy to be imposed on local government by the new commission. I will refer to that matter also later in my speech. Most of the representations that have been made to me concerning the Bill, other than those from local government, deal with the serious fears that some people and organisations have regarding the possibility of whether the commission will fulfil its objectives and perform its duties as the Minister contemplates that it will. I must stress that some of these fears have been real indeed.

Despite the machinery through which this measure has passed already (I refer to the other place), there still exists in the minds of people involved in the delivery of health services throughout this State a real fear whether or not the commission will be successful.

Of course, this introduces an element of some risk to this legislation when one considers its objects and purposes and the size of the departments to which I have referred; it is a great pity that the legislation holds this element of risk. There has been a long history of investigations into the possibility of some form of authority or commission being established to take over the role that existing departments have played. Indeed, I notice that in 1946 the House of Assembly appointed a Committee of Inquiry for Consolidating the Health Services of the State to study the advisability of merging health services into one department responsibile to the Minister of Health. That committee came down with recommendations to the effect that a commission of five members, consisting of lay and medical representatives, be appointed. The committee laid down that the proposed commission should administer the functions then executed in this State by the State Health Department including the Central Board of Health, the Hospitals Department, the Metropolitan County Board, the local boards of health with respect to the Food and Drugs Act and the licensing of private hospitals, and those health functions administered by some other Government organisations. It was proposed at that time in the recommendations that the commission would be served by permanent full-time directors of these divisions: public health, hospitals, school health, tuberculosis, mental health, maternal and child health, and dental health.

Nothing came of that inquiry, and then, in 1970, the Bright inquiry was established. I am sure honourable members generally are aware of the Bright committee's findings. In 1973, it brought down its report and advocated the establishment of a health authority which would be not a Government department but a corporation created by Statute. The authority would be responsible for identifying health needs and resources and for developing and monitoring appropriate health services. The authority would provide certain services and ensure that all health programmes in the State developed in a co-ordinated and rational manner. The committee stressed that the public now regarded health as a right, and that to ensure that optimum benefits were derived from limited resources overall planning and co-ordination were essential.

The Bright committee envisaged an authority comprising at least five members, and it stated that at least one of them must be a medical graduate; it stated also that that number was not immutable. It was laid down that certain skills must be provided by the members of the authority, and four groups of skills were named in the Bright report—(1) medical, nursing, and paramedical; (2) administration, finance, and planning; (3) education and training of health personnel; (4) community and consumer needs.

I mention that the authority envisaged in the Bright report was to be directly responsible to the Minister; the report also recommended that the Director-General of Medical Services be retained and that he would be the senior officer under the control of the proposed health authority. The Bright report stated that it believed that the Chairman and members of the authority were not to be regarded as representing any specific sectional interests.

After those inquiries, we know that considerable research was undertaken by the present Government before the legislation to introduce this proposed commission was brought into Parliament. Apart from that deep investigation, a Select Committee has investigated this matter in considerable detail in another place. As a result of that Select Committee's findings, amendments were made in another place prior to the Bill coming to this Council. Honourable members may like to consider the situation in other States in regard to their form of health control. One should not be bound to follow the practice in other States, but in a matter as important as this it is proper that the position in other States should at least be known.

In Victoria, there is a commission known as the Hospitals and Charities Commission, which fulfils the general purpose envisaged by the commission in this Bill. The structure of that Victorian commission is three full-time commissioners. In New South Wales, there is also a commission of five members but, unlike Victoria, those five members are given individual responsibility for certain services. These various responsibilities are as follows: the Chairman is responsible for the Division of Health Services Research. One commissioner is responsible for Personal Health Services; another is responsible for Environmental and Special Health Services; another is responsible for Manpower and Management Services; and another is responsible for Finance and Physical Resources.

In Queensland, it appears there is a normal departmental organisation, with the Minister of Health controlling the various departments and sub-departments covering the total area. In New South Wales, there is a commissioner under its Health Act, and it also has a Hospitals Act and a Mental Health Act, each with, I understand, its respective director.

In Tasmania, health matters are regulated by the State Department of Health Services under the direction of a Minister and headed by a Director-General. So the two largest States in Australia have a form of commission. To stress this aspect of the concern that has been raised about this measure, I repeat that there is a fear that the new commission, if composed of the senior officers from the existing Hospitals and Public Health Departments, may not undertake a fresh evaluation of the organisation and delivery of health care. I am not referring to any particular officers when I echo those feelings in this Chamber, but the fact of the matter is that this form of concern has been expressed in representations to me.

There are fears that the commission may not fulfil the principle implied in the Bill, that regionalisation is desirable and necessary, and it will not continue to allow facilities provided at health centres in the paramedical fields to expand as much as the controlling boards in those centres would like them to expand. Also, fears have been

mentioned that the commission may not encourage voluntary and social services to play their rightful role in the total South Australian society. The South Australian Council of Social Services Incorporated has brought before me its extremely grave fears. That organisation opposes the Bill in its present form and I think the major reasons for its opposition should be recorded, for the information of those interested in this total debate. Those major reasons are:

1. The lack of provision for consultation with the "lower echelons" in the health system.
2. The difficulty of co-ordination between the health, welfare and education systems if one of these systems is a statutory authority while the others are Government departments under the Public Service. Hence there is a danger of isolating the health system.
3. The lack of participatory structures (such as regional structures) whereby local government, voluntary health and welfare agencies and the community can become involved in the identification of needs and the delivery of services.
4. The abrogation of responsibility by the Parliament in granting the Commission such wide responsibilities without direct accountability to the Minister, as is the case with a department.
5. The establishment of a Health Commission will not necessarily result in a rationalisation of health services in South Australia. This will be especially true if the current pattern of administration is merely transposed into the Health Commission. There are insufficient guidelines in the Bill to ensure that this will not occur.

Therefore, I believe that, if the concerns being voiced are to be met, Parliament should look closely at the whole question of the constitution of the commission. I do not object to the principle of the commission, but I believe that checks and balances should be written into the legislation to ensure that the State ultimately has a commission that will serve the objectives of the Bill with more certainty than if the Bill proceeds in its present form.

One way in which some further guarantee should be provided is by writing into the legislation a provision that certain members of the commission shall be nominated by authorities and groups interested in this whole area. In other words, sectional interests should be brought into the commission. I have stated that the Bright committee did not recommend that approach, but it seems to me that some groups would be much more pleased and would be assured that their voice would be heard on the commission if they had the opportunity to nominate one of their members. As it is proposed to have eight members of the commission, there seems to be room for consideration of this approach.

I do not know the Minister's reaction to such a proposal, but I see no way in which Parliament can give assurances to these interests other than by tackling the problem at the top, so to speak, and trying to ensure that representatives of certain groups are nominated as members of the commission. I also wondered whether, to try to allay some of the fears, the Minister might give the Council, before the Bill passes, some idea of who the members of the commission will be. If he did that, and if those people enjoyed the confidence of persons working in and associated with health services, that would go a long way towards assisting the position. I do not know whether the Minister would be willing to do that. However, the years pass and the Ministers change, and, even if the Minister did as I have suggested, that would mean that the commission would be known for only the three-year term or five-year term to which I have referred. A much better approach would be to try to see that certain nominees of interested groups were on the commission, and I propose to move amendments along those lines to try to improve the legislation.

Apart from that aspect of the commission and its constitution and the fears that I think can be overcome if this Council tries to improve the composition of the commission, the only other major problem that I want to speak about in general terms deals with the local government levy, which is dealt with in clauses 39 to 42. I have had representations from local government, as have all other honourable members. My sincere view is that local government wishes to play a full and responsible role in the delivery of health services at a local level right throughout South Australia. I say "right throughout South Australia" because I believe that it wishes to play that role in metropolitan Adelaide as well as in district council areas.

Local government wishes to be part of the plans contemplated by those who prepared the Bill, but there is in the measure a lack of reference to the involvement of local government and its responsibilities. However, the local government levy goes back a long time. It was first introduced in 1919, when a council payment was required under the Hospital Purposes Act of that year. The amount of levy was left entirely to the discretion of the Inspector-General of Hospitals. The provision was restated in the Hospitals Act of 1934, except that the amount of levy was to be fixed at the discretion of the Director-General of Medical Services. I understand that that officer now exercises an independent and statutory power in the matter. Local government, being vitally concerned with this subject, has circulated councils to try to find out from them their view on the matter. As a result of the survey that the Local Government Association undertook, the association states that the following conclusion can be drawn:

A majority of councils which responded to this item in the questionnaire are of the opinion that the hospitals within their areas have financial situations which are either very good or good. No hospitals are rated by councils as being very poor in financial status.

In regard to the financial situation of subsidised hospitals, it seems that $1 900 000, in the opinion of councils, is the total levy that the Hospitals Department or the new commission can obtain if the full 3 per cent levy of rate revenue is applied.

The amount presently obtained under the levy is nowhere near that sum. The Auditor-General's Report (page 136) indicates that in 1975-76 $976 000 was obtained under the levy. Of the 62 community hospitals included in the recent survey to which I have just referred, the total cash at hand and cash at bank was about $1 764 000; the total of those hospitals' cash reserves was about $3 362 000, and other reserves held by hospitals in the survey amounted to about $1 361 000, a total of about $6 487 000. Therefore, it seems that the financial situation of subsidised hospitals is currently good.

The position can be further substantiated by the fact that some years ago the levy was used for general maintenance of hospitals. Some years ago the revenue and income position of hospitals was such that they badly needed that account to be reinforced by a local government levy, but the position now seems to be totally changed. The local government levy in recent years has been used for capital purposes in hospital expenditure, and it has not been used for the original purpose at all.

Also, it has been pointed out by people interested in this subject that there have been considerable changes in the whole matter as a result of the advent of Medibank. Ratepayers naturally pay their Medibank levy, yet it is intended at the same time to apply a levy on local government rate revenue to be transferred to the commission.

The Hon. J. E. Dunford: But every ratepayer in the State will be levied.

The Hon. C. M. HILL: True, but there seems to be a double charge. The point I am making is that ratepayers are paying twice, and that is a new development resulting from the advent of Medibank.

The Hon. D. H. L. Banfield: But Medibank covers health—not hospitals.

The Hon. C. M. HILL: True, but this is still a subject in which it can be claimed that there is a double payment by individuals. Naturally, when one approaches the matter of the levy in a responsible way one has to give much serious thought to stopping the levy obtaining about $1 000 000 for council works on hospitals. However, I recall that, when the Loan Estimates were before this Council only a few weeks ago, the Government finished up with a credit balance of about $1 100 000 in its Hospital Loan Account.

There has been some credit there within the Loan finances for hospital purposes in the last year. Further, I am told that South Australia is the only State that imposes this levy—it is a historical event, dating back to 1919. As the result of changes in recent years concerning the financial viability of subsidised hospitals, the advent of Medibank and the need of local government further to extend its own expenditure into health delivery at a local level in areas which local government should involve itself in and which it cannot presently do because of its financial situation—all this causes me to believe that the levy should no longer be applied from this time onwards.

It would be possible for the Minister and the new commission to adjust the capital expenditure if they provided this relief to local government. It is not to be in any way construed that local government will immediately try to abrogate its responsibilities so far as expenditure on health is concerned. I repeat that local government is most anxious to expand in many areas of health delivery at a local level but, as a result of the 3 per cent rate revenue levy, it has been forced to channel its revenue funds into capital expenditure on its local subsidised hospitals. Such funds could be spent far better by fulfilling some of the work in the whole area of health.

The Hon. J. E. Dunford: Have you any examples of this?

The Hon. C. M. HILL: I can produce such information if the Minister is interested. Concerning local government expenditure, I have checked with one council, and its expenditure in health matters now exceeds 3 per cent of its rate revenue and, although it wants to increase expenditure in that area, it cannot.

The Hon. D. H. L. Banfield: Why not?

The Hon. C. M. HILL: Because it has not the finance to do so; it is because of the council's financial position. From whichever view the levy and its proposed abolition is approached, there is a case that is irrefutable that the time has come, now that the Government intends changing from its departmental arrangements to the new situation under a commission, for the Government to agree that the levy shall not be proceeded with.

The amount involved is not a large amount when we consider not only the general budgetary position of the State but also, with the existence of a commission, incorporating departments that would come under the umbrella of the commission spent (according to the Auditor-General) about $247 000 000. I have not looked at the proposed expenditure for the coming year, but it would be considerably greater than that. The sum involved is not great when looked at in the context of the total expenditure. The arguments for abolishing the levy are overwhelming. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

METROPOLITAN ADELAIDE ROAD WIDENING PLAN ACT AMENDMENT BILL

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

ADJOURNMENT

At 5.12 p.m. the Council adjourned until Wednesday, October 20, at 2.15 p.m.