HOUSE OF ASSEMBLY

Tuesday, October 12, 1965.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

QUESTIONS

SOUTH COAST ROAD.

Mr. McANANEY: Recently there has been considerable agitation along the South Coast for the highway from Wellington, around through Victor Harbour and Yankalilla, and thence to Adelaide, to be renamed Route 1. Years ago the route from Tailem Bend through Wellington and back to Adelaide was part of the Princes Highway. The people in the area consider that the renaming of this road would give a considerable boost to the State as it would attract tourists to the area. Will the Minister of Education request his colleague, the Minister of Roads, to consider renaming this road?

The Hon. R. R. LOVEDAY: I shall be pleased to request my colleague to consider this matter.

WUDINNA AREA SCHOOL.

Mr. BOCKELBERG: Has the Minister of Lands any information about the exchange of park lands for other lands adjoining the Wudinna Area School?

The Hon. G. A. BYWATERS: I shall get a reply for the honourable member.

AGRICULTURAL CADETS.

The Hon. Sir THOMAS PLAYFORD: Can the Minister of Agriculture say how many cadets are studying agricultural science at the University of Adelaide under the auspices of the Agriculture Department for eventual full-time employment in the department?

The Hon. G. A. BYWATERS: I shall have to get the actual figures for the Leader, probably tomorrow.

ELECTION POSTERS.

Mr. COUMBE: No doubt the Attorney-General is aware that under the State Act the size of election posters issued by candidates is restricted to 120 sq. in., whereas the Commonwealth Act prescribes a much larger area as the maximum. In the interests of uniformity, will the Minister consider altering our Act to make the limit in respect of the size of these posters the same?

The Hon. D. A. DUNSTAN: This matter has been considered by Cabinet, but it was decided that the permitted maximum size of posters should not be increased. A comprehensive review of the provisions of the Electoral Act is being undertaken, and an amending Bill is expected to be introduced soon.

WEED ERADICATION.

The Hon. T. C. STOTT: I am uncertain what authority is responsible for the eradication of weeds on roads under the control of the Highways Department. I understand that an area eight feet out from the edges is controlled by the department. District roads are controlled by councils, but half of the road is the responsibility of the adjacent landowner: the council does the work and charges the landowner. Difficulties have arisen in my district because the council sprays to eradicate weeds (particularly skeleton weed which is causing trouble), and then bulldozers from the department undo the good work of spraying done by the council. Will the Minister of Education ask the Minister of Roads whether the Highways Department or the local council is responsible for eradication of weeds on main roads? Will he consult with the department to see that, where both bodies are involved, they work together to eradicate weeds so that the council's work is not offset by the operations of the Highways Department?

The Hon. R. R. LOVEDAY: Yes.

STRUAN FARM.

Mr. SHANNON: The policy of the department dealing with reform schools in the metropolitan area is to select from amongst the boys those considered suitable for training at Struan Farm School in the South-East, so that some boys may be found useful employment in, say, agricultural work. I am not blaming the present department or, of course, the Minister for the high costs of sending young people to Struan, but it seems that a suitable return in the way of finding positions for these people is not being obtained, and that somebody may be at fault. Will the Minister of Social Welfare obtain a report on this matter, and ascertain how effective the training of young people for farm employment is at Struan?

The Hon. D. A. DUNSTAN: I cannot tell the honourable member offhand how effective it has been. I have asked the Chairman of the Children's Welfare and Public Relief Board for a review of the present employment of the boys who have left Struan in the past five years, which should give us some idea of how effective Struan has been in respect of those who have been there. I shall be visiting Struan early next month to see it for myself and to form an opinion as to the value of the

institution, in respect of which high costs are involved. I have had some investigation made into the costs at Struan, and the moneys we are spending from Revenue apparently are largely in respect of capital improvements. The reason for the high costs at Struan, as compared with those at other institutions, is the degree of capital improvement being financed from Revenue. However, I shall report to the House after I have been to Struan, and after I have received a further report from the Chairman of the board.

CLARE HIGH SCHOOL.

Mr. QUIRKE: Has the Minister of Education a reply to the question I asked of the Minister of Works last week relating to plans for the commencement of the building of the high school at Clare?

The Hon. R. R. LOVEDAY: On September 21, 1965, in response to a further inquiry on this matter from the honourable member, the Director of Education was advised that it was not possible to indicate a commencement date for the work until a priority had been determined for the planning of the project. On the same date the request for the new high school at Clare was returned to the Director of Education for resubmission when it was required that planning should proceed. Under those circumstances, I am not yet in a position to give any further information to the honourable member, but I shall obtain it as soon as possible.

DARLINGTON SCHOOL.

Mr. HUDSON: A report appeared in last Friday's *News* that the contract for the building of the new infants school at Darlington had been let, and that the building would take six months to complete. Will the Minister of Education say, first, who the successful tenderer is and, secondly, whether the reported completion time of six months is accurate?

The Hon. R. R. LOVEDAY: I shall be pleased to obtain that information for the honourable member.

POTATOES.

Mr. MILLHOUSE: In following up a question I asked the Premier last Thursday (because the Minister of Agriculture was not in the House at the time) I should like to ask a further question concerning the price of potatoes. Last Thursday I drew attention to the fact that the price of potatoes to the grower was £102 a ton in this State, contrasting with an appreciably lower price in Sydney and Melbourne. I notice that, since asking my question, the price in this State has dropped from £102 a ton to £93 10s., in spite of the Premier's answer to me on Thursday that there was a scarcity of potatoes in this State. Therefore, can the appropriate Minister say whether this matter was referred to the Potato Board, and whether any report has been received from the board on the reasons that prompted it to drop the price considerably?

The Hon. G. A. BYWATERS: I assure the honourable member that what the Premier said last week was perfectly correct. A shortage of potatoes in South Australia definitely exists; it is thought that there is less than 500 tons that has been declared. I referred this matter to the Chairman of the board, who reports:

At the previous weekend (October 2) supplies and interstate prices showed that the price in Adelaide could not be safely reduced if we were to maintain supplies here. However, last week interstate prices dropped. An adjustment was made in Adelaide to take effect from the commencement of trading on Tuesday, October 12, the price being reduced to £93 a ton to the grower, with a retail price of 1s. 1d. a lb. Mid-week changes of price are very upsetting to all sections of the industry and are avoided unless absolutely necessary. Supplies are adequate in the Adelaide market this week owing to quantities of winter-washed and consignments from the South-East coming forward and slow buying, which always follows rumours of impending price reductions. Supplies of newly-dug poor-quality potatoes from Queensland have been sent to Sydney and Melbourne resulting in a downward trend in prices. At present the general potato supply position throughout Australia is not stabilized. We are in the difficult between-crop period when accurate supplies in any year are indeterminate. In spite of the interstate market quotation as stated the retail price in South Australia has been lower. Melbourne retail price last week was 1s. 4d. a lb., as against 1s. 2d. in Adelaide. The Potato Board is watching the situation closely.

MURRAY RIVER WATER STORAGES.

Mr. CURREN: Can the Minister of Works inform the House of the state of water storages on the Murray River under the control of the Murray River Commission?

The Hon. C. D. HUTCHENS: At the moment I cannot, but I shall take up the matter with the Director and Engineer-in-Chief (who is a member of the commission), obtain a full report for the honourable member, and inform him when it is to hand.

HOUSING FINANCE.

Mr. NANKIVELL: Last week the Leader of the Opposition and I drew the Premier's attention to the annual report of

the Savings Bank, and particularly to the figures shown in respect of finance for country housing compared with those in respect of finance for city housing. Has the Premier a reply?

The Hon. FRANK WALSH: The Savings Bank has not in recent years given any special priority in loans for country housing, but country applications are considered in order, parallel with metropolitan applications. Until pressures became heavier latterly on the State Bank for housing moneys, and the waiting time increased significantly, country applicants were dealt with as soon as possible by that bank, and ordinarily the wait was some three or four months from the first inquiry, whilst for metropolitan applications the wait was nine or 10 months. At present metropolitan applications are being satisfied about 14 or 15 months after application, whilst country applicants are being satisfied in about seven or eight months. However, because country applicants cannot obtain loans on very favourable terms other than through the State Bank as quickly as this, the State Bank has found it has had to handle practically all country housing finance. Accordingly it has been necessary to institute a country waiting list and, if the present rate of country applications should continue, the waiting time is likely to approach that for metropolitan applicants. If and when that should happen the metropolitan and country lists will be merged so metropolitan applicants will not be given any preference or advantage over country applicants.

It is pointed out that this information applies to houses in country towns and only to those built under private arrangements. The Housing Trust has special building arrangements in country towns, particularly in those which are expanding industrially, and this is giving those towns a marked preference in housing available. Necessary finance is readily available for houses on farms under the Advances to Settlers Act, and under normal trading bank advances. The only wait involved in such finance for farm houses at present may be the necessity to wait a month or so to see whether grain yields are assured to prospective borrowers before they commit themselves.

CHILDREN'S WELFARE REPORT.

Mr. MILLHOUSE: Pursuant to section 15 of the Maintenance Act, the Children's Welfare and Public Relief Board shall, on or before September 1 in every year, report to the Governor on the working of the Act, and pursuant to that section certain things have to be set out in that report. Section 15 (2) stipulates that all such reports shall be laid before Parliament. As about six weeks has now elapsed since the board must have presented its report to His Excellency the Governor, and as the report has not yet, to my knowledge, been laid before Parliament, I ask the Minister of Social Welfare when it is intended to table the report.

The Hon. D. A. DUNSTAN: When I inquired about this report last week, I was informed by the Chairman of the board that it would be ready for presentation to His Excellency about the end of this week. I have not seen it myself to date. As soon as it has been presented to His Excellency it will be laid on the table of the House and ordered to be printed. I regret the delay in the matter, but, of course, this matter is in the hands of the board. Going on the date of presentation of reports under the previous Government, Mr. Speaker, I would think that this report was fairly well to hand.

Mr. MILLHOUSE: I acknowledge what the Minister has said about the lateness of the report in other years, but this year, because of the Maintenance Act Amendment Bill, it is particularly important that the House be in possession of the report before that Bill is disposed of. I therefore ask the Minister whether he will make sure that the Maintenance Bill is not disposed of in this House before the report is tabled.

The Hon. D. A. DUNSTAN: I will endeavour to see that that is so, Mr. Speaker, but I cannot guarantee that we will not get into Committee stages before the report is here. From what members have already said, I expect the debate on the Committee stages of the Maintenance Bill to be fairly lengthy. This is a complicated measure. I will try to have the report here as soon as I can.

ELECTRICITY CHARGES.

The Hon. Sir THOMAS PLAYFORD: Last week I asked whether concessions on electricity charges applied in respect of electricity supplied to Commonwealth institutions. Has the Premier that information?

The Hon. FRANK WALSH: Although this question was directed to my colleague, the Minister of Works, the administration of the country electricity subsidies comes under my Ministerial control as Treasurer. The detailed administration is carried out by the Electricity Trust subject to my approval. The trust made a submission to me some time ago that the subsidy be not extended to accounts rendered

to Commonwealth instrumentalities, and I gave approval. There are two substantial reasons why this action was taken: one is the standard arrangement by which the State and Commonwealth agree that each shall not expect to gain or lose at the expense or benefit of the other, and the second is that there are limited funds voted by Parliament for this purpose, and if a part is absorbed by subsidies benefiting the Commonwealth the reduction in charges possible for ordinary consumers will be less. In other words, there would be fewer opportunities for other consumers to receive this benefit if Commonwealth instrumentalities received the same benefits.

The Hon. Sir THOMAS PLAYFORD: Over a period of years the Commonwealth Government, in a number of places, including the district of Frome, has undertaken special obligations in helping provide electricity. For instance, it has sometimes installed additional plant to enable electricity to be supplied at a reasonable cost. The electricity supply to which I referred particularly in my earlier question was in respect of television services. Any remission in respect of that supply would benefit South Australian people as well as the Commonwealth Government. In those circumstances, will the Premier further examine this matter? Not a great amount is involved. In addition, I believe it is advisable, if possible, to have a good working relationship with the Commonwealth Government regarding these services, for often they can benefit both the Commonwealth and the State.

The Hon. FRANK WALSH: I will take up the question with the officers concerned and report to Parliament.

CITRUS INQUIRY.

The Hon. T. C. STOTT: Can the Minister of Agriculture say when the Citrus Industry Inquiry Committee will report, and when we can expect the report to be tabled here?

The Hon. G. A. BYWATERS: The Chairman of the committee has told me that he expects to present this report to me tomorrow morning. I will then confer with Cabinet, and I hope to lay the report on the table as soon as possible.

ASSISTANCE TO SCHOOLS.

Mr. MILLHOUSE: Has the Minister of Education a reply to the question I asked last week about assistance given to independent, non-Government schools in this State?

The Hon. R. R. LOVEDAY: This assistance is of four main kinds:

a. State provided scholarships, exhibitions and bursaries are open equally to students attending non-Government schools and Government schools.

b. All book allowances, boarding allowances and conveyance allowances are open equally to students attending non-Government schools and Government schools.

c. Assistance in the transport of children to church schools in country centres and assistance to church school authorities in the training of their teachers.

d. Assistance in the provision of capital required for new buildings at church schools. This assistance is done through advances from the State Bank with the approval of the Treasurer.

I have further lengthy details about this matter, and I ask permission to have Appendices A and B relating to these arrangements incorporated in *Hansard* without my reading them.

Leave granted.

ASSISTANCE.

APPENDIX A:

a. Scholarships, Exhibitions and Bursaries available equally to students attending Government and non-Government schools:

Name.	No.	Value.
Intermediate exhibitions	200	1st year £25, 2nd year £30 at secondary schools.
Intermediate Technical exhibitions	60	£25 for one year at secondary schools.
Leaving Technical exhibitions	6	£40 for four years at university or Institute of Technology.
Continuation exhibitions	400	£25 for 1st year, £30 for 2nd year at secondary schools.
Leaving bursaries	48	£40 and free tuition at university.
Leaving Honours bursaries ..	12	£40 and free tuition at university.
Evening studentships	4	£48 (or £54) at university or Institute of Technology.
Special agricultural scholarships	3	(Plus 6 by Agriculture Department.) Free tuition and board at Roseworthy Agricultural College.

b. Allowances—

i. Every student attending a secondary school may receive a book allowance at the following rates:

1st year	£8
2nd year	£8
3rd year	£8
4th year	£9
5th year	£10

If students are repeating a year these allowances are halved.

ii. Travelling expenses: A travelling allowance may be paid to any student who travels on an approved railway or bus service other than a bus provided by the Minister. The allowance is equal to the total actual expenses involved with a maximum of £25 per annum. If the student travels by a private conveyance, the allowance is on a daily basis on the following scale:

	Per day. s.	d.
3 miles to 4 miles	0	7
4 miles to 5 miles	0	8
5 miles to 6 miles	0	9
6 miles to 7 miles	0	10
7 miles to 8 miles	0	11
8 miles to 9 miles	1	0
9 miles to 10 miles	1	1
10 miles or more	1	2

iii. Boarding Allowances: All secondary students who have to board away from home in order to attend school may receive a boarding allowance of £75 p.a. in each of the first four years of the secondary course and £100 for the fifth year. It is provided that the allowance will not be paid if the student could attend a local school on a daily basis unless the local school does not provide a suitable course desired by the student and approved by the Director.

APPENDIX B:

a. Children attending non-Government schools in country centres, which are served by a school bus, are able to travel on the bus as long as there is room available for them.

b. In the metropolitan area children travelling to non-Government schools are able to receive the same travel concessions as children attending Government schools.

c. Students in training to be teachers in non-Government schools are accepted for training at our teachers colleges free of charge. In addition, a student of one of our teachers colleges who has entered into a contract to serve as a teacher in one of our schools, is released from his contract if he elects to transfer to a religious teaching order or service in a non-Government school or in a mission school.

d. Teachers attending non-Government schools are able to attend in-service training courses in the same way as teachers for our own schools.

e. Teachers from non-Government schools are able to attend the special courses for teachers of backward and difficult children conducted by this department without charge.

f. In the same way children, whose parents are in needy circumstances, at non-Government schools are entitled to receive, and do frequently receive, books at the public expense under the same conditions as children of such parents attending our own schools.

g. Non-Government schools, both primary and secondary, may purchase school books through this department at the same rates as are charged to Government schools.

h. Films of all kinds for teaching purposes are supplied to non-Government schools free of hire charge in the same way and on the same conditions as they are supplied to Government schools.

i. The purchase of science equipment under the Commonwealth grants may be arranged through the Public Stores Department by church schools in the same way as by this department for our own schools.

j. Primary non-Government schools are visited by our inspectors of schools and by our attendance officers and advice and guidance is given wherever requested. I know that many church school authorities greatly appreciate the advice and help they receive from our inspectors.

k. Children in non-Government schools are able to participate in the free milk scheme in the same way as children in Government schools. Most of the expense of the free milk scheme is, of course, reimbursed from the Commonwealth Government.

CONSTITUTION ACT AMENDMENT BILL (MINISTERS).

The Hon. FRANK WALSH (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1963, and for other purposes. Read a first time.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL.

The Hon. FRANK WALSH (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Public Works Standing Committee Act, 1927-1955. Read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

Its object is to increase the limit of cost of public works which are exempt from the principal Act from £100,000 to £150,000. The present limit was set in 1955 when the cost of building was substantially less than it is now—indeed it is estimated that the cost of

buildings has increased by 40 per cent since that date. In view of the continuing rise in building costs and the need to fix a figure which could be retained for some years, it is considered a more realistic figure would be £150,000. The adoption of this figure would save much of the committee's time, would be more in accordance with the limit fixed in 1955, and would enable the Public Buildings Department to proceed with work, particularly on a number of primary schools. Clauses 3 and 4 make the necessary amendments, and I need refer specifically only to clause 3 (*c*), which is designed to retain the existing law in connection with public works already referred to and before the committee.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I do not see anything wrong with the suggestion contained in this Bill. In the second reading explanation, the Premier said, ". . . this Bill is to increase the limit of cost of public works . . . ", whereas the principal Act sets out that it should be the estimated cost of public works. If these words mean the same, I have no objection to this Bill. It would be impossible to give an ultimate cost of a building before contracts were called, but subject to its being in the same form as previously, and raising the amount from £100,000 to £150,000, I do not oppose it. In fact, I believe that in some classes of work the limit could be raised further. I know difficulties are associated with placing works in different categories. For instance, everyone knows that it is an insignificant school that does not cost over £150,000, and I would not object to the limit being raised considerably higher for schools. Where, however, it is a matter of apportioning costs between councils for, say, drainage works, I think the £150,000 suggested in the Bill is an appropriate sum. I think, too, that it is a necessary increase in keeping with increased costs of public works. I see no reason to delay the Bill's progress. It merely raises the minimum to £150,000, and I believe it will enable the Treasurer and all departments concerned to implement projects much more expeditiously. I support the Bill.

Mr. SHANNON (Onkaparinga): I offer no objection to the Bill, although I do not entirely agree with the Leader when he says that we could dispense with considering projects such as primary schools, and leave the department entirely free to proceed without referring the matter to the Public Works Committee. I think the Leader will recall that we had to take the department to task on one occasion for making rather elaborate provision for non-teaching space which, on investigation, was rectified (largely because of the efforts of the Public Buildings Department in re-designing certain groups of primary schools, which resulted in a material saving to the State in respect of each school). The £150,000, by and large, will still encompass most primary schools, for its real value is not much more than that of £100,000 about 10 years ago. I favour the Public Works Committee's examining each department's projects. Although it is a busy committee, it can often draw certain matters to the attention of the department concerned, with the result that much better value is obtained for the money spent.

I do not attach any blame to a Minister in this matter. I know it is a physical impossibility for any Minister to examine all projects that come before his department. Hence, it is for a committee, set up by Parliament and including representatives from both sides, to investigate certain projects, irrespective of Party. One of the most time-absorbing factors of the work of this committee falls to its Secretary, and here I should like to commend Mr. Allan Deane, the departing Secretary of the committee, who has given very loyal and faithful service for nearly 10 years. He has established a pattern for presenting reports to His Excellency the Governor and to Parliament that leaves little to be desired. Although he has given the fullest information in the reports, he has still managed to reduce the time element considerably. I am happy in his successor, Mr. Lloyd Hourigan, who takes up his position at the end of the month. It is a most appropriate appointment, and I am sure the committee's work will continue as effectively as it has continued in the past. The Bill relieves the committee from considering less costly proposals, and I agree with the Government's intention to increase the minimum sum relating to estimated costs of projects to be referred to the committee.

The Hon. FRANK WALSH (Premier and Treasurer): I thank the Opposition for its courtesy in facilitating the passage of the Bill. The Leader has said that he is satisfied that no catches are involved, although I had no doubt about that, as building costs have increased by an estimated 40 per cent over a period, and the Bill is in keeping with the change in the value of money. It is not a question of avoiding work. I am pleased to know that the Chairman of the Public Works

Committee will have another efficient Secretary in Mr. Lloyd Hourigan, who, I am sure, will live up to everyone's expectations.

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

LAND TAX ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. FRANK WALSH (Premier and Treasurer) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to amend the Land Tax Act, 1936-1961.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

Its principal object is to effect a revision in land tax rates. The Bill is an essential part of the 1965-66 Budget and makes one of several revenue adjustments designed to reduce the gap between revenue and proposed expenditures to manageable proportions. During 1964-65 the State collected land tax amounting to £2,485,000, or about £2 7s. 6d. per head. The collections of land tax in that year in the five other States averaged about £2 17s. per head. This means that the average yield elsewhere in Australia was 20 per cent above that in this State.

Clause 3 sets out the new rates which will become effective immediately. An examination of the rates actually levied indicates that the substantial difference in this State is in rates applied to land valued in excess of £5,000 unimproved value. Below that level there seems no case, on a comparative basis, for raising our rates. The adjustments proposed would raise an additional £425,000, or about 17 per cent, and thus would largely, though not completely, make up the difference in yield below the other States last year. It should give this State barely £2 15s. per head in land tax compared with £2 17s. for the other five States together last year. The increased rates are proposed only in respect of land above £5,000 in taxable value. At that value the present tax of £15 12s. 6d. will remain. For a taxable value of £10,000, the new tax will be £46 17s. 6d. instead of the present £36 9s. 2d. At a taxable value of £20,000 it will be £156 5s. instead of £119 15s. 10d. At £50,000 it will increase from £557 5s. 10d. to £718 15s., and at £100,000 it will increase from £1,828 2s. 6d. to £2,281 5s. Above £100,000 the rate for each additional one pound of value will be 9d. instead of 7½d. as at present.

It was announced with the Budget that, following the recommendation in the Town Planner's report, the Government would appropriate this year from general revenue £125,000 as a half-share with local government authorities for the acquisition of land for public parks and open spaces. To the extent that the whole of this may not be spent currently the residue will be carried over for subsequent spending. The Government has had before it tentative proposals to divert some specific proportion of land tax for these purposes. This is done in Western Australia and in a number of oversea countries. This will require mature consideration in connection with other town planning considerations, but for the time being the Government would propose to make annual appropriations from revenue for the purposes of parks and open spaces rather than make a specific diversion of land tax receipts.

Clause 4 deals with an administrative matter. As all honourable members know, it is anticipated that decimal currency will come into operation in February next. Section 20 of the Land Tax Act requires the Commissioner to make his quinquennial assessment in Australian pounds. It so happens that this is an assessment year and the Commissioner is now working on his assessments. Honourable members know that the equivalent of the dollar will be 10s. To avoid a considerable amount of duplication and to enable the necessary machinery provision to be made, the Commissioner is in fact stating his values in 10s. amounts so that after conversion day the same figures can be used, each unit becoming one dollar. In view of the express provision in section 20, it is desirable to give the Commissioner express authority to proceed, and clause 4 accordingly so provides.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING BILL.

The Hon. C. D. HUTCHENS (Minister of Works) obtained leave and introduced a Bill for an Act to provide for the licensing of electrical workers and electrical contractors. Read a first time.

The Hon. C. D. HUTCHENS: I move:

That this Bill be now read a second time.

Its purpose, as the long title states, is to provide for the licensing of electrical workers and electrical contractors. This proposed legislation is primarily designed as a safety measure to protect the general public and workmen in their dealings with electrical equipment. All other States have found it necessary to enact legislation for this purpose—some States have done so many years ago. Electricity now plays an important—indeed, a vital—role in the community. It enters practically every home, every factory and every commercial establishment in the State. Nevertheless, it can be dangerous. Without proper safeguards an apparently innocent piece of metal can kill without the slightest warning.

There have been 19 electrical fatalities in South Australia since 1960, many of them due to faulty wiring. These are examples: a workman was killed in a country factory when using an appliance from a power point which had not been earthed; a workman was killed when he came into contact with wires which had not been properly insulated; a woman in a country town was killed when using a washing machine wrongly connected to the supply; a workman in a country town was killed because a power point had been incorrectly wired; and a man was killed in an Adelaide suburb because of a faulty power point.

The Government considers it important that immediate steps be taken to put an end to the present situation whereby any person can install or interfere with electric wiring and cause injury to himself or to others. This legislation ensures that only competent licensed workmen may install or repair electrical equipment, and makes it an offence for other persons to do so. A penalty of £50 is provided for unauthorized work. The Government is convinced that the effect of the legislation will be to provide much safer working conditions and thereby protect the public against possible dangers of which they would not normally be aware. In addition to licensing of electrical workers, the Bill also provides for the licensing of electrical contractors. This is necessary so that the responsibility for any electrical work can be determined. If a licensed worker works on his own it is easy to determine responsibility and to take necessary action if the work is faulty. The Bill accordingly provides that such a single licensed worker is able to carry out work without a contractor's licence. Where, however, more than one man works on the job, it is necessary to determine overall responsibility and consequently an employer—the contractor—must also be licensed.

With these preliminary comments I now propose to deal, in a certain amount of detail, with the individual clauses of this Bill. Clause 2 deals with definitions. The important definition in this clause is that of "electrical installation". It is important because it indicates the scope of the legislation. It covers all electrical equipment to be used at more than 40 volts. Therefore, it does not include home lighting sets operating at 32 volts or less, nor would it include vehicle wiring or other special purpose low-voltage equipment. This level of voltage is not normally dangerous, and it is not considered desirable or necessary that this level of voltage should be brought within the scope of the legislation. It is to be observed that electrical installations are not confined to those supplied by public electricity supply undertakings, but include all equipment over 40 volts wherever situated unless a particular installation is exempted by proclamation as provided in clause 3.

Clause 3 provides that the Governor may by proclamation exempt any installation from any portion of the Act. This power of exemption is necessary because of the wide definition of "electrical installation". Continuity of power supply is always vital, and it may prove impracticable to ensure that licensed workers are readily available in some remote parts of the State. It may therefore be necessary to exempt installations in such areas. In this connection, it should be borne in mind that the Bill covers all installations operating at over 40 volts and not merely those connected to public electricity supply. Whether any exemptions will become necessary will be found from the practical application of this proposed legislation.

Clause 4 provides in subclauses (1) and (2) that the Act shall be administered by the Electricity Trust and also that the trust shall meet the costs and expenses of administering the legislation. It is clearly impossible for the trust itself to deal with all aspects of the administration of this Act, and therefore provision is made under subclause (3) for delegation of authority to trust officers or to the committee established under section 10 of the Act. The purpose of subclause (7) is to ensure that the trust takes full responsibility for its actions in administering this Act. The Crown or its officers will not therefore be liable for any tort committed or any contract

entered into by the trust in relation to this legislation.

Clause 5 gives power to the trust to issue and otherwise deal with licences for electrical workers and electrical contractors. Paragraphs (*c*) and (*d*) enable the authority to attach conditions to or to otherwise modify licences. It will be appreciated that different classes of licence will be needed. For example, a television repair man or refrigerator mechanic will be an expert in his own field and may work on a particular electrical circuit, but he need not have the comprehensive knowledge required to justify a full electrical worker's licence. Restricted licences specifying the class of work will be issued in such cases. Similarly, an apprentice will be licensed in such a way that his work is properly supervised.

Clause 6 distinguishes between the two classes of licence to be issued to workers and contractors. The main criterion for the issue of a worker's licence is that the applicant has the ability and knowledge to do reliable, safe, work. The main criterion for the issue of a contractor's licence is to ensure that the applicant employs only licensed workers, and that he accepts responsibility for the work they do. The clause provides that the holder of a worker's licence is not authorized to work as an electrical contractor, and conversely the holding of a contractor's licence does not authorize him to work as an electrical worker. Subclause (2) provides that a person may hold both licences at the same time. Clause 7 is the basic provision, and provides that, from a day to be fixed by proclamation, electrical work must be carried out by licensed workers and licensed contractors. A penalty of £50 is provided for a breach of this clause.

It is desirable that the date of operation of this clause should be later than the other provisions thereof so that preliminary work authorized by the legislation can be done first. For example, it will be necessary to issue licences to workers before clause 7 comes into force. This will require the handling of applications from hundreds of workers throughout the State and, in some cases, the conduct of examinations. Since this will take some time to arrange, it is expected that no proclamation will be made under this provision until several months after the Act is promulgated. Clause 8 is a necessary provision which ensures that innocent parties dealing with unlicensed persons shall not be prevented from recovering damages, wages, etc., as the case may be, from that unlicensed person acting in contravention of the provisions of this Act. This is very much a "lawyer's provision" designed to enable an innocent party to sue on an illegal contract.

Clause 9 deals with exemptions from the provisions of this Act, and they are important enough to deserve illustration by examples where this is necessary. Subclause (1) deals with a person in charge of machinery. To take an obvious example, it is not necessary for a factory worker to have an electrician's licence because he starts, stops or regulates electrical motors. Subclause (2) permits any person to replace a lamp or fuse in an electrical installation. The replacement of lamps or fuses is simple, and it has become a common practice for the householder to do so. The Government believes that the legislation must permit this practice to continue. Replacement of the ordinary lamp is quite safe if the power is turned off at the main switch. Replacement of fuses may not be quite so simple, but if power is turned off, there is no danger.

Since it is considered that fuses will be replaced by householders whatever the law says, the Government considers that it is neither wise nor expedient to prohibit such a practice. The work is often done on private premises, and it will be extremely difficult to prove that a fuse is wired by a particular person. It is recognized that many in the community are capable of replacing a fuse. If it were made illegal to do so, this would discourage the conscientious and law-abiding members of the community, without affecting irresponsible members thereof. Also, it would not be possible to provide a prompt and efficient service to deal with household black-outs during the night. The trust itself could not provide such a service, particularly in the scattered areas in which power is now available in the State. In short, if it were provided that fuses should be replaced by licensed electricians only, this provision would be honoured more in the breach than in the observance, would be incapable of effective enforcement, and, in any event, would, having regard to the simplicity of the work, put an unjustifiable financial burden on law-abiding people.

Subclauses (3) and (4) allow electricity supply undertakings and their officers to carry out their normal functions without being licensed. Such undertakings have their own safety rules and practices and it is not necessary that they or their employees should be licensed under this legislation in connection with their own work. If such an employee wishes to

work on some private installation, he will, of course, need a licence. Subclause (5) permits an electrical worker to do contracting work provided he works entirely on his own. As stated earlier, if the work is carried out by a single-licensed person there is no doubt where the responsibility for the work lies. A contractor's licence is necessary only where more than one worker is employed. Subclause (6) lays down that architects or builders etc., who are not electrical contractors but who arrange for electrical work to be done under a building contractor, need not have a contractor's licence. The position is safeguarded by the fact that the electrical contractor or contracting worker must actually perform the electrical work and be responsible for it.

Subclauses (7) and (8) permit the repair or reconditioning etc. of electrical equipment by the retailers or wholesalers thereof or their employers without the need of a licence, provided:

(*a*) it is a *bona fide* retail or wholesale business;

(*b*) the work is done in a workshop;

(*c*) a licensed electrical worker supervises the work and approves each electrical installation before it is offered for sale.

Subclause (9) provides for tradesmen to carry out their normal trade on an electrical installation without an electrician's licence, provided no work is done on the actual electrical circuit, except by a licensed electrical worker. It will be realized that the definition of "electrical installation" covers a wide range of equipment from, say, a switchbox to a 5,000 horse-power motor. Without this subclause it would be necessary for the bricklayer who puts in the box and the rigger who arranges to lift the bearing covers of the motor to be licensed. This is unnecessary.

Clause 10 provides for the appointment of an Electrical Workers' and Contractors' Licensing Advisory Committee to advise and assist the trust in the operation of this licensing scheme. The committee will represent a wide range of interests and its establishment is desirable in view of the wide impact which this legislation will have on the community at large. The committee will consist of five members as follows: a representative of the trust, who shall be Chairman; a representative of the Minister, who shall be Deputy Chairman; a representative of the South Australian Branch of the Electrical Trades Union; a representative of the Electrical Contractors' Association of South Australia; and a representative of the Minister of Education. Standard provisions are inserted to provide for the establishment and the procedure of this committee and for the appointment of alternative members to ensure that the committee is properly representative when a permanent member is absent. Clause 11 deals with the functions of the committee which are to investigate and report on any matter referred to it by the trust, and to carry out any function delegated to it by the trust. It is the intention of the trust that the actual issue of licences to individual workers and contractors will be delegated to the committee. The committee may, of its own motion, bring matters before the trust, but the trust will retain the ultimate responsibility for carrying out the administration of this legislation. Clause 12 enables the Governor to make regulations under this Act, and clauses 13 and 14 are normal procedural or evidentiary clauses.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 7. Page 2022.)

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I support the Bill, which relates to an agreement between the Government and the company concerned to establish an oil refinery. That agreement contains certain conditions, agreed between the two authorities, which were the subject of an indenture ratified by Parliament after due investigation. Obviously, it would be highly improper for Parliament or any other authority to try to alter such an agreement, unless the two parties desired an alteration; hence the indenture to which I have referred. The Bill involves wharfage charges in respect of oil coming into this State, which have always been important from the point of view of revenue. This was one of the items in the original agreement that necessitated much discussion to ensure that it was fair and reasonable in respect of both the company concerned and the Government of the day. The general basis on which the agreement was reached was that any oil products landed and treated in South Australia and subject to re-export would not be chargeable in respect of wharfage in this State.

If we had an industry to provide oil for other States, we obviously had the advantage also of a labour outlet, and other incidental

advantages as well. No wharfage charges were to be levied in respect of oil products exported out of the State, but in the case of oil products used within the State we were to make a subvention to the Treasury to provide revenue for the Harbors Board, as well as ultimately for the State.

The Minister has assured me that since this matter was raised in the House he has discussed it with the company concerned, and that it favours the proposed alteration. A Select Committee will examine the Bill to see whether the proposed agreement is reasonably fair to both parties and whether the proposed alteration can be accepted. I do not intend to discuss this aspect now, because it will be considered by the Select Committee.

Mr. SHANNON (Onkaparinga): The Bill has some merit from the State's point of view because its provisions will facilitate the transport of the product from the oil refinery to the country markets, wherever they may be, without the payment of wharfage. I think that is a most desirable amendment to the agreement between the refinery and the Government, particularly as it will result in some remission of charges. I imagine that Port Lincoln and Port Pirie will be two of the destinations involved in this movement of oil from the terminal of the pipeline from Port Stanvac to Birkenhead. That is a desirable arrangement, and it has my entire approval. I think the company and the Government are to be complimented on coming to this re-arrangement of the transport of fuel, particularly to country areas, for we can be sure that our people in distant parts will get the cheapest possible article.

Bill read a second time and referred to a Select Committee consisting of the Hon. C. D. Hutchens, the Hon. D. N. Brookman, the Hon. B. H. Teusner, Messrs. Hudson and Ryan; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on October 21.

REFERENDUM (STATE LOTTERIES) BILL.

(Continued from October 7. Page 2022.)

At 3.26 p.m. the managers proceeded to the conference, the sitting of the House being suspended. They returned at 7.30 p.m.

The Hon. FRANK WALSH (Premier and Treasurer): I have to report that the managers have been at the conference on the Referendum (State Lotteries) Bill, which was managed on behalf of the Legislative Council by the Hons. A. J. Shard, S. C. Bevan, R. C. DeGaris, Sir Lyell McEwin, and C. R. Story, and they there delivered the Bill, together with the resolution adopted by this House. Thereupon the managers for the two Houses conferred together, and it was agreed that they should recommend to their respective Houses that the Legislative Council do not further insist on its amendment No. 3 and that the House of Assembly amend clause 14 as follows:

In subclause (11) after paragraph (*c*) to insert:

> For the purposes of this section it shall be a valid and sufficient reason for a failure to vote if an elector has a conscientious objection to voting at the referendum.

That new subclause (11a) as follows be inserted:

> (11a) Proceedings for an offence against this section shall not be instituted unless the Governor, by proclamation in the *Gazette* before the issue of the writ, has amended the form of the prescribed question by striking out therefrom the words 'or under the authority of'. Notwithstanding any provision of this Act, the Governor is hereby authorized to make such a proclamation, and upon the making thereof the prescribed question and Forms A and B in the schedule shall be amended accordingly.

EDUCATION ACT AMENDMENT BILL.

In Committee.

(Continued from October 6. Page 2006.)

Clause 4—"Amendment of principal Act, Part IIB."

The Hon. R. R. LOVEDAY (Minister of Education): I said previously that I was prepared to consider the amendment foreshadowed by the Leader but that I thought the period of three years mentioned by him was too short. I wished to have time to further consider the matter. I knew there had been an agreement between the university and the Education Department in relation to the question the Leader raised. I should like to explain what this agreement is so that the Leader can decide whether he wishes to pursue his amendment, because I think that when he has had this matter explained he will see that the question about which he is concerned has been carefully dealt with. I appreciate his remarks in relation to the desirability of the arrangement proposed to be entered into, namely, that there should be some provision whereby the arrangement can be terminated if either of the two parties concerned desires it. I point out that the agreement in the first instance was reached between the officers of the university and the Education Department,

and it was made clear in that draft agreement that, in respect of the duties of the Principal as the Professor of Education, the person holding the two appointments would be responsible in respect of his professorial duties to the council of the university, and in respect of his duties as Principal of the teachers college he would be responsible to the Director of Education.

On all matters connected with Bedford Park Teachers College the Principal of the college would be responsible to, and would be entitled to communicate directly with, the Director of Education. The staff of the Bedford Park Teachers College would be appointed by the Minister on the recommendation of the Director in consultation with the Principal, so that it can be clearly seen that the Minister, on the recommendation of the Director of Education, would have the main say in that regard. The Principal of Bedford Park Teachers College would be free to experiment in the determination of the curricula and courses, and to diverge from the practice of other teachers colleges in accordance with the Education Act and subject to the Director's authority. He would enjoy the same freedom to experiment and to determine courses as the University of Adelaide at Bedford Park has in relation to the university at North Terrace.

Under the agreement an academic board consisting of nominees of the Education Department, and including nominees of the staff of the teachers college and of the academic staff of the university, would be set up to advise the Principal of the Bedford Park Teachers College on academic matters.

The committee appointed by the council of the university to examine applications and make a recommendation for the appointment of the Professor of Education at the university at Bedford Park would include the Director of Education and another representative of the Education Department. This committee would determine the terms of the advertisement for the applicants, and it is also intended (and this is of special importance in view of the Leader's proposed amendment) that the relationship of the Professor of Education to the teachers college, and the continuance of the joint appointment of the Professor of Education and the Principal of the teachers college, would be reviewed at the end of five years, or at an earlier date if either the university or the Education Department desired. If the Leader will consider that, he will realize there is ample provision in the draft agreement to take care of the position to which he referred, and it is intended that as soon as the Bill is passed the agreement will operate. This period gives time for a proper assessment and provides for any urgent situation. The Education Department would pay to the university a sum equal to half the salary of the person holding the two appointments, and this arrangement would continue as long as the same person held the two appointments.

The University of Adelaide would accept responsibility for superannuation and study leave. I point out that the Public Service Commissioner examined the matters raised in the draft agreement proposals, and he said that, in his opinion, they appeared reasonable and satisfactory to the Government, and he referred to the fact that the Government could terminate the agreement, if it regarded that necessary, at any time. If the Leader will consider these points he will realize that the position is well safeguarded, and I suggest the proposals in this draft agreement are adequate safeguards. I hope the Committee will support the measure without amendment, as it is more desirable to have this draft agreement operating than have it in the legislation, because if an alteration were necessary we would have to alter the legislation. The draft agreement is flexible, and will be acted upon immediately the legislation is passed. No-one need fear in that regard. The university and Education Department authorities are both happy about it, and are prepared to carry on with it.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I thank the Minister for giving to the Committee information about the term of the agreement. I think that probably it would be less embarrassing to the Government ultimately to set a definite term, which could be renewed. If a person is appointed for an indefinite period there cannot be a review of the appointment unless some real fault is found with it. It sometimes becomes difficult to review such an appointment without bringing personalities into the matter. My proposed amendment does not limit the period to three years. It was carefully prepared so that it would provide for the utmost flexibility.

I suggested that any "arrangement made pursuant to the provisions of this section shall not exceed a period of three years". That would not prevent the Minister from appointing the same person for a further period at the end of the first three years. My proposal would ensure that a definite period was set for

the appointment. I understand that the agreement referred to by the Minister contains a five-year period, but that term continues *ad infinitum* after five years. There may be no necessity to review the situation at the end of the five years. A person would have to step very much out of line for the position to be reviewed after five years.

Mr. Shannon: There would have to be some good reason before the position would be looked at.

The Hon. Sir THOMAS PLAYFORD: The matter would have to be officially raised with the university to terminate the appointment at the end of five years, or at a time earlier than that. It would be more desirable to have a fixed term, as we have with, say, the Agent-General. The matter would then be subject to a further examination before making another appointment. In connection with the appointment of a board, when the term of the appointment ends frequently a change is made in the board's composition. That is the advantage in having a fixed term. From an administrative point of view this appointment would work much better if it were for a fixed term.

The appointment should be limited to a specific term because new subsection (3) sets aside all the appeals machinery available to officers in the department in respect of promotion. That machinery was requested by officers of the Education Department and provided by Parliament in two separate fields over a period. The provision in Part IIB of this Act relates to special appointments and was designed to meet such a case as this. If this appointment is to be regarded as permanent, the exemption from the appeals provision of the Act that is provided in subsection (3) should not be there. I would not quibble about a five-year appointment provided that it was an appointment for a definite period rather than a continuing one without review.

Mr. Hudson: Your amendment as it stands would require additional legislation after a three-year or a five-year period.

The Hon. Sir THOMAS PLAYFORD: My amendment would provide for a three-year term, but the Minister, if he so desired, could make the same appointment for another three years and continue it as often as he wished.

The Hon. R. R. Loveday: It is no different from the agreement, in fact.

The Hon. Sir THOMAS PLAYFORD: I am sorry that I cannot agree. I understood the Minister to say that the agreement was for five years, but that it might be extended without further administrative action.

The Hon. R. R. LOVEDAY: I did not use those particular words. The words I used, with reference to the joint appointment, were "would be reviewed at the end of five years". Obviously, this means that the position will be looked at and, if it is satisfactory, it will continue. The university and the Education Department will say, "This is going very well. We shall renew the agreement for another five years," or whatever period they fancy. There is also provision for review earlier if either party considers that desirable.

Not only does this provision embody the review that the Leader is so emphatic about: if something urgent arises, either party will be able to say, "This is finished." Surely this is an advantage. The arrangement is flexible and it will not be necessary to await the amendment of legislation in order to carry on at any time with a different arrangement. I consider that this meets all the points that the Leader has raised.

The Hon. Sir THOMAS PLAYFORD: If the Minister can give an assurance that the position will be reviewed at the end of five years—

The Hon. R. R. Loveday: I assure the Leader that the words I have used are precisely in terms of the agreement.

The Hon. Sir THOMAS PLAYFORD: I am pleased to hear that the appointment is for five years, after which time it must be reviewed. The Minister, without giving any explanation, will be able to say, "We are not going to continue." That is satisfactory to me. I consider that such an arrangement is necessary, not only from the point of view of reviewing, but also in the interests of good relations between the departments and the university. The Professor of Education will know that, if he steps out of line, there will not be any review favourable to him at the end of five years. Of course, I say that without knowing the gentleman and without making derogatory remarks about him. In the circumstances, I shall not persist with my amendment regarding the term.

Mr. SHANNON: Certain factors about this matter merit consideration. The university will be the controlling authority in respect of the appointment, and that is as it should be. However, if the first appointee vacated the position and the new appointee was not satisfactory to the Education Department, the Government could be embarrassed, as some things

that did not have its approval might have happened while the first appointee held office. I appreciate what the Minister said about the agreement, and I agree that the matter can be reviewed, but the Minister could be placed in an embarrassing position if the training programme at Bedford Park did not measure up to that at similar institutions; he might want to do something about it.

The Minister has admitted that this is an experiment, so he should have a safeguard to assist him if things do not work out smoothly. I understand that the Director will have a great influence on the curricula at Bedford Park, and that may be good because this will give a great opportunity to introduce new ideas. However, as the Minister may be placed in an invidious position, I think he should have some way to review this matter. This aspect could be looked at.

The Hon. R. R. LOVEDAY: I appreciate the thoughts of the honourable member, but I pointed out that the arrangement could be terminated at an earlier date if either the university or the Education Department so desired. So this situation has been covered. In the matter of experimenting with the curricula and courses, I made it clear that any divergence from the practice of other teachers colleges would have to be in accordance with the Education Act and subject to the Director's authority. That point is well covered. The people who were engaged in drawing up this agreement are conversant with, and aware of, the difficulties that may be associated with it but, when one enters into anything that can be called new territory, one is entering into something which is, to some extent, unknown and one can make provisions only to fit the situation as one sees it. The parties to the agreement have done this to the best of their ability and have given this matter their careful thought.

Mr. Shannon: I am prepared to accept that.

Mr. HEASLIP: Is it necessary to make this dual appointment so soon? After all, the teachers college at Bedford Park may not be opened for another two years. I see no need for haste. We may change our minds in two years' time about the type of man we want.

The Hon. R. R. LOVEDAY: Two outstanding points have been raised. One is that the person who accepts this appointment must, of necessity, know what his ultimate duties will be after the initial period of two years, when the teachers college starts to operate. Therefore, it is most important that the position be clear to the applicants. As the new university at Bedford Park will probably commence operating in about March of next year, it is obvious that the advertisement in respect of this appointment must appear soon. As I said earlier, it will be published in various parts of the world and, therefore, considerable time will pass before an appointment is made. As the university will commence in, say, March, 1966, it is urgent that the Bill be passed so that the appointment can be made. Even though the teachers college may not actually be operating until after about two years, I believe it will be clear to the honourable member that there will be much preparatory work in organizing courses and the curricula (probably 12 months' work) prior to the opening of the college.

Mr. Shannon: Could portion of the university be used as a teachers college for a time?

The Hon. R. R. LOVEDAY: I cannot answer that question definitely because it has not been put to me. I believe the points I have made will show the honourable member that the matter is urgent. It is regarded as such by both the Education Department and the university, with their knowledge of what is needed.

The Hon. Sir THOMAS PLAYFORD: In the last paragraph of clause 4 are set out terms regarding the enrolment of staff for the teachers college. The Minister referred to particular provisions with regard to the appointment of the staff for the teachers college, and they do not appear to be in accordance with the provisions of the Education Act. I should like the Minister to set them out so that honourable members can see what they are. How can provisions that do not appear to be in accordance with the Education Act be agreed to? The exemption in clause 4 appears to cover the appointment of the Principal only.

The Hon. R. R. LOVEDAY: As I said before, the staff of the Bedford Park Teachers College will be appointed by the Minister on the recommendation of the Director of Education in consultation with the Principal.

Mr. Shannon: And they will have the right of appeal?

The Hon. R. R. LOVEDAY: Yes. In other words, they will be in the same category as other teachers at the teachers colleges; otherwise, there will have to be a provision included to meet that particular situation.

Clause passed.

Title passed.

Bill read a third time and passed.

MAINTENANCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 7. Page 2034.)

The Hon. G. G. PEARSON (Flinders): When I was granted leave to continue my remarks I had been discussing the powers given under the Bill to the Minister to enlarge the scope of the activities of the department so as to enter new fields. I had been referring to the power to establish homes and community centres and to use departmental officers and facilities in the promotion of social welfare within the community. I pass from that aspect to the next point the Minister made in his explanation of the Bill. The Minister said:

It is the Government's view that it is necessary to provide officers who will be concerned generally with family welfare. . . . It is the Government's belief that we should have power to extend the board's activities into the general family welfare field. Although this will have to be carefully done . . . it will have to be done at the outset.

I have some misgivings as to the wisdom of venturing into what the Minister describes as the general family welfare field. He himself obviously has given some thought to this matter because he says that the venture will have to be undertaken with considerable care. I, in common with other members, have found myself more than once in the position of being approached by a constituent for some advice in this field, and how difficult that is all members know. Problems arise in the domestic field and within the family circle, or what under ideal circumstances ought to be the family circle but it turns out very often to be a disintegrating circle where the centrifugal forces from within have, in effect, blown the family asunder. This is a most difficult situation for any person to be involved in as an adviser or as one called in to try to repair the damage. I do not know whether the Minister means to venture into this field, which is really within the province of the Marriage Guidance Council; if he does then I suggest that a great deal of care needs to be taken. I believe that this is a specialist field and one for which Government departments are not equipped. I believe it is a field which frequently, if not always, involves a good deal of psychology, and possibly also some religious aspects.

Be that as it may, I do not deny for one moment that it is a field where assistance is needed. In these days values have changed to the extent that people's concern for the material things have out-run their judgment and their attachment to things that are not material. In their concern to satisfy what they consider to be material requirements they completely lose touch with a concern for other things that are more lasting and important. In many cases where I have discussed these things, one concludes that the ideas and aspirations of the family are such that the more meaningful things of life are neglected, and that this is the root cause of the trouble within. However, if it is the Minister's desire (and I can understand his desire, and do not criticize him for having it) to render service in this held, it needs to be done carefully. At this stage I doubt the wisdom of venturing into this field: I do not object violently to it, but I doubt the wisdom of it, as there are other agencies which, if given suitable assistance and financial support by the Government, would be far better equipped to do this sort of social work than is the Minister's departmental officers.

The Hon. D. A. Dunstan: Such as which agencies?

The Hon. G. G. PEARSON: The Marriage Guidance Council, for one.

The Hon. D. A. Dunstan: It can only act in a limited field.

The Hon. G. G. PEARSON: But that is the field with which I am concerned.

The Hon. D. A. Dunstan: There are other serious gaps at the moment.

The Hon. G. G. PEARSON: That may be, but in this field the Minister would be well advised to support those people who are already working in it.

The Hon. D. A. Dunstan: We are.

The Hon. G. G. PEARSON: Yes, and so did we, but it could be done to a greater extent if the Minister so desired. The field of counselling should be left to these people. I do not oppose the proposals, because I realize that much help and assistance is necessary in this field, but I doubt whether the department is the right one to do this in certain cases.

I do not intend to discuss in detail the mass of legislation of this Bill. However, I should like to touch on one or two outstanding matters and leave the rest until the Committee stages. I am concerned about the maintenance provisions and about the way it is intended to amend the Act in order to provide them. The Bill has many new provisions for the tightening up and enforcement of maintenance generally, and of that I do not complain. I believe that in the past many deserving cases have been unsolved and that hardships have devolved on one party to an unfair extent. The practice has grown substantially in the last two, three or four years for people to skip over the

border and escape their proper obligations for maintenance. It is excellent that the Attorneys-General of the Commonwealth and the States have come to certain conclusions and that this legislation conforms with those conclusions. A provision in the Bill enables a justices' court to make an order for what are known as "preliminary expenses", which widens the previous concept of confinement expenses. I presume that an expectant mother who may be working reaches the stage where it is necessary for her to leave her employment, at which point she has no earning capacity and is considered a charge on the defendant. I find no fault with that.

Whereas the old law made the father liable for funeral expenses in the case of a child's death, he would now be liable for the funeral expenses in the event of the death of the child's mother. I cannot see much wrong with that, either. However, when all these things are added together, it is evident that the scales are heavily weighted against the father of the child. Under new section 65 he is actually liable for maintenance before the case has been heard. I take it that I am correct in the interpretation that, if the mother makes a complaint supported by an affidavit, the justice may make an order for maintenance of the mother prior to the birth of the child, and of the child and mother after the confinement.

The Hon. D. A. Dunstan: It can be in respect of the father of the child.

Mr. Millhouse: That would be unusual.

The Hon. D. A. Dunstan: But it is possible.

The Hon. G. G. PEARSON: I know the Minister is not putting that forward seriously as a counter to my argument, and that he accepts the validity of my argument. The only escape the father may have is that the mother in the case was, at the time of conception, a common prostitute. I am not offering excuses for the men involved, but I believe the courts have commented on this matter more than once. The promiscuous behaviour and moral attitude of the woman in the case is often such that she will offer some serious inducement, and in some cases she is found to be as blameworthy as the man is.

The Hon. D. A. Dunstan: Yes, but of course if a man has been responsible for bringing a child into the world, he has obligations towards it. If a woman cannot maintain a child, obviously the man does.

The Hon. G. G. PEARSON: I am not decrying this matter entirely, but it takes two to make a bargain. Often it is a bargain that each of the parties is equally willing to undertake.

The Hon. D. A. Dunstan: That is true, but if he has not the money to maintain the child what is to be done?

The Hon. G. G. PEARSON: In that event there could be an attachment order, and then there would be a waiting period. If eventually the man got some money the order would stand against him. I do not object to maintenance as a general principle, but here is a case where action may be taken and an order made before the case has been properly decided. If a complaint is made on affidavit the court may act on it.

The Hon. D. A. Dunstan: But that would not be the final order.

The Hon. G. G. PEARSON: Exactly, but the order would have been made and it could not be varied or repealed. The clause says that. I refer to new section 65. Suppose the man is ordered to pay maintenance before the matter has been resolved and suppose the court, after mature consideration, decides that it is not a proper case for maintenance, what happens then? He will have been paying maintenance and the order cannot be varied. The only time that such an order can be varied is covered by new section 65. If twins are born the order may be varied by a doubling of the maintenance amount, or something added to it. I think the Minister would have objected to this if it had arisen in any other legislation, that is, if a person had been found guilty and ordered to pay maintenance before the case had been determined by the court.

The Hon. D. A. Dunstan: Has the honourable member noticed that the Government intends to amend the clause by striking out subsection (4)?

The Hon. G. G. PEARSON: I have had as good a look at this as has been possible, and I have taken my cue from the Minister's remarks in his second reading explanation. Possibly there are some answers to the points I have raised. However, as I see it, if the prospective mother makes a complaint to the court by medium of an affidavit the court can *ex parte* make an order against the alleged father of the child, and the order is at once binding upon him. He is liable for preliminary expenses and various other items.

The Hon. D. A. Dunstan: But the order can be varied.

The Hon. G. G. PEARSON: Section 65 says it cannot be varied.

The Hon. D. A. Dunstan: If the honourable member will look at the next page he will understand what I am saying. The Government intends to move an amendment.

The Hon. G. G. PEARSON: I am glad to hear it, because the Minister has obviously picked up the point I am making. I will leave the matter until the Committee stage to see how the amendment fits in. I am pleased that the Minister has considered it necessary to make an amendment to the original drafting. The next point I wish to mention deals with access to children. The Minister said:

At the moment, incredible troubles occur from time to time over the access. Difficulties are often created by either of the parties to an order and this provision will mean that the court will have some ready means of seeing that the court orders are obeyed and that trouble in relation to the children is not, in fact, wreaked upon the children who would then become the unfortunate and innocent victims of disputes between their parents.

The little experience I have had has shown me that this is a most difficult aspect of separation cases. I think the Minister will agree that rarely does an order for the custody of children work really well. It seems that one party, in pursuing his or her right of access to the children, invariably uses it as an excuse to keep the old wounds open.

I have known many cases where a court has made an order for the mother to have custody of the children, with the husband having the right to see them at certain stated intervals, and where every time the husband has exercised his right under the order a new row has developed in the house, either when he has arrived or before he has left. There seems to be a degree of competition between the parents to see who can alienate the children from the other party. There is trouble at almost every visit.

I do not know the answer and I realize that I must be careful here lest it is alleged that I am criticizing orders made by courts. However, I think that those who make the orders will agree with me that trouble does occur. Our courts and judges might well consider the advisability of making a clean cut of the matter by saying, "With the wisdom of Solomon, I have to decide in whose hands the children are best placed." It could be left at that and no problem about access, with its attendant difficulties, would arise.

The Hon. D. A. Dunstan: Unfortunately, that would sometimes deprive a child of the right to see its parent.

The Hon. G. G. PEARSON: The Minister says that he hopes to avoid the position where the children are the subject of perpetual animosity between the parents. If he is considering the welfare of the children (and that is what the courts set out to do) he may give further thought to this matter at a later stage. The trouble is carried forward when the party who has custody of the children marries again. It is most regrettable that people who marry in haste and repent at leisure perpetuate the repentance until the children grow up and leave the home. I think that sums up the main points that I want to make about this Bill. I am anxious that some progress be made in this field but I think the Minister is making a mistake in taking upon himself responsibility for the management and decision-making aspects of the legislation. I think that he will regret it and that he will hand on to his successor, whoever he may be, a legacy of many troubles. I believe that there is much wisdom in a multitude of minds and that, although it may be more difficult to have many people making a decision, in the long run it is wise. The Minister said in relation to adoptions:

There have been instances in most States where young children have been living under most unsatisfactory conditions or with unsuitable persons, having been handed over recklessly or capriciously by their parents for fostering or adoption, and in some cases parents have had difficulty in recovering custody of their children.

Is it proposed that after a child has been legally adopted the adoption shall come up for review?

The Hon. D. A. Dunstan: No.

The Hon. G. G. PEARSON: I am glad of that, as there would be chaos if there were reviews. Fostering is another matter, as no legality is involved. In some cases the mother decides that the child may be fostered but then changes her mind. As this type of mother usually suffers from instability, I consider that once the decision is made it is wise to stick to it. However, this may vary with individual cases.

I believe that in Committee there is a case to reconsider some of the problems I have raised. I think people more experienced than I am about the details of this matter will consider them. I do not think the Government or the Minister can expect to get the measure through this Chamber without some amendment, and I hope the Minister is prepared to consider amendments. If he is, I am prepared to support the second reading.

Mr. MILLHOUSE (Mitcham): Last Saturday morning in the *Advertiser* appeared

an article written by Mr. Stewart Cockburn that I guess sprang out of this discussion. It was headed "Social Welfare under Review", and I must say that I agreed with most of the views he expressed on the general topic of social services and social welfare (whatever that phrase may mean) in the community. However, I found it difficult to agree with one point he made when he said, "A debate of a high standard appears certain." I find this is an extremely difficult matter to debate. The very fact that not one member on the Government side, except the Minister in charge of the Bill, has so far bestirred himself or herself to speak on this Bill (a long one dealing with a most important topic) shows its difficulty. It is ironical that, so far, no member on the Government side has spoken and there has been comparatively little debate on this matter compared with the debate we had on the celebrated Referendum (State Lotteries) Bill. In my view, this Bill is many times more important than that in its ramifications and ultimate effect on the community, yet that Bill was debated in both Houses and created a tremendous amount of comment amongst members and also in the community, while this Bill has attracted comparatively little comment so far.

It is one of the ironies, I suppose, that that Bill is short and easy to understand, and therefore people are prepared to debate it, whereas this is long and difficult to understand and therefore it daunts most people from tackling it at all. Having said that and before I develop that point, there is one matter with which I entirely agree—the abolition of the Children's Welfare and Public Relief Board. Many years ago, long before this Government came into office, I made up my mind that the board should not continue and that, although there were disadvantages in having the control of these matters directly under a Minister, that was preferable to a continuation of the board. I stress that I do not have anything personal against any of the members of the board, some of whom I know and all of whom I respect, but, as I have said, I came to the firm conclusion many years ago, both as a result of my experience as a member of Parliament and from my professional experience, limited though it had been in this sphere, that the time had come for the board to disappear. But, having made that point and said that I agree with that general principle in the Bill, I want, if I may do so in a spirit of friendliness and, I hope, charity, to take the Minister to task for the appalling way in which this Bill has been presented to the House. I have already said that I think most people have been daunted from even tackling it because of its length and complexity. Certainly, with the one exception of a man who was an officer in the department and is now an articled law clerk, I have not found anybody in the profession bold enough to tackle this Bill seriously, which I think is most unfortunate.

But, as I say, this is a very difficult Bill to deal with. I myself found that the only way in which it could be done was to take a clean copy of the Maintenance Act (as it is now in force—and there was, luckily, a reprint of it up to April fool's day, 1964), take the Bill and note the amendments to the Act (that in itself being a process occupying many hours) and then, with the aid of the Minister's explanation, try to understand the purport of the amendments. That is a long and wearying process, but it must be gone through if the Bill is to be examined in detail. So, this afternoon I gave notice that I would move that the Bill be withdrawn and redrafted so that the original principal Act could, in the process, be repealed. I believe that is the only way in which we will get any clarity on the matter. If one looks at the Bill in detail (and I say this with due respect to the Minister and, of course, to the Parliamentary Draftsman), one sees that it is a botch; it is a hotch-potch that is almost impossible to follow. All members have a responsibility to follow it, but the only way in which it can be followed is by the repeal of the principal Act and by the introduction of an entirely new Bill, incorporating the amendments (if that is the desire) in the present amending Bill.

I wish to refer to many points that show that the Bill is a botch. First, it is a most extraordinary procedure, as is provided in clause 1 (2), to say, "The Maintenance Act, 1926-1963, as amended by this Act, may be cited as the 'Social Welfare Act, 1926-1965'." By this amending Bill the name of the principal Act will be changed, but this is not a particularly serious matter: it is only the first of a number of matters to which I shall refer. More serious is that the principal Act (the Maintenance Act, as in force now) has 208 sections. The Bill has 148 clauses and this print contains 132 pages. That is not the end of it because many of those clauses contain dozens of new sections. I shall give a few examples. Clause 8, which abolishes the board and sets up the Minister as a body corporate (whatever a body corporate is in this State)

under the style of Minister of Social Welfare—

The Hon. D. A. Dunstan: That is fairly standard procedure.

Mr. MILLHOUSE: It may be; I brought it up only as an aside—I did not mean to draw in the Minister. That clause contains 34 new sections. Clause 9 has four new sections, sections 39a to 39d. Clause 45 includes 21 new sections, covers 12 pages, and has such ghastly numbers as new sections 96c and 96g, and even 96ka. However, the worst of the lot is clause 48, which covers 31 pages and contains 44 new sections. Yet hardly any explanation of the significance of this clause was given by the Minister in his second reading explanation. All the Minister was prepared to say, as reported in *Hansard* at page 694, was:

The provisions of this Division are very detailed—

and any fool can see that by opening the pages—

and provide procedures for all practical and foreseeable contingencies which will be uniform throughout Australia.

That is an insult to this House. I do not know whether the Minister expects this House to swallow this without making any protest at all. I do not know whether he or his ghost writer expects the House not to want some explanation of 44 clauses which replace two Acts of Parliament and which he himself says are complicated. Why has the Minister not bothered to give any explanation at all of these matters? As I say, this is an affront to the House, and I am surprised that the Minister (after what I heard from him when he was in Opposition for 12 years) should be prepared to do this. That, admittedly, is the worst example we have in this Bill of this sort of thing, but it is the worst I have ever known since I have been a member of this House, and I do not believe this House should put up with that sort of thing.

There are dozens of proposed new sections in many of the clauses. Everyone has been saying that this is a Committee Bill, but how on earth are we to tackle this in Committee? I always understood that the purpose of the Committee proceedings was to discuss Bills clause by clause, but how on earth are we going to do this? Are we going to take clause 48, with 44 sections in it, as a whole? We will be getting down to the standard adopted in Canberra, where they have hardly any Committee stages at all, if we do this sort of thing. I am surprised (and I voice my very strongest criticism about it) that the Minister is prepared to bring in a Bill in this form.

Going on from this point, we find that the Minister himself has 3½ pages of amendments on his amendments—almost as many amendments on his amendments as is usual in an amending Bill. When one tries to follow these, one finds that they are impossible to follow on their own. The only way I could do it (and I have described how I painfully amended a clean copy of the Act with his amendments) was to go through and amend the amendments. We find that there is a new clause 180a, which obviously makes a substantial alteration in the law as it stands at present, and we have not had any explanation of that at all and we will not get any explanation, I suppose, until right at the end of the Committee stages, if the Bill goes through in this form.

The Hon. D. A. Dunstan: There is a contingent notice of motion about it.

Mr. MILLHOUSE: Of course there is, and when does the Minister expect that he will be kind enough to explain what clause 180a, and all the other amendments on the amendments mean? The member for Flinders could certainly be pardoned a moment ago when he was discussing new section 65 for not realizing that one of the amendments on the proposed amendment will cut out new section 65 (4) which in itself very largely alters the complexion of new section 65; but one cannot even tell that unless one goes painfully through the 3½ pages of very detailed amendments which the Minister has on the file. This sort of thing ought not to be. Then again, there are a number of outright mistakes in the drafting, and I refer to only one. In a number of places the Bill refers to what is termed the "Adelaide Magistrate's Court". Now, I do not know what the Adelaide Magistrate's Court is. I think it is probably the name the Minister proposed to give to the Adelaide Police Court before the magistrates kicked up a dust about it.

The Hon. D. A. Dunstan: There is no such place as the Adelaide Police Court.

Mr. MILLHOUSE: Well, what does the Minister mean by "Adelaide Magistrate's Court"?

The Hon. D. A. Dunstan: I mean the "Adelaide Court of Summary Jurisdiction".

Mr. MILLHOUSE: Well, why don't you call it that?

The Hon. D. A. Dunstan: Because the Adelaide Magistrate's Court is just as good a name as the Adelaide Police Court, and I am sure everybody knows what it means.

Mr. MILLHOUSE: I bet they do not. This is on page 73, and one of the references is in new section 99dd (1). The Bill does not call it the Adelaide Magistrate's Court, but states, ". . . the court known as the Adelaide Magistrate's Court." There is no court known as the Adelaide Magistrate's Court. This is not the only case in which this error, trifling perhaps, appears in the Bill.

The Hon. D. A. Dunstan: Don't you think we can remedy that before the Bill is passed?

Mr. MILLHOUSE: Yes, but these things should not be in the Bill when it is presented to this House. I challenge the Minister to say that I am wrong when I say that he was going to use this name in respect of the Adelaide Police Court. He forgot to alter the Bill when that proposal fell through.

The Hon. D. A. Dunstan: On the contrary, that is not true.

Mr. MILLHOUSE: This Bill is full of mistakes. It has a number of clauses with which we will not be able to deal in Committee. There are no explanations of many of the clauses and whole chunks of the Bill. To sum up, it is just not appropriate to graft onto what is already a complicated Act an even more complicated amending Bill. What we should do (and what the Minister should do) is to make a fresh start and to repeal the Maintenance Act and the other Acts which he intends to repeal by this Bill, and to start again. I accept that there may be technical difficulties in doing that but, with the aid of the skilful draftsmen we have, these difficulties are not insuperable.

The Hon. D. A. Dunstan: I give you full permission to consult him on that.

Mr. MILLHOUSE: In any case, this is a complicated branch of the law. It is a specialized branch of the law; yet, on the other hand, it is an Act which is used and which must be interpreted frequently by people untrained in the law, and no efforts should be spared to make it intelligible. I am afraid (if I may say so with due charity to my friend the Attorney-General) that this Bill has all the hallmarks of the impatience of a new Minister in a hurry.

Mr. Jennings: It has been on the Notice Paper a fair while.

Mr. MILLHOUSE: It is a great pity that, in introducing his first major Bill in the House, the Attorney-General introduced one that is in such a mess before we get it. Having said those things in support of the motion which I intend to move in a moment, I want to say a few more things about this measure. The Minister, in his second reading explanation, was gracious enough to say that the Government was not wedded to the precise details of the Bill but that it would allow and even welcome amendments. I believe it would be dangerous to try to amend many matters. They are too complicated and too technical to be able to draw amendments which will hold water, and which will be successful in the House, and the Minister's offer is far more apparent than real in its value. Having said that, I shall refer to a dozen or so points in the Bill, and I hope that the Minister, when he does withdraw the Bill for its re-drafting, will bear them in mind.

The Hon. D. A. Dunstan: You are hopeful!

Mr. MILLHOUSE: I am always hopeful and, after what I have said, I am sure that there will be no doubt about it. I refer to an omission by the Attorney-General. I was disappointed that he did not see fit to amend the definition of "near relative" in section 5. At present, "near relative", as regards a child other than an illegitimate child, means and includes the father, mother, stepfather, stepmother, grandfathers and grandmothers of the child; and, as regards an illegitimate child, means and includes the mother, father, and so on.

Mrs. Steele: That is archaic.

Mr. MILLHOUSE: As my fair friend from Burnside says, that is archaic, and I am surprised the Minister did not cut out the archaic part. I refer, of course, to the obligation of grandparents and grandchildren for the maintenance of their grandchildren or grandparents. That may have been an appropriate provision when the original Act was drawn, I think, in the 1880's, but I suggest it is now out of keeping with the present ideas in the community, and I am surprised the Minister did not take this opportunity to amend that definition of "near relative". Secondly (and this, again, appears in the present Act and has crept into the new Bill, but I do not think it should), new section 11 (1) provides:

> Subject to subsection (2) of this section, the Director and Deputy Director and all other officers of the department shall be appointed in accordance with the Public Service Act, 1936-1958, as amended, and all employees of the department shall be appointed by the Minister.

I do not know what the difference is between an officer of the department and an employee of the department.

The Hon. D. A. Dunstan: Some employees of the department are not public servants, as matters stand.

Mr. MILLHOUSE: Does the Minister intend to increase the number of employees?

The Hon. D. A. Dunstan: Only as the department grows.

Mr. MILLHOUSE: Employees are at the mercy of the Minister. They are appointed by him and therefore, presumably, they can be dismissed by him without their having any rights under the Public Service Act, which officers of the department have.

The Hon. D. A. Dunstan: True, and that is the situation at the moment.

Mr. MILLHOUSE: Yes, but I think it is an undesirable situation, and I am sorry that the Minister has perpetuated it.

The Hon. D. A. Dunstan: It is not possible to provide that everybody in the department shall be under the Public Service Act.

Mr. MILLHOUSE: It is one more support for the argument advanced by members on this side, namely, that the Minister as a body corporate (and I do not refer particularly to the present Minister because, after all, he may not be the Minister in five or six months' time) is receiving too much power. Thirdly, new section 14 relates to the general powers and functions of the Minister. We have the strange situation that the important phrase "social welfare", which is bandied about all over this Bill, and which trips so lightly off the Attorney-General's tongue, is no-where defined in the Bill itself, and nobody knows just what social welfare embraces.

What does the term "social welfare" mean? I can see that the member for Glenelg is puzzled, and I do not blame him for that, because this phrase is as wide as the world. No attempt is made to define it. It should be defined, in my view, and the Minister should try to define it. Fourthly, I refer to the report to be laid before the House about which I asked the Minister in the House today. New section 18 differs significantly from the present section in the Act. Under new section 18 (1) all the Director has to do is to submit annually to the Minister a report on the administration of this Act and of the work of the department for the year ended June 30 preceding the report. There is no date set down by which the Director has to report to the Minister on the work of the department, nor does this new section set out what that report shall contain. The second subsection of this new section provides that the Minister shall cause such report to be laid before both Houses of Parliament within three weeks after receiving the same. That is good, but compare the provisions of the first subsection with the present provisions of the Act and it will be found that the latter are much more specific. Alas, they have been observed far more in the breach than in the observance during the last few years! However, that does not alter the fact that, with the Minister assuming the powers of the board, it is even more important than before that Parliament should have a detailed report on the proceedings of the Minister. Section 15 (1) states:

The board shall, on or before the first day of September in each year, report to the Governor on the working of this Act, and shall in such report specify the number of children and destitute persons in the several institutions and asylums, the number of children placed out and apprenticed during the period covered by the report, the nature and value of the relief given by the board to destitute persons, including the weekly payments to children under Division III of Part II of this Act, and set out a summary of the receipts and expenditure of the board during the same period, and any other particulars which the Chief Secretary may direct from time to time to be included in such report.

I believe that the provisions for the report in this Bill should be at least as detailed as they are under the Act. I also believe that the Minister should see that that report is presented to him by the Director on time and that it is then laid before this House. One of the matters that has been raised by members on this side of the House is that the Minister will under the provisions of this Bill be responsible for the disbursement of relief. This should not, even in his own interests, be something in which he is entirely unfettered, and even the slight fetter of a report to Parliament is something that should be inserted both for his own protection and that of the people of this State. I hope that something will be done to re-insert in this Bill the provisions in regard to a report.

I now come to one of the more serious objections that I have to the present Bill, and it is one that I can imagine the Minister would have been hopping up about when he was on this side of the House. I refer to the sweeping powers, not mentioned in his second reading explanation, under the proposed new section 19 regarding the Director. It reads:

Subject to this Act and to the directions of the Minister, the Director may—

and then follow a number of placita in subsection (1). Subsection (2) states:

The Director may and, if so required by the Minister or a court, shall investigate or cause an investigation to be made into the affairs of any person who is alleged to be a person who by reason of age, disease, illness or physical or mental infirmity, is unable, wholly or partially, to manage his affairs.

I do not object to such investigation and report to be made when it is ordered by a court, but I

see grave disadvantages and dangers in giving the Director the power to do it, as it were, as an executive matter and not as a direction from the court. I do not believe that that section should be left as it stands. Even worse, new section 19 (4) states:

For the purposes of any investigation under this section the Director or any officer of the department may enter any building or premises where any person whose affairs are being investigated is present.

This is a sweeping power of entry and search, which is entirely in the discretion of the Director (or the Minister, because the Director must act at his direction) and I am surprised that the Minister would go so far as to authorize the inclusion of such a power. It is a dangerous power, one that should not be given in any circumstances to the Director or to any executive officer of the Government. The next point to which I refer is new section 33(2), which says:

If the court is of opinion that such person or the near relative as aforesaid is able to repay the whole or part of the amount or cost of such relief and that such circumstances exist as to make the repayment desirable . .

That is the phrase to which I particularly refer. The section goes on:

. . . it may order such person or near relative as aforesaid to pay to the Director such sum of money either in one sum or by instalments as in its judgment such person or near relative as aforesaid can reasonably afford and ought to contribute towards such relief.

The phrase "and that such circumstances exist as to make the repayment desirable" was inserted, if I am correct, by the then Opposition as an amendment in 1963 but, so far as I am aware, it has not been judicially defined and it has no precise meaning. Again, I am surprised that the Minister, in his present position of some responsibility, is leaving that phrase in the Bill.

The Hon. D. A. Dunstan: If it was a good phrase then, it would be good now.

Mr. MILLHOUSE: Perhaps the Minister will be kind enough, when he replies to this debate, to say what he thinks it means and what effect he thinks it has in this clause. The phrase does not seem to me to be satisfactory as it stands. I now come to a matter about which I think the Opposition itself used to complain when it was on this side of the House. I refer to new section 39, which reads as follows:

The Director shall not deduct from moneys in his hands received as payments of maintenance for or on behalf of any person any sum or sums for repayment to him of relief granted under this Division except upon the written authority of that person or upon the order of a court of summary jurisdiction made on complaint of the Director or an officer of the department that the means of the person are sufficient to allow the deduction to be made without hardship.

I understand that what happens is this (and the Minister will tell me if I am wrong): there is in the department what is known as the periodic relief equivalent and the way it works is set out in a note that I shall read, because it is obviously something that I would not know at first hand. The note says:

A predetermined scale fixes the relief entitlement of a woman according to the number and age of her children, liability for rent, etc. A deserted wife receives this amount of relief until such time as she is in receipt of maintenance from her husband. This may be some months—the husband must be located, summoned to court for the making of a maintenance order, and should he fail to pay, resummoned in proceedings for non-compliance. If, when maintenance eventually begins to flow into the Children's Welfare Department, the amount is above the P.R.E., the wife is nevertheless given only that amount of maintenance equal to the P.R.E., whilst the balance whatever its amount, is retained until all the relief paid out has been recouped. The wife may thus be kept on the relief rate for months or even years after the husband has commenced regular maintenance payments.

The Opposition, I think in an effort to overcome this, inserted in the Act in 1963 the clause, "except upon the written authority of that person", or that got into the Act at that time.

The Hon. D. A. Dunstan: That was an amendment to our amendment that was insisted on by the then Premier.

Mr. MILLHOUSE: Yes. The way the department has operated on this is to get in advance of any payment of relief an undertaking or a written authority from the woman authorizing repayment when maintenance is forthcoming from the husband. Although that is a true authority it is not an unfetterred authority, because the implied threat is that unless she gives the authority she will not get any relief. I consider that this proposed section should come out, because I understand that by its practice the department is getting around what should be the correct position.

I wish to deal now with a couple of smaller matters in new sections 54 (2) and 61a (12). The first of these provides that a woman's pregnancy may be proved by the certificate of a medical practitioner, and the second provides for a pathologist to forward a certificate to the clerk of the court as to a blood test. I take it that both of these have been inserted

with the object of shortening and simplifying procedures, but I think it may be undesirable that these matters should rest simply on a certificate. I think that in both cases the medical practitioner or pathologist should come to the court to give evidence orally, because there could well be certain matters on which it would be desirable for them to be cross-examined. The insertion of these two provisions will mean that they will not be available for cross-examination.

I come now to the clause referred to by the member for Flinders (Hon. G. G. Pearson) a few minutes ago; I refer to new section 65. This is in my view even worse than the honourable member has said it is, as I point out that the two justices to whom application is made need not be sitting as a court. This new section provides:

(1) Upon *ex parte* application made to any two justices of the peace (whether sitting as a court of summary jurisdiction or otherwise) at any time after complaint made under this Division for the maintenance of a child of the family the justices may order the defendant to pay for the maintenance of the child such amount (being not more than £3 per week) as the justices think reasonable until the expiration of three months from the making of the order . . .

What undoubtedly will happen is that there will be a couple of tame justices in the department, these orders will be made automatically as a matter of course, and they can be re-used every three months if necessary. The Minister knows as well as anyone does of the long waiting list in the maintenance court.

The Hon. D. A. Dunstan: It is not very bad at the moment.

Mr. MILLHOUSE: It has been bad in the past.

The Hon. D. A. Dunstan: I have checked recently, and there is very little wait on contested maintenance cases.

Mr. MILLHOUSE: If that is so, it is a good thing, but it could easily become long again.

The Hon. D. A. Dunstan: I assure the honourable member that that is not so.

Mr. MILLHOUSE: The Minister is living too much in the present. We do not know what will happen in the future. This is a bad provision because, as I say, there may well be just a couple of tame justices in the department who will grant these applications, and that can go on from time to time for a long time. I am glad to see that in one of his amendments the Minister has cut out what was the worst subsection in that section, that there would not be any "appeal, suspension or variation". At least he has cut that out, but still this is a most objectionable section.

There are a number of other matters that I could mention, but I will mention only two now. The first of them is proposed new section 162a. I do not know whether the Minister meant this to happen, but it gives him the power to close down any junior boarding school in the State. That is a power that even he would find too sweeping, because this is the section as it now stands:

No person shall keep or conduct a place as a children's home in which more than five children under the age of twelve years are at any time received, cared for, maintained or trained apart from their parents or guardians unless he is the holder of a valid licence in respect of such place granted to him under this section and he complies with such terms and conditions (if any) as are specified in the licence or are prescribed.

There are no conditions prescribed in the section but there is a provision that:

The Minister may, by notice in writing served on the holder of a licence and for such reasons as appear to him proper, cancel the licence.

There is a penalty of a fine of £100 and, for any subsequent offence, imprisonment for a period not exceeding two years. It is obvious that, if one looks at the definition of "children's home" earlier in the Bill, this would cover a junior boarding school for either boys or girls. I do not know whether the Minister proposed, expected or meant to take the power that he takes under this new section but, if he did, I think it is far too sweeping. Why on earth he should have the power to close down the boarding school of the preparatory school at St. Peter's College or at Prince Alfred College or at any of the girls' or other boys' schools I do not know. Why it is necessary for there to be licences for such boarding schools I do not know. I suspect it is an example of sloppy drafting. It is certainly something that should not be allowed to remain in the Bill.

The final matter to which I refer is new section 170, and here again it is a matter of sweeping power being taken by the Minister. This section states:

No person shall whether with the consent of a parent or guardian of the child or otherwise, care for or keep in his immediate custody any child under the age of twelve years for any continuous period exceeding six months or for periods aggregating more than six months in any period of twelve months unless—

(*a*) the person is a near relative or the spouse of a near relative of the child;

(*b*) the person is the holder of a valid licence granted under section 162a or section 168 of this Act;

(*c*) the person is authorized in writing by the Director to care for such child or to keep the child in his immediate custody;

(*d*) the person is the principal or person in charge of a school or hospital and the child is an inmate of that school or hospital; or

(*e*) the child is a State child placed out with that person in accordance with this Act.

I understand that this is a new power. When I was going through the Bill, I tried (as I guess everybody did) to relate these powers to actual cases.

I was immediately reminded of a case that occurred in my district a few years ago. If this power had been in the Act at that time the outcome of the case would have been different. The facts of that case (and I raised them in the House at the time) were that a small part-Aboriginal boy had been placed with a family for fostering; I think he was 3½ years old at the time. He spent 18 months with the family as a foster child and then the department, being dissatisfied with the conditions in the home, revoked the foster mother's licence and proposed to take the child away. As a result of representations that many people in the district made to me and through me, the child stayed with the family even though the foster mother's licence was revoked. For some time there was a stalemate; the department insisted that the child should leave, and those in the district and her husband insisted that he should stay. Eventually I advised the family to apply for the adoption of the child. They already had other children of their own, but they made application to the court for adoption. The department opposed the application as strongly as it could. I am glad to say that the court, consisting of the magistrate and two justices, over-rode the department's opposition and made an order for adoption. The case ended happily with the child being legally adopted into that family. If this power had been in the Act at the time, the child would have been taken away and the outcome would not have been as it was. It is all very well for the Minister to say in his second reading explanation that this power is necessary and desirable. However, this would have been a case in which it would have been utterly undesirable for that power to be provided because that small child and those people would have been entirely at the mercy of the department.

I ask the Minister to have a look at this point and the other points I have raised with him tonight. I know it is rather wearisome to go through these matters point by point but I am much afraid that, unless my motion (which I propose to ask leave of the House to move shortly) is carried, honourable members will not have a proper opportunity during the Committee stage of the Bill to consider matters in the detail they deserve. As I said earlier, that is because of the most unfortunate way in which the Bill has been introduced. It would have been far better if the Minister had taken a little more time, given a little more thought to the matter, and introduced a clean Bill so that members could have seen the whole position in perspective, and so that each clause could have been taken separately in the Committee stage. As the Bill stands, because of its length and complexity, and because of the sheer physical difficulty of following what the provisions mean and whether they fit in, it will not be possible for the Committee to do it due justice. Therefore, I move:

That Standing Orders be so far suspended as to enable me to move without notice an amendment to the motion "That the Bill be now read a second time."

The SPEAKER: I have counted the House and there being present an absolute majority of the whole number of members present I accept the motion. The question is: "That the motion be agreed to."

The question having been put:

The SPEAKER: The "Ayes" have it.

The Hon. Frank Walsh: No.

The SPEAKER: There being a dissentient voice a division is necessary.

While the bells were ringing:

The Hon. FRANK WALSH: Mr. Speaker, I understand now that some arrangement was made of which I was not aware, and therefore I withdraw my call for a division.

The SPEAKER: I thought the Minister of Social Welfare called for a division.

The Hon. FRANK WALSH: No, Mr. Speaker.

The SPEAKER: Does the Premier seek leave to withdraw his call for a division?

The Hon. FRANK WALSH: Yes.

Leave granted.

Motion carried.

Mr. MILLHOUSE moved:

To leave out all the words after "That" with a view to inserting the following words:

"the Bill be withdrawn and redrafted to provide, *inter alia*, for the repeal of the Maintenance Act 1926-1963 and its

re-enactment in an amended and simpler form.''

The SPEAKER: The question is ''That the words proposed to be left out stand part of the motion.''

The Hon. D. A. DUNSTAN (Minister of Social Welfare): Mr. Speaker—

The SPEAKER: If the Minister speaks he closes the debate.

The Hon. D. A. DUNSTAN: I understood there were no more speakers, Mr. Speaker.

The SPEAKER: If the Minister speaks he closes the debate. The Minister of Social Welfare.

Mr. McANANEY: Can I ask for the adjournment now, Mr. Speaker?

The Hon. D. A. Dunstan: No.

The SPEAKER: I thought I gave members ample opportunity. The Minister of Social Welfare.

The Hon. D. A. DUNSTAN: I hope the House will not accept the amendment moved by the honourable member for Mitcham. Before replying to other members who have spoken in this debate I think I had better deal first with the honourable member's amendment. I have been chided by the member for Mitcham with the way in which this Bill has been presented to the House. I can only say that it was presented to the House after an enormous amount of work had been done by one of the most competent and senior draftsmen in this field in Australia. When I presented it to the House, Mr. Speaker, I made it perfectly clear that, because the Bill contained a number of machinery provisions about which it was possible to have a series of differences without clashes in principle, the Government considered it to be a Committee Bill. We invited members of the House to treat it as such, and we invited outside organizations and persons interested in social welfare to make representations to the Government so that during the time the Bill was lying on the table of the House it would be possible for all interested persons to approach the Government and make representations for amendments where they saw that was proper.

We have had a number of representations from social workers, from church organizations, from the Law Society, and from individual lawyers. They have been carefully considered, and it was because of this, Mr. Speaker, that the Government put on the file a series of amendments to the provisions in the Bill. We wanted to see to it that the public gave its attention to the provisions and we accepted from the public representations where we thought they were proper and valid. I do not apologize for having done that: it was proper in the circumstances. The honourable member has suggested that the Bill is a botch, that there has been an inadequate explanation of it, and that it is so complicated that it is impossible for honourable members to deal with it. He has suggested that the proper course is to withdraw it, and introduce an entirely clean measure with a completely new Act replacing the Maintenance Act and the other Acts that are repealed by these provisions. When we set out on this exercise we examined whether that could be done, because I thought it was desirable that it should be done and that we should have a complete measure, which members could see and read clearly. Unfortunately, that could not be done. As a machinery provision there was no way of effectively doing it, as various sections of the Act operate at different times. It is necessary to maintain the provisions of the existing Maintenance Act during the transition period provided by the Bill: interstate provisions have to be considered before other sections of it can be proclaimed; and the only way in which to proceed was to marry the new provisions with the existing Maintenance Act.

The Hon. Sir Thomas Playford: I think the objections of the member for Mitcham would be overcome by an assurance that consideration would be given to an early consolidation of the legislation.

The Hon. D. A. DUNSTAN: That is one of the early things we intend to do. As soon as this measure is passed, work will be undertaken to provide a reprint bringing the whole Act up to date. It is vital that that should be done, because of the difficulty of magistrates, including voluntary magistrates, having to work without such a print.

Mr. Millhouse: It is a pity you did not make that clear before.

The Hon. D. A. DUNSTAN: I am sorry, but the honourable member could have asked me, and I assure him that I would have told him. Naturally, we want this to be done as soon as possible. As things stand it is impossible for us to proceed in any way other than what has been done by the draftsman in this particular case. I regret that this is so, and appreciate the difficulties of honourable members. It is a difficulty in which I have found myself when dealing with the provisions of the Bill, and if it could have been done otherwise I would have seen that it was done. The member for Alexandra has asked what justification there is for abolishing the board,

and whether some reason could be given by the Government for the move. It is true that it is the Government's policy to replace administrative boards with administration by departments under a Minister responsible to this House. We believe that that is a more proper method of administration in a democratic society. It means that there is no buck-passing authority, and that it is impossible for a Minister to say that the Chairman of the board gave him the answer when the Minister does not want to take responsibility for what the department has done. Moreover, we do not believe that a board is an efficient method of administration, because no matter how dedicated are the members of the Children's Welfare and Public Relief Board, it is inevitable, when they meet only on one morning each week, that they do not see the general run of day-to-day problems of the department. They have presented to them a schedule by the Public Service officers of the board. I can remember, as a matter of fact, being in this House and hearing the member for Rocky River (Mr. Heaslip) complain about the position of the council of the university where, to a certain extent, a similar position obtains, and where it is not possible for members of that council to know of the day-to-day problems of running the university. Therefore, a whole schedule of matters for consideration is presented, together with the recommendations of the officers of the university (the Vice-Chancellor and his staff).

The Hon. D. N. Brookman: Do you think the university should be made part of the Education Department?

The Hon. D. A. DUNSTAN: No. I think there are advantages in having the university as an autonomous body, but I do not believe those advantages obtain in the administration of what is essentially a Government service. It is not possible for the Minister, in the present circumstances, to have knowledge of the day-to-day workings of the department and to lay down policy in consequence. The member for Alexandra has said that he knows of no board where the Minister's view on matters arising in the department has not prevailed, if the Minister has insisted that a different position be taken from which the board previously insisted on. However, the only dockets the Minister in charge of this department sees from the Children's Welfare and Public Relief Board are those dealing with the release of State children or for the taking into custody of children in respect of whom a custody and control order has been made, unless he receives a complaint from a member of the public and inquiries about the position in that particular case.

He does not see the day-to-day run of departmental problems from which he may draw his conclusions as to right policy to be adopted in the various areas of the department's administration. Therefore, it is not possible for him effectively to administer the department. A contrasting situation exists in the Department of Aboriginal Affairs. There, the Minister does see the day-to-day problems of administration and policy matters in the department, and it is possible for him, therefore, to gain a view of what needs to be done in the various areas of the department's administration. It has been possible for me, as Minister of Aboriginal Affairs, in consequence, to be much more closely associated with the policy of the department than has been possible in the case of the Children's Welfare and Public Relief Board to date. I believe the Minister should be able to take the responsibility in this House for the position. I believe it is necessary for him to have a close association, for instance, with the matters of public relief. It will be necessary for us to revise the public relief scale and to revise the terms of assessment of the various tests that are provided in the case of assessing people for public relief.

At the moment the Minister has power to lay down policy in these matters but, of course, if he does not see the day-to-day run of problems in the public relief area it is difficult for him to decide what the overall policy should be. For this reason we believe a Minister should be responsible to this Parliament, and should be questioned here about the decisions on policy that he takes. The honourable member suggested there were some dangers in providing powers for the Minister to utilize officers of the Department of Social Welfare for the development of social welfare in South Australia. The suggestion was that welfare officers might be used for furthering political ends, but it would be difficult for that to occur. We have a Public Service Commissioner and it would be perfectly possible for action to be taken by him in this respect. There is not the slightest intention to use officers of the department for any political purpose whatever. We have grave gaps in social welfare services in South Australia. The Council for Social Services, voluntary organizations in this State, has a small branch in the Government and it has done remarkable service in promoting voluntary organizations that will

fill in the gaps in our social services here. I am deeply indebted, as I know all members are, to them for the work that they have done. A number of remarkably fine services in South Australia have been established through the Council for Social Services.

The Government does not intend to intrude upon the area of voluntary welfare services in South Australia other than to assist in the co-ordination of their work where they wish to work with the department. I have, however, discussed with the officers of the Council for Social Services, its members and with various of the organizations that constitute it, the possibilities of co-ordination in this field and what assistance could be given by a department of social welfare to the development of adequate community welfare services. I have not met one of these organizations that has not enthusitically welcomed the proposals for expanding the department into this sphere. Unanimously they have welcomed these proposals, because they know that many people simply do not know or are unable, from ignorance or distance, to learn how to get the welfare services that are already available. In other cases there are welfare services that do not exist. This kind of thing has happened in the past: a husband, deserted by his wife, has been looking after small children. He has fallen ill and the children have in consequence been neglected. The Children's Welfare and Public Relief Department has stepped in, in its proper sphere, and taken action concerning the children but it has not been its responsibility to look after the father. In some cases the father has died. In such a case it is necessary to provide adequate co-ordination to see, even where the Welfare Department itself is not providing services, that other services are called in. We need to see to it that, where there are family problems not coped with by existing services, provision is made to help them. The Government has made it clear that it does not intend to rush in. Some of our problems in social welfare arise from the fact that we do not know many of the answers we need to know before we proceed to provide services.

There is inadequate research work in the social welfare field, and one of the things that the Government has been keen to do has been to provide proper training for sociologists so that adequate research may be done to give us the answers about the services we should provide. The provision by which the department can expand into these fields when these inquiries have been made is a provision that is not new in Australia. We in South Australia are lagging far behind the social welfare provisions of the Liberal Government in Victoria. Their social welfare department is way ahead of ours, and they are providing services of the family welfare kind. I believe that we should catch up; I believe that in due course we should go ahead. We will, through the development of a school at Bedford Park, a school of social administration that will eventually provide graduates with full training in sociology, be able to provide answers in South Australia which may give the lead not only to the rest of Australia but to other parts of the world. I do not believe we should rush in here, but we have to provide the department with the means to do something in this sphere. We have announced plans for the co-ordination of youth welfare services and it is vital for us to do work of this kind. At the moment, there are inadequate recreation and youth welfare services in South Australia.

It is the aim of the Government to co-ordinate all the bodies engaged in voluntary work in this sphere, and each of the organizations, the Youth Council of South Australia, South Australian Youth Clubs Incorporated, National Fitness Council and Service to Youth Council, has come to me and expressed its willingness to co-operate in the co-ordinating work to try to find where the gaps are in our present recreation and youth welfare services. At the time the Government took office there had already been a survey undertaken by the Council for Social Services and the Child Guidance Clinic on the situation in the Kensington and Norwood district. That survey has been going on for three years and has provided us with some interim answers.

As a result of these, we are seeking to conduct, with voluntary co-operation, in Kensington and Norwood some pilot projects that may give us information as to what ought to be done in this sphere. This will not involve us in spending large sums, but it may well show where the department needs to assist voluntary organizations to find some answers to youth welfare and recreation problems. We now have four committees working on the projects that have been proposed in this survey. It will be necessary for the Minister from time to time to assign officers to work part-time with the committees on these programmes. Am I to be deprived of the possibility of doing work of this kind, which is agreed by all organizations to be essential for our future in South Australia? That is why this power is there, and it is a power that is subject to scrutiny by this House. I do

not see that honourable members have anything to fear about this sort of thing. After all, they scrutinize the accounts of the department and they must get a report from the department. On that score, I have no objection to the proposal of the member for Mitcham that we write into the Bill what information ought to be in the report. I should be happy to see an amendment of that kind accepted.

The member for Alexandra said he thought the advisory council was going to be a puppet body, but I assure him that that is certainly not the intention of the Government. We consider that this council will be extremely valuable to us and it is intended that the appointees to it will be people who are expert in this field and who can initiate discussion on topics that will be useful to us.

I believe that, if honourable members think back over the six months of the Government's term of office, they will have no reason to think that it has made ill-advised or unqualified appointments. The appointments made by this Government have won the praise of members opposite and I assure them that in no case of the appointments to the Advisory Council on Social Welfare do I think that any honourable member opposite will have anything whatever to cavil at. It is not possible for us to provide in the Bill exactly from what bodies members of the advisory council can be taken. This would place limitations on the body and the Government feels that this would be ill-advised. Certainly, such limitations are not imposed by the present Act.

However, I think honourable members will find that members of any council appointed under this proposal will be at least as qualified as (in many cases, rather more qualified in academic training and experience in this field than) some members of the present board. The member for Alexandra (Hon. D. N. Brookman) criticized the provisions of the Bill stating that homes may be established by the Minister and that the Minister may do certain things specifically by way of administration in appointments and in the provision of institutions.

The Hon. D. N. Brookman: Before you leave the subject of the advisory council, will you explain why the Director should be Chairman?

The Hon. D. A. DUNSTAN: Because we think this would be a useful method of liaison. Under the Aboriginal Affairs Act the Director is the Secretary; in this case, since the Director has been the Chairman of the present board, we think this is a suitable provision. At any rate, we want him on the council because it is a useful method of liaison. We want him there at discussions at which the council may seek to criticize some section of the administration of the department. We think it perfectly proper that the council should do that. Since we are giving specific power to the members to raise matters on their own initiative, I do not see that the presence of the Director will inhibit members of the council. I think from the appointments I can foresee that it will be so lively and informed that it will not be overawed by the presence of the Director. It would be pointless to have a council unless we were trying to provide ourselves with expert information and advice. If the Government had been concerned simply to have the department as a puppet for the Minister and the Director, it would not have provided for an advisory council. We want a body of expert opinion that will give us answers and criticize what we are doing. The presence of the Chairman will not, I think, be an inhibiting factor in any way.

I have no objection whatever to a provision in the Bill that the actions of which the honourable member complains (that is, the appointment of officers and the establishment of homes) be by proclamation. If the honourable member thinks there is too much of the Minister in this Bill, I am happy to have Executive Council do this. This is not something on which the Government insists. However, I cannot agree with the remarks of the member for Alexandra and the Leader about the provision of public relief. The suggestion is that it should be controlled by regulation. I examined this suggestion, as I wanted to see whether there was any way of our providing it, but it just cannot be done. It is not possible to provide the means of assessment of public relief by regulation, for so many factors have to be taken into account in a public relief assessment that it must be left to be discretionary.

Let me give an example of one policy direction I have given. The department has been directed that applicants for public relief should not be required to pauperize themselves in order to obtain public relief. Previously, where they had items on hire-purchase, they were required either to return these or to arrange with the hire-purchase company for a suspension in payments for a period. If the company insisted on the return of the articles, this meant in most cases that the unfortunate

applicant saddled himself with a debt under the Hire-Purchase Agreements Act for the remainder of his obligation under the agreement for something that he did not have. This was a most unfair impost upon applicants for public relief. The attitude I took was that it was improper to demand this of people and that, where an applicant for public relief came upon some misfortune that required him to apply for public relief, he should not be required to give up the articles for which he was previously making reasonable hire-purchase payments. But at the same time it would obviously be unfair to require that the department provide public relief for somebody who shortly before had most unreasonably run up a huge hire-purchase debt, so that in fact that debt was being supported out of public moneys.

Where do we draw the line exactly? It is just not possible to provide a precise regulation on this. Each case has to be investigated on its merits and we have to provide for discretion in the department. The objection raised by honourable members opposite was that the Minister would now be able personally to intervene in public relief cases. In fact, however, no different position will obtain under the new Act from that obtaining under the old. Let me read the present provisions of the Maintenance Act relating to public relief and the Minister's control in relation to it. They are in section 22, which states:

The board may, subject to any directions given by the Minister, afford relief, whether in money,

etc.; and the new provision simply reads:

The Director may, subject to any directions given by the Minister, afford relief, whether in money or by the supply of commodities,

etc. In fact, all that will now transpire is that the Director is subject to the policy directions of the Minister just as the board is now subject to the policy directions of the Minister, but it will be possible for the policy directions of the Minister to be very much more informed since the Director will be channelling to the Minister the run of cases going through the department in relation to public relief, whereas at the moment the board is informed about this. But, basically speaking, it is the Director who will be responsible, subject to the policy directions, and he has to account to the Auditor-General, just as the Minister has to, and, as he himself is an auditor, the Director realizes entirely the obligations that will be imposed by this section.

There is no possibility that under this section the Minister will be able to intervene in particular cases to give partial and politically biased directions, as has been suggested by some members opposite. The point is that the Minister will have more knowledge of the run of obligations and so will be better informed to give general directions on policy; but otherwise, the basic administrative provisions will not change. As things stand, it is the Director who investigates the applications; it is the Director who makes recommendations to the board, and the board acts subject to the policy directions of the Minister. Under the new provisions, the Director will make the investigations; he will issue the relief subject to the directions of the Minister on policy matters. I ask leave to continue my remarks.

Leave granted: debate adjourned.

ADJOURNMENT.

At 10.10 p.m. the House adjourned until Wednesday, October 13, at 2 p.m.