HOUSE OF ASSEMBLY

Tuesday, October 26, 1965.

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

ROAD AND RAILWAY TRANSPORT 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.

DEATH OF HON. SIR FRANK PERRY.

The Hon. FRANK WALSH (Premier and Treasurer): I move:

That the House of Assembly express its deep regret at the death of the Hon. Sir Frank Tennyson Perry, M.B.E., former member for Central No. 2 District in the Legislative Council, and place on record its appreciation of his public services, and that as a mark of respect to the memory of the deceased member the sitting of the House be suspended until the ringing of the bells.

Every member of both Houses was grieved to learn last Thursday of the passing of the Hon. Sir Frank Perry. Sir Frank's services to the community were rendered over a wide field and extended over a long time. His record of public service would be difficult to emulate, let alone to surpass. In Parliament, he represented the District of East Torrens, together with Charlie Abbott and Walter Hamilton, in the House of Assembly from 1933 to 1938. After the Second World War he represented Central No. 2 District in the Legislative Council from 1947 until his death—a period of 23 years of distinguished service in the Parliament of South Australia. Within Parliament, Sir Frank was recognized as an authority on industry in general, and engineering in particular. He was a member who was completely approachable at any time.

The nature and diversity of his service may be gauged to some extent from the following brief list of some of his activities. He served as a Councillor, Alderman and Mayor of St. Peters council for several years; he was one of the founders of the Australian Metal Industries Association, of which he was the first President; and he was President of the Associated Chamber of Manufactures of Australia and of the South Australian Chamber of Manufactures.

During the Second World War he served on several boards and committees connected with munitions. He served on the Council of Prince Alfred College, the Board of the Memorial Hospital, the Council of the University of Adelaide and the State Committee of the Council for Scientific and Industrial Research. As an industrialist, and head of Perry Engineering Company Limited, he played an important part in the development of South Australian secondary industry, and many projects, both public and private, bear witness to the quality of his work. On behalf of the Government of South Australia I wish to place on record its appreciation of Sir Frank's sterling services, and to convey to Lady Perry and her daughter, Mrs. John Gebhardt, our deepest sympathy in their sad loss—the loss of a truly eminent citizen of this State.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I should like to associate my Party and myself with the remarks that the Premier has just made, and to second the motion for a suspension of the sitting of the House. You, Mr. Speaker, were in the House in the 1933 Parliament when Sir Frank Perry (Frank Perry as we then knew him) was a member of this Chamber, and you will remember, Sir, the quiet but important part he played in the political life of this House at that time. He was respected by everyone, and notwithstanding his great knowledge of engineering, and his organization of one of the large engineering activities of this State, he always had plenty of time for the small problems as well as for the large. Indeed, I know Sir Frank enjoyed the confidence of many members of the then Labor Opposition during his term in this Chamber. More important, though, he was one of those who first showed that industrialization in South Australia could be successfully carried out, and in building up the organization to which I have referred he also showed that South Australia had an industrial climate suitable for secondary industry.

To my knowledge, Sir Frank Perry often helped Sir Richard Butler's Government to establish secondary industries in this State. In fact, I believe it was largely his efforts that influenced the then Government's policy in evaluating the advantages of secondary industry in respect of this State's economy. Prior to that time we had largely taken the view that South Australia was a primary-producing State, and most of the policies of the Governments of the day (and I am not speaking of any particular Government) were designed to encourage free trade with oversea countries rather than to develop secondary industry in this State. More recently, Sir Frank played a conspicuous part in the functioning of the Legislative Council. On behalf

of members of the Opposition, I join with the Premier in expressing deepest sympathy to Lady Perry and to her daughter, Mrs. Gebhardt, and pay a tribute to the outstanding contribution made by Sir Frank Perry not only to the development of this State but also to the living standards that we enjoy today.

The SPEAKER: As the only other member of the 1933 Parliament present this afternoon, I am sure honourable members will not mind my associating myself with the remarks of the Premier and of the Leader of the Opposition. I found Sir Frank Perry to be a gentleman of his word. I never heard him say anything unkind or hurtful. I believe he lived to be a friend of man, and his influence on society was good. In my estimation that marks a true gentleman and a good Parliamentarian.

Motion carried by members standing in their places in silence.

[*Sitting suspended from* 2.12 *to* 2.30 *p.m.*]

QUESTIONS

BUSINESS OF THE HOUSE.

The Hon. Sir THOMAS PLAYFORD: Last week I asked the Premier whether he could indicate to the House the legislation yet to be introduced and the programme of legislation for the remainder of the session. Has he this information and also any information about the sittings of the House this week?

The Hon. FRANK WALSH: The Notice Paper indicates a lengthy programme. In fact, only about eight Bills, excluding Appropriation and Supply Bills, have been passed by both Houses. The Government has some Bills to introduce, and it will need all possible assistance from Parliament if that legislation is to be passed. Matters such as stamp duties, superannuation, decimal currency, prices legislation and many other vital matters have still to be introduced. Of the Bills that have been passed by both Houses, two are Appropriation Bills and two are Supply Bills; the Electoral Act Amendment Bill was a private members' Bill, and the Local Government (District Council of East Torrens) Bill was not a Government matter but merely something to assist the council. Other Bills passed by both Houses are the Hide, Skin and Wool Dealers Act Amendment Bill, the Petroleum Products Subsidy Bill, the Port Pirie Racecourse Land Revestment Bill, the Public Purposes Loan Bill, the Referendum (State Lotteries) Bill, and the Supreme Court Act Amendment Bill. Therefore, it will be seen that we have a big programme ahead. Because of the arrival of His Excellency the Governor-General and Lady Casey on Thursday afternoon it will not be possible for the House to sit that day. All members of the Ministry and the Leader of the Opposition will be involved in the reception in honour of the visitors.

SUPERPHOSPHATE.

Mr. NANKIVELL: Has the Minister of Agriculture a reply to my question of October 5 about superphosphate trials, and more particularly about the installation in his department of certain equipment to make quick and effective analyses of phosphate levels and soils?

The Hon. G. A. BYWATERS: The following report has been prepared by the Chief Soils Officer (Mr. Beare):

The work referred to by Mr. Nankivell, M.P., is most probably that of Mr. J. K. Powrie of the Waite Institute, who established that on the sandy soils of the Upper South-East, phosphate requirements for annual species such as subterranean clover, could be assessed by sulphuric acid extraction. It is expected that when results of current experiments are available, assessments of requirements of lucerne dominated pastures will also be possible. The assessments that would be made would apply only to pasture growth responses, which could be related arbitrarily to economic returns through livestock production. Although these results have been obtained in the Upper South-East, it is probable that they apply also to siliceous sands elsewhere, for example, the Adelaide Hills and Lower South-East. The equipment owned at present by this department and the Chemistry Department could handle the laboratory work involved in a restricted analysis service. A greater difficulty would be involved in the collection of samples, which must be done very carefully under strictly controlled conditions. In the first place they would necessarily be collected by departmental officers trained in the technique.

Subject to the appointment of an additional field officer, soil testing for phosphate on siliceous sands could begin next spring. The first one or two years' operations should be regarded as experimental, and would need to be supported by field plots to obtain further information on the correlation between laboratory tests and field responses. It must be stressed that the above test applies only to one group of soils in part of the State. Soil testing is extremely complex, and no single test for availability of phosphate or other elements will apply to all soils or all crops. Extensive field and laboratory work is necessary before tests can be set up, and results obtained elsewhere do not necessarily apply here, for example, the testing procedure reported by Dr. Colwell (Commonwealth Scientific and Industrial Research Organization, New South Wales) for phosphate requirements of wheat is not satisfactory in South Australia. The Soil Branch is at present carrying out research into the phosphate requirements of cereal soils in South Australia, and it is hoped that this

work will lead to a satisfactory soil testing procedure, although several years' work will be needed. Work is also proceeding on the study of potassium requirements of high rainfall pastures. From present progress it appears likely that reasonably good correlations between laboratory tests and field response will be established soon. There are good prospects therefore for the development by the department of a reasonably comprehensive soil testing service over the next few years. The service could aim ultimately at testing individual farmers' soils, or, alternatively, at arriving at a suitable fertilizer programme for each soil type and form of management.

UPPER MURRAY BRIDGE.

Mr. CURREN: Has the Minister representing the Minister of Roads a reply to the question I asked on October 13, concerning the progress of testing for the site of a bridge at Kingston?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that the men referred to were employees of Mr. K. W. G. Smith, consulting engineer, who has been engaged to prepare a report on sub-surface conditions at the proposed bridge site and road approaches. The work is 80 per cent completed. Preliminary designs of the bridge, roadworks and estimates are proceeding and it is anticipated that a report will be ready for investigation by the Public Works Committee after January 31, 1966.

AUBURN CROSSING.

Mr. FREEBAIRN: Several days ago I asked the Minister representing the Minister of Roads a question concerning the railway crossing on the Main North Road, near Auburn. I pointed out that the approaches were poor and that with the increased traffic on the Main North Road traffic hazards were increasing. Has the Minister a reply to that question?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that there has been considerable investigation into the improvement of the Auburn railway crossing by officers of both the Highways Department and the Railways Department. Several alternatives have been examined including the detouring of the road and the provision of an overpass. As yet, no satisfactory solution has been found as some of the alternatives are extremely costly or involve the severance of nearby farm lands. The crossing itself does not rate high in priority for treatment as there are numerous other crossings which are more hazardous or cause more delays. The road itself is due for reconstruction in 1968-69 subject to funds being available, and it is not expected that the crossing will be materially improved until that time.

PORT RIVER SAMPLES.

Mr. HURST: Has the Minister of Education, representing the Minister of Health, a reply to my question of August 3 regarding the co-operation of the Central Board of Health in taking samples from the Port River?

The Hon. R. R. LOVEDAY: My colleague reports that samples of water from various parts of the Port River have been taken on a number of occasions by the Public Health Department and by the Local Boards of Health of Port Adelaide and Woodville. They always show evidence of contamination and this is not surprising when the nature and use of the river are considered. The Central Board of Health and its officers are always willing and anxious to co-operate with local boards in improving conditions relating to health, and officers have conferred with officers of the Port Adelaide and Woodville Local Boards on this matter on a number of occasions. More frequent bacteriological sampling of waters already known to be contaminated is not considered to be the best solution to the problem. Departmental officers will continue to co-operate with the local authorities concerned.

RESEARCH GRANTS.

Mr. MILLHOUSE: I refer to an answer given in the House last Wednesday by the Minister of Education to the effect that the Government is unable to find about £60,000 to match the Commonwealth offer of additional money for research grants. In his answer, the Minister complained that the Commonwealth had offered too much money—so much, in fact, that the State was unable to find the funds to match it. The Premier may be aware by now of the great resentment and perturbation (especially at the university) that has been caused by the Minister's answer. In view of this resentment and perturbation and of the importance to the State of making available every penny that it can make available for education (and, of course, research is a part of education), can the Premier say whether the Government intends to reconsider the decision announced by the Minister with a view to matching the grants offered by the Commonwealth and thus securing for South Australia money that would otherwise be lost?

The Hon. FRANK WALSH: The Minister of Education made certain statements about matching Commonwealth grants. I believe

he explained the position reasonably but if he desires to add to what he said on that occasion then it is for him to do so as this matter comes within his jurisdiction rather than within mine.

The SPEAKER: Does the Minister of Education desire to acknowledge the question of the member for Mitcham?

The Hon. R. R. LOVEDAY: Yes, Mr. Speaker. I think the impression conveyed by the honourable member is quite erroneous in one or two respects. For example, I do not think it is true to say that the university is showing resentment with regard to the Government's decision, because the Government has not decided as yet not to provide money for research projects. At the moment the point at issue is that if the money is provided for the research projects then a reduction will have to be made somewhere else: that is all that has been suggested by the present Government or by me. Therefore, to suggest that the research money has been refused is quite incorrect. In fact, it is interesting to note that this matter was at the top of the agenda paper at the last meeting of the University Council. The Vice-Chancellor reported that the Minister of Education had told the Vice-Chancellor that the Government would not make a final decision until he, the Minister, had consulted the Vice-Chancellor further on these matters, and the Vice-Chancellor informed me that the minute records little discussion; in fact, there was hardly any discussion on the matter.

Mr. MILLHOUSE: I am gratified to hear the Minister say that the Government has not yet turned down the additional money offered by the Commonwealth Government. I was also surprised, because the whole tenor of his answer last week was that the money had been refused. However, I am glad that that is not so. I should like to point out to the Minister that the university does not consist only of the members of the University Council, and that many other people at the university were perturbed at his statement. Can he say when the Government is likely to make a decision, and whether the decision will be announced as soon as it is made?

The Hon. R. R. LOVEDAY: I hope to have a discussion with the Vice-Chancellor within the next seven or 10 days, and I imagine that, following that discussion, we will be able to make a firm decision on the matter.

SALISBURY EAST CROSSING.

Mr. CLARK: Recently I said that children from Elizabeth East attending the Brahma Lodge school had to cross the Main North Road and that this was considered dangerous. I asked the Minister of Education to inquire of the Minister of Roads whether it would be possible for the speed limit at this crossing to be reduced. Has the Minister a reply?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that it is considered that the introduction of a lower speed limit is not practicable on the Main North Road and transport of children by bus or provision of an overpass appears to be the only satisfactory alternative. The provision of facilities for pedestrians, such as pedestrian crossings and school crossings, is the responsibility of the local authority, whereas the construction of such roads as the Main North Road and the Salisbury Highway, which give access to this area, is accepted as the responsibility of the department. Departmental funds are insufficient to meet the demands for such roads throughout the State.

CLARE COPPER MINE.

Mr. QUIRKE: Last week I asked the Minister of Lands whether he would obtain a report from the Minister of Mines regarding the small copper mine north-west of Clare, and whether further investigation of the mine would be worth while. Has he a reply?

The Hon. G. A. BYWATERS: The Minister of Mines states:

The mine north of Clare was known as the Stanley copper mine. It was worked in 1859 but there is no record of actual production. A brief examination was included in a recent regional survey of the Clare district by officers of the Mines Department, and a more detailed inspection is proposed in the near future when staff can be made available.

BEACHPORT WATER SUPPLY.

Mr. CORCORAN: Has the Minister of Works a reply to my recent question concerning the Beachport water supply?

The Hon. C. D. HUTCHENS: I have a report from the Engineer-in-Chief, and I also have a report from the Minister of Mines which is in substance the same. The Director and Engineer-in-Chief reports that the three shallow bores have been drilled and tested, but, unfortunately, the tests showed that the water would not be suitable for a township supply because of increased salinity with continual pumping, and also the possibility of pollution. A new approach will now be made to the Mines Department on the possibility and cost of obtaining suitable water from deep bores in the area.

METROPOLITAN DRAINAGE.

Mr. COUMBE: Has the Minister of Education, representing the Minister of Local Government, a reply to a question I asked last week regarding metropolitan drainage?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Local Government, advises that a similar question was asked by Mr. Langley on September 28 and a reply given in the House on October 6. The reply at that time stated:

The question of the setting up of a Metropolitan Drainage Board has been referred to Cabinet and as it would necessitate legislative action, Cabinet is now considering the whole matter.

Nothing has occurred in the short intervening period to add to the above reply.

FIREWORKS.

Mr. LANGLEY: I have been told by constituents that children have been using fireworks carelessly. Several fires have occurred lately, and generally these have been caused through the use of fireworks. Only this weekend the Unley fire brigade was called to a fire caused by fireworks, and it was only the speedy arrival of the brigade that prevented serious damage. Each year widespread damage is caused by fires, and in this year of low rainfall the damage could be much greater. Will the Premier consider the banning of the sale of fireworks to a certain date, so that damage to people's property can be curtailed?

The Hon. FRANK WALSH: This matter will have to be considered by the Chief Secretary. However, because of the dry weather, many representations have been made to the Government about Guy Fawkes' day on November 5 and the sale of fireworks. I point out, however, that two fireworks days in one year may result if we try to transfer the present fireworks day to Commonwealth Day in May. The whole question must be considered and nothing will be decided definitely this session.

HILLS FREEWAY.

Mr. SHANNON: Has the Premier a reply from the Minister of Roads to my recent question about landscaping the country through which will pass some of the new hills freeway?

The Hon. FRANK WALSH: My colleague, the Minister of Roads, reports that the question of suitable landscape treatment on the Crafers-Stirling freeway has been considered already by the Highways Department. In this partially built-up and improved area, as the department has restricted the width of right-of-way acquisition to keep interference with landowners to a minimum, the amount of landscaping possible will be limited. The department is conscious of the need for suitable treatment of this and other such facilities, and inquiries are being made regarding the employment of a landscape architect who has had experience in the specialized aspect of freeway landscaping. A recommendation will be made to the Minister of Roads when these inquiries are completed.

KIDMAN PARK DROWNING.

Mr. BROOMHILL: A tragedy occurred in the Torrens River at Kidman Park yesterday, and I offer my sympathy to the parents of the unfortunate child. I have noticed recently the tremendous housing growth occurring along the banks of the Torrens River in the Kidman Park area, and this is creating a situation where further tragedies will occur if care is not taken. Houses are being built up to the edge of the river, and in this area there are no banks at all, the roads leading to a sheer drop to the river. While it may be argued that parents should take care of children in this area and perhaps keep them inside the house, it is sometimes by sheer chance that children wander from their homes. Will the Minister of Works ask his officers to consider the dangerous situation existing along the river, so that safety provisions may be made to protect children who wander from their homes?

The Hon. C. D. HUTCHENS: I join with the honourable member and express my sympathy with the bereaved parents. I cannot understand how departments under my jurisdiction can be said to control fencing or other protection along this river. I think the responsibility is that of the council and of landholders adjacent to the river, but as the honourable member considers that the Engineering and Water Supply Department may have something to do with it, I shall consult my officers to ascertain whether this department has any responsibility and, if it has, whether anything can be done.

GRASSHOPPERS.

Mr. BOCKELBERG: I understand that grasshoppers have reached almost plague proportions at the far end of Eyre Peninsula, around Penong. As officers from the Agriculture Department and the manager of the Minnipa farm have investigated this matter, can the Minister of Agriculture report on their findings?

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

SOUTH COAST ROAD.

Mr. McANANEY: Has the Minister of Education a report from the Minister of Roads concerning my recent suggestion that the South Coast road be renamed Route 1?

The Hon. R. R. LOVEDAY: The Minister of Roads reports that this question was raised previously by the Parawa Progress Association Incorporated. The answer given was that the devious route suggested, viz., Wellington, Strathalbyn, Goolwa, Victor Harbour, Parawa, Cape Jervis, Yankalilla, Adelaide, does not in itself produce any improvements to the roads along the route nor will traffic use it any more readily. The direct route from Murray Bridge to Adelaide would still be preferred by the great majority of travellers, particularly interstate transport operators, and it would be detrimental and confusing to erect any special signs directing traffic away from the direct route. It is not, therefore, desirable to make any proclamation for declaring the Princes Highway (National Route No. 1) to follow the route suggested.

CRAYFISH POTS.

The Hon. D. N. BROOKMAN: Work is being done in Western Australia on escape gaps in crayfish pots, and an article appeared in a recent fisheries newsletter. If successful in tests, these will greatly reduce the number of under-sized crayfish obtained and will avoid their being injured or eaten by predatory fish when thrown back. Is the Minister of Agriculture aware of any work being done by fishermen in conjunction with the Fisheries Department, and will he comment on the use of this pot?

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

DOG NUISANCE.

The Hon. Sir THOMAS PLAYFORD: Recently, I have received a number of representations from land and stock owners in the area of the abattoirs yard and the near hills, bitterly complaining about the nuisance caused to sheep by the extensive ravages of dogs, mostly from the metropolitan area. It seems that this has become an acute problem in some districts, and that much damage is being caused. One stockowner has had to give up all his sheep, having lost many of them in attacks by dogs at night. Will the Minister of Agriculture have his officers examine this matter to ascertain whether any useful action can be taken by the Government or by local government authorities in an attempt to solve this problem? The people making the complaints do not blame the police for not taking sufficient action. Indeed, they are indebted to the Police Department for its assistance in this regard. However, the people concerned realize that it is a difficult situation which, if not remedied, may mean that people in the near hills will not be able to pasture sheep at all.

The Hon. G. A. BYWATERS: I shall certainly take this matter up with departmental and local government officers and ascertain what can be done to remedy this situation.

TRADING HOURS.

Mrs. STEELE: Can the Premier say whether the Government is reviewing the hours in which certain small shops (including delicatessens) operate, and, if it is, can he say when any new regulations are likely to come into force?

The Hon. FRANK WALSH: The Government has appointed a committee to investigate what extensions, if any, should be applied to the closing of small shops. It is a matter not merely of extending hours but also of trying to provide a service to the public. For instance, most delicatessens supply milk and cream after certain other shops are closed, but they are not able to supply powdered milk for a child that may require it. The relevant regulations need to be overhauled, and all aspects of this matter are being considered in an attempt to ascertain whether the public can be provided with an extended service. As soon as a report is to hand, it will be presented to the House.

TOD RIVER RESERVOIR.

The Hon. G. G. PEARSON: Has the Minister of Works a reply to my recent question concerning the possibility of improving the quality of water in the Tod River trunk main by augmenting the water supply from the Uley Basin?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief reports that for the last two years Uley water has not been fed into the Tod system, and the Tod trunk main has been augmented by Polda water. This reduces the salinity of water past Lock, but means that Tod water only is supplied up to the Polda intake. Tod water is also being used in the East Coast main as much as possible, and only being augmented by a small amount of Uley water. Because of the layout of the system, if Uley water had to be fed into the Tod system, it would also be necessary to supply pure Uley water into the East Coast main. The Uley Basin was severely over-taxed in meeting the

demands of the system until the Polda scheme was constructed, and the policy has been adopted of drawing as little water as possible from the Uley Basin to enable the underground basin to recover. The only water being taken from the Uley Basin is from the cut-off which would overflow in any case, and the water obtained from short weekly maintenance runs of the various bores.

To dilute the Tod water, as suggested, it would be necessary to supply one part of Uley water to two parts of Tod water, and for the period November, 1965, to April, 1966, the additional estimated cost would be £5,550. In addition to the extra expense for the increased pumping, a total of about 300,000,000 gallons would have to be taken from the Uley Basin to supply the East Coast main and add to the Tod system. In view of the low water level in the basin, this would be most undesirable. In view of the water available in the Tod reservoir, and considering the state of the Uley Basin, it is considered that it would be most undesirable to put Uley water into the Tod system solely for the purpose of improving the quality between Knotts Hill and Lock. While the salinity is approximately 150 grains a gallon, as stated, water of this quality has been supplied for many years to the Tod system.

The Hon. G. G. PEARSON: I appreciate the information which the Minister of Works has given to me about the possibility of improving the quality of water in the Tod River trunk main. I know it is difficult (though not necessarily impossible) to supply a mixture of water in the Tod River trunk main without supplying Uley water to the entire East Coast trunk main. I understand, however, that the storage in the Tod River reservoir is about half (or a little less than half) the reservoir's capacity, or about 1,100,000,000 gallons. During this summer the normal requirement to meet the needs of the trunk main and of the East Coast trunk main will be about 700,000,000 gallons, and this will reduce the Tod River storage to a low level at the end of the summer. As the year progresses the salinity of the water in the Tod River reservoir will increase substantially above the present 150 grains a gallon. Bearing these factors in mind, will the Minister of Works keep this matter before the notice of the Engineer-in-Chief in an effort to avoid two problems? The first problem is that the salinity of the water will become high, and it will be almost impossible to use the water domestically or for garden purposes. The second problem is that the storage in the Tod River reservoir will be drawn down to a dangerously low level unless there is augmentation from the Polda Basin later this summer.

The Hon. C. D. HUTCHENS: I know the honourable member has raised these questions with the most helpful intentions. I will raise them with the Engineer-in-Chief in an endeavour to see that a satisfactory supply of water is made available at all times. The storage of the Tod River reservoir at this stage last year was 2,209,100,000 gallons whereas at present it is 1,646,100,000 gallons.

NARACOORTE BRIDGE.

Mr. RODDA: I have been approached by Councillor L. J. DeGaris of the Naracoorte corporation (he is a member of the corporation traffic committee and also Chairman of the local stock salesmen's association) with a proposal for a new bridge to be constructed in Graham Street, over the Naracoorte Creek. The corporation has had certain negotiations with the Highways Department on this matter and has, in effect, been told that a new bridge is not warranted and that a ford or footbridge could be erected at this crossing. I point out that this bridge gives a two-way access to the Naracoorte saleyards at the railway station, and that in 1963-64, 24,175 cattle and 208,776 sheep were sold in these yards. In 1964-65, 28,053 cattle and 209,355 sheep came under the hammer at the yards, and this year the number is increasing. In addition, there are the stockmen's sales from the Naracoorte railhead. The Railways Department has recently increased the size of the yards and put in an extra loading ramp at both the cattle and sheepyards. The new sheep ramp is virtually opposite the bridge in question. The existing bridge has a three-ton load limit and is in a poor state of repair. To do away with this bridge, which is the only access for transport vehicles from the southern end by Railway Terrace, will cause traffic jams and a bottleneck. About 40 stock transports operate on sale days and, in order to get stock on and off and keep the transports moving, it is imperative that the Graham Street bridge be replaced. Will the Minister of Education ask his colleague, the Minister of Roads, to give favourable consideration to this matter?

The Hon. R. R. LOVEDAY: Yes.

ROAD TRANSPORT.

Mr. HALL: My question relates to the full ramifications of the Road and Railway Transport Act Amendment Bill now before the House. I understand that, if the Bill is

passed, an unfortunate number of transport operators in my district will be forced out of business. Obviously, they will have to sell their trucks and obtain other employment. If they are forced to do this (that is, if the Bill becomes law) they will undoubtedly suffer financial loss. Has the Premier any plan to compensate hauliers who will be forced out of business by the operation of the new transport control provided in the Bill?

The Hon. FRANK WALSH: If and when such a hypothetical case eventuates, then it will be considered on its merits by the Government.

DEPARTMENTAL REPORTS.

Mrs. STEELE: Earlier this afternoon the Premier laid on the table of the House the reports of the Director-General of Medical Services for the years 1961-62 and 1962-63, which means that these reports are three years behind. During previous sessions I have drawn attention to the fact that these reports are so back-dated. Can the Premier, representing the Minister of Health, say whether anything can be done to bring these reports up to date?

The Hon. FRANK WALSH: I am prepared to consult the Minister of Health on this question.

ELECTRICITY CHARGES.

The Hon. Sir THOMAS PLAYFORD: Has the Premier a reply to my recent question regarding country electricity charges in respect of Commonwealth instrumentalities?

The Hon. FRANK WALSH: Following the reply given on October 14, the Leader of the Opposition has asked for reconsideration of electricity subsidies to benefit the Commonwealth and has mentioned as a special instance the electricity required for the television service of the Postmaster-General's Department in the South-East. In an effort to clarify these matters it is desirable to distinguish between three different circumstances. First, there is the case where the Electricity Trust itself supplies the power in country areas, and this of course is by far the most common case. The trust has in recent years made substantial reductions in electricity tariffs in country areas. At the present time every consumer has available a single meter tariff at rates applicable in the metropolitan area of Adelaide and, in any case, alternative two-meter tariffs are not more than 10 per cent above Adelaide rates. No Government subsidy is now provided to the trust to maintain this situation, and the trust does not discriminate between the Commonwealth and any other consumer. Therefore, where the trust supplies the electricity, any Commonwealth instrumentality in country areas is supplied at the same tariffs as any other user. I am assured that this will be the case with he Commonwealth's television service in the South-East because the trust itself is arranging to provide the power.

Secondly, there is the case where a Commonwealth instrumentality in a country area has its own plant producing electric power, and it is prepared to sell power to the nearby public. This applies at several places in the north of the State where the Commonwealth Railways Department supplies the power. The State in such cases does provide subsidies on all the accounts rendered by the Commonwealth to public consumers, so that the net charge to them is reduced in accordance with the approved arrangements. It is emphasized that these are subsidies to the consumers, not to the Commonwealth, for the Commonwealth's gross charges are naturally determined as sufficient to reimburse it adequately. Thirdly, there is the case where there is a private supplier of electricity whose costs are such that his approved tariffs are considerably above those of the trust. In such cases the Government gives subsidies to reduce the charges on accounts rendered to public consumers, but it does not give subsidies on accounts rendered by such private suppliers to Commonwealth instrumentalities. The reasons for this have been previously explained. I am assured the Commonwealth neither seeks nor expects such subsidies at the expense of the State. The main Commonwealth users so affected are, I understand, installations of the posts and telegraph services. I would assure the Leader that if the Commonwealth should seek from me a different arrangement I would be prepared to examine the matter and to negotiate. Further, if any evidence were to be produced that any member of the public or any country industry, or the reputation of the State itself, was being prejudiced by these arrangements, I would be very ready to seek a remedy.

I want to add that the Leader was not right in his implication that a Commonwealth employee in country areas might, through this policy, be deprived of the benefit of subsidies on his electricity account. He is always treated just as any other member of the public. Further, the Leader is not right in his suggestion that the Commonwealth invariably gets supplies of water from the State at the same

rate as other users, though that rate may be below full cost. I find, on examination, that the Leader himself made an arrangement many years ago with the Commonwealth, and renewed it quite recently, whereby very large quantities of water are supplied at full cost to the Commonwealth Railways at Port Augusta, and also for Commonwealth purposes at Woomera. This charge is very considerably above the rate charged to other users from the Morgan-Whyalla main. The documents reveal that the Commonwealth readily agreed to this arrangement, and I have no criticism to offer upon it, for it appears to be entirely fair and reasonable in the circumstances where the State had to incur heavy additional expense to meet Commonwealth requirements.

POINT McLEAY.

Mr. NANKIVELL: I understand that Point McLeay is to be converted into what is known as an open village. Can the Minister of Aboriginal Affairs say whether that is so and, if it is, when it is expected that this state of affairs will eventuate? Also, can the Minister say how many families will be resident at Point McLeay under these conditions and in what work they will be engaged?

The Hon. D. A. DUNSTAN: The Government intends to make Point McLeay an open village as soon as that can be accomplished. No date has yet been fixed, but I hope it can be done within 12 months. However, this will depend on the situation which arises at Point McLeay after the creation of the Aboriginal Land Trust. It will be for the Point McLeay residents to decide whether the lands there should be transferred to the trust. If that happens, the trust will be able to negotiate for the transfer and for the arrangements to be made thereafter between tenants of the houses and between the trust and the local Aborigines council at Point McLeay for the working of the lands. It is not yet definite how many families will be permanently at Point McLeay. As the honourable member knows, the population there has been steadily falling; there are too few people there now to work the lands, and some existing houses are expected to be demolished. The remainder will be repaired, and in fact those repairs are proceeding currently. A long-range rebuilding programme will be undertaken. As the honourable member knows, there is not much local employment, and it is expected that the majority of people living at Point McLeay will, in fact, be elderly people or school-children.

HILLS ROAD.

Mr. SHANNON: Has the Minister of Education a reply from the Minister of Roads to my recent question about the building of a third lane on sections of the Mount Barker Road between Stirling and Aldgate?

The Hon. R. R. LOVEDAY: My colleague, the Minister of Roads, reports that widening of the existing pavement to 32ft. is being carried out between Stirling and Aldgate for a distance of about 2,600ft. on the Aldgate side of Stirling. The widened pavement is not being linemarked into three traffic lanes but will have a central line, thus providing two 16ft. lanes with a 6ft. shoulder on the northern side. It is agreed that a third lane would present some hazards to traffic and for this reason was not adopted. Widening to 32ft. plus a 6ft. shoulder should permit some overtaking of slow-moving heavy vehicles, and provide some relief for the faster-moving passenger cars.

KALANGADOO CROSSING.

Mr. RODDA: Has the Premier an answer to my recent question about the installation of warning devices at the Kalangadoo crossing?

The Hon. FRANK WALSH: An inspection has been made of conditions at the Millicent Road level crossing at Kalangadoo, and this crossing has been listed for consideration when priorities for the installation of level crossing protection equipment are next reviewed by the departmental officers concerned.

PUMPING COSTS.

Mrs. STEELE: Can the Minister of Works say what the daily costs will be to pump water into the reservoirs in Adelaide?

The Hon. C. D. HUTCHENS: The honourable member asked for the daily costs for pumping but, as these vary, the weekly costs are given. Pumping is carried on for a longer period at weekends than on week days. Pumping in the Mannum-Adelaide main is at present on the basis of full capacity during off-peak tariff periods. The weekly pumping rate is 308,000,000 gallons, and the cost of electric power is £10,200 a week, including the re-pumping of 16 per cent of the water over the divide into the Onkaparinga Valley. Since full-scale off-peak pumping commenced on September 30, the amount stored in the six metropolitan reservoirs has receded from 16,438,000,000 gallons to 15,884,000,000 gallons. The total quantity pumped since pumping commenced on July 30 has been 3,252,000,000 gallons, and the indications are that it will be

necessary to pump a further 10,000,000,000 gallons by the end of April next. Off-peak pumping can continue for the time being, but it will probably be necessary to introduce "round-the-clock" pumping early in December. This would increase the weekly pumping rate to 472,000,000 gallons and the weekly cost to £17,200, an average increase of £1,000 a day in pumping costs.

BALAKLAVA HIGH SCHOOL.

Mr. HALL: Has the Minister of Education further information on the proposed acquisition of land by the Education Department to extend the playing fields at the Balaklava High School?

The Hon. R. R. LOVEDAY: I will check to see whether further information is available.

BUSH FIRES.

Mr. MILLHOUSE: This, I think, is Clean-up Week as a precaution against bush fires, and I understand (and my own observations confirm it) that this may be a bad year for bush fires. Is the Minister of Agriculture satisfied that the Emergency Fire Service is prepared for the coming season? Will he also comment on the suggestion that as the main bush fire period comes during the university vacation, an auxiliary amongst university students could be formed so that such students would be available to fight fires should that be necessary?

The Hon. G. A. BYWATERS: The answer about the efficiency of the E.F.S. is self-evident when we consider the wonderful array seen in last Saturday's procession. Last Saturday I opened the Yankalilla show and saw a demonstration by three E.F.S. units, all of which were efficient. I echo the sentiments of every member when I say that for a voluntary organization it does a wonderful job. Without the E.F.S. the State would be in more danger than it is at present, and it is good to know that we can count on men, mostly young, who are prepared to give their time freely to protect lives and property in fire-prone areas. I realize how well they do their jobs. Probably new techniques will be introduced, but at present the efficiency would be as high as it can be under present known methods. University students would have to assist on a voluntary basis, but if they were prepared to do something along these lines I am sure Mr. Kerr of the E.F.S. would be happy to hear from them.

STOCK THEFTS.

Mr. RODDA: Has the Premier an answer to my recent question about sheep-stealing in the South-East?

The Hon. FRANK WALSH: Members of the "Stock" Squad of the South Australian Police Criminal Investigation Branch are conversant with the anti-sheep-stealing course conducted at the Detective Training School, Melbourne. The methods of prevention and detection practised in South Australia were requested for inclusion in that course. Sheep-stealing lectures are included in the Detective Training Course the Police Department conducts each year. The matters considered essential and covered in these lectures are:

(1) Transport and disposal—the new "movement report" will assist in this regard.
(2) Forensic science—testing branding dyes, stock medicines, wool fibres, skin tissue and trace elements.
(3) Practical aspects of the sheep industry—types of sheep used for breeding purposes, wool production, fat lambs, etc.
(4) Prevention and detection—methods known to have been used by offenders.

A close liaison is maintained between country police officers and members of the "Stock" Squad when investigating reports of sheep-stealing in country areas. The local officers assist in the inquiries.

PEAKE WATER SUPPLY.

Mr. NANKIVELL: The Minister of Works stated some time ago that work on the Peake water scheme would commence in a fortnight. As nothing seems to have been done, will the Minister ascertain when it is intended to commence drilling at Peake?

The Hon. C. D. HUTCHENS: Yes.

DENTAL HEALTH.

Mr. MILLHOUSE: Last week, the Premier, in reply to my question concerning a statement made by Mr. R. H. Wallman about dental health, said he would endeavour to obtain some information on this matter as soon as possible. Can the Premier answer that question, or would he prefer that I put the question on notice?

The Hon. FRANK WALSH: I think it is generally understood that, if and when a member raises a question in this House, officers of the various departments concerned endeavour to supply the necessary information as quickly as possible, so that it can be related to the honourable member concerned. I do not think that such officers should be criticized unduly in respect of questions raised in the House. If the honourable member is not satisfied with the present practice, and if he considers it would be more appropriate to seek the information in another way, I have not the slightest objection to his placing the question on notice.

FREE LIBRARIES.

Mr. HALL: I understand that a mobile library is successfully functioning close to my district, in the Tea Tree Gully council area. I have been approached by certain constituents in regard to providing a library service in the lower end of the Salisbury City Council area, particularly in the Para Hills and Parafield Gardens areas. Can the Minister of Education say whether the subsidizing of a mobile library for these areas has been considered, whether any requests have been made by the Salisbury council, and, if they have, whether such a service is likely to be provided soon?

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

STATE BANK LOANS.

Mr. NANKIVELL: Some weeks ago I drew the Premier's attention to a change in the policy of the State Bank in respect of housing loans, and he confirmed that the policy had changed. I have here a letter from a constituent of mine which illustrates a predicament that has arisen as a result of that change in policy, and which states:

Dear Sir, *Re* State Bank Housing Loans. I would like to bring to your notice information and circumstances regarding a housing loan applied for in August, 1965. First of all, we were advised by the Manager of the Tintinara branch that the usual waiting time for a loan through the State Bank is four months. I require the finance, as it is a part of my job to have a house, as an insurance inspector. I arranged for temporary finance for four and a half months, which is required to be paid back by mid-November, and this cannot be extended. On completion of the house, myself and family moved in.

On contacting the Manager of the Tintinara branch last week, he advised that owing to Government policy alterations our loan, along with others, had been pooled, and a further waiting period of up to 12 months has been forced on us. I would also like to point out that if this is so, then our house will have to be put on the market, and sold, and also owing to the unavailability of housing in the Keith-Bordertown area, then I would subsequently lose my present job and be placed in a worse position in Adelaide. This has all come about by a change in Government policy, and I would like you to act on this, as I am not the only one involved, but my circumstances are extenuating, and any prompt action you could take on my behalf would be appreciated.

This letter has not been solicited in any way, and I point out that other persons at Keith have been affected as a result of this change in policy. Will the Premier, as Minister of Housing, ascertain whether some relief may be temporarily given (or policy changed) in order to enable people who may be in a similar position to that stated in the letter, to purchase houses through the State Bank?

The Hon. FRANK WALSH: I hope it is understood that, prior to arranging a temporary mortgage, it is desirable to know whether the person concerned has arranged with the lending authority (in this case the State Bank) that he have approval to arrange for such temporary finance. I sign many dockets daily authorizing people in certain circumstances, and unable to obtain immediate assistance, to apply to the bank for a loan; the bank grants approval for those people to proceed to obtain temporary finance, fully aware of what they are undertaking. I doubt whether the waiting period is as long as the one stated by the honourable member, but rather than guess I will obtain a full report from the State Bank.

SUPERANNUATION.

Mr. MILLHOUSE: Can the Premier say whether the Government intends to introduce legislation this session to increase the pensions payable to retired public servants who have been receiving pensions for some time? With the continuing change in the value of money, the value of the pension has declined, and some retired public servants are really feeling the pinch. Does the Government intend to legislate along these lines?

The Hon. FRANK WALSH: The amendments to the Superannuation Act to be introduced have been fully investigated by a committee representing subscribers to the Superannuation Fund. Complete accord was reached at discussions between that committee and Government representatives, but I cannot give details at this stage. However, these matters will be fully explained when the Bill is introduced.

LAND DEVELOPMENT.

Mr. NANKIVELL: Can the Minister of Lands say whether he now intends to introduce into the House this session legislation to enable further development to be undertaken in the counties of Buckingham and Chandos?

The Hon. G. A. BYWATERS: It was hoped that we would be able to introduce legislation this session in respect of this area but, in view of the progress made so far, it seems highly improbable that this will happen.

WELFARE REPORT.

Mr. MILLHOUSE: Last week I asked the Minister of Social Welfare whether he would table the report of the Children's Welfare and Public Relief Board, which report is now quite late. He said that he hoped to do this in the measurable future. I pointed out to him that it would greatly help honourable members when they were debating the clauses of the Maintenance Act Amendment Bill, and I think he gave assent to that suggestion. I am disappointed that so far the Minister has not tabled the report. Can he say when he will be able to do so?

The Hon. D. A. DUNSTAN: The report has been supplied to me and has been forwarded to His Excellency. I will table it as soon as possible.

Mr. Millhouse: Before we go on with the Bill?

The Hon. D. A. DUNSTAN: I cannot undertake that. I point out that the Bill has been on the Notice Paper for a long time—indeed, long before the report was due. However, I will get it to the honourable member as soon as I can.

The SPEAKER: I believe I should point out to honourable members that the Standing Orders provide for a limit on the length of time that should be taken in explaining a question. They also prohibit comment.

ENGINEERS.

Mr. NANKIVELL: Has the Minister of Education, representing the Minister of Roads, a reply to my question of October 14 regarding the funds allocated to engineers in the eastern and south-eastern regions of the Highways Department's undertaking for the year ended 1964-65 and for the current year? Further, will he ask his colleague for a statement showing the break-up of grants to individual councils, if this is not shown?

The Hon. R. R. LOVEDAY: I shall endeavour to get the information requested by the honourable member in the last part of his question. In relation to the first part, my colleague, the Minister of Roads, has reported on the fund allocated to the eastern and south-eastern districts for road construction maintenance and grants to councils for 1964-65 and 1965-66. As the figures are rather lengthy I ask leave of the House to have them incorporated in *Hansard* without my reading them.

Leave granted.

FUNDS ALLOCATED TO DISTRICTS IN 1964/65 AND 1965/66.

(Road construction, maintenance and grants to councils.)

Eastern District.

	1964/65. £	1965/66. £
*Construction	821,300	854,400
Maintenance	246,800	281,000
Operation and maintenance of ferries .	113,900	123,000
Grants to councils (excl. supervision)	307,000	322,500
	£1,489,000	£1,580,900

South-Eastern District.

	1964/65. £	1965/66. £
*Construction	912,000	1,002,000
Maintenance	202,700	264,900
Grants to councils (excl. supervision)	178,200	199,500
	£1,292,900	£1,466,400

* Includes payments to councils for specific works carried out on behalf of the department.

MINISTERIAL STATEMENT: ABORIGINES.

The Hon. D. A. DUNSTAN (Minister of Aboriginal Affairs): Mr. Speaker, I seek leave to make a Ministerial statement.

Leave granted.

The Hon. D. A. DUNSTAN: Mr. Speaker, as Minister of Aboriginal Affairs I have been grievously concerned about some recent press articles, and I have some information to give the House which I think is of vital importance to it and to the public of this State. In this House last week I said that the article about which I was questioned by an honourable member was exaggerated and inaccurate, and I hold to that statement. Subsequently, the same newspaper, under a heading "Readers Back Our Story", published two anonymous letters and a letter from the Superintendent of the Port Augusta Methodist Circuit. The letter from the reverend gentleman did not back the story of the newspaper but, Sir, it was not the whole letter which he originally sent to the newspaper. I have been provided with a carbon copy of that letter, and it contains some further passages which were carefully elided. One of these passages states:

Your article quotes one citizen to say that the situation is right out of hand. This is a gross exaggeration. We have observed that the police do their duty and that no disturbances or offensive acts are allowed to continue when detected.

Another section of the letter referred to the photographs about which I protested in this House last week, and the passage states:

We are concerned for the men appearing in the photographs. The same Aboriginal man appeared in each of the groups. The men are known to us. Two or them are father and son who were waiting for a bus. These men live in houses on the reserve and they are not those who give us gravest concern.

The Government is concerned for the men whose photographs appear in the newspaper. I have obtained a statement from one of those men, and it is corroborated by departmental officers and by a taxi driver in Port Augusta. I think the House should know the circumstances under which those photographs were obtained and published. The information given to me by this man, who is a departmental employee, is as follows:

These photographs were taken in the main street of Port Augusta on Friday, October 15. I left the reserve at five minutes to five on Friday afternoon with Mr. Unger, in the bus. I went to town because I had forgotten to pick up the newspapers on the late afternoon run. I told Mr. Unger I would get a ride back with Sammy Taylor, one of the lads living on the reserve. I picked up the newspapers and went to wait for Sammy near where I parked the bus to pick up papers and mail. It was here that I met my father and Laurie Driver. My father said he thought someone had taken his photograph coming out of the Commonwealth Hotel. He wasn't sure because the chap with the camera did not speak to him.

We were waiting for Sammy to come along in his car when this photographer, a local chap I know by name, came up to us. He spoke to dad then spoke to Laurie who doesn't speak English too well. Dad spoke to me but I didn't want my picture taken. The photographer spoke to me but I still said no, I don't want my picture taken and put in the paper. He promised me it would not be put in the papers. After this I said I'd let him. He then asked us to sit down and asked dad to hold his parcel out a little so that it could be seen. He then took the photograph. I said to dad I have to run the bus out to the Army camp tonight to take some C.M.F. boys out at half-past six, I'm going to get a cab home, we had better not wait any longer for Sammy. We walked to the rank at Fullerton's meat store and saw a driver who is a mate of mine. As we got into the cab the photographer came and lifted his camera. I said not to take my photograph and Kelvin said, "Don't take pictures of people in my cab, mate". He took a picture, anyway, and just walked off. The taxi dropped dad and Laurie at a house in Tassie Street and brought me to the gate of the reserve. Kelvin has not a permit to go into the reserve. Dad knocks off work at half-past four and it takes 20 minutes to walk to the rank where the photos. were taken. I met dad and Laurie at five past five. I arrived back at the reserve at 20 past five.

That has been checked with the Superintendent of the reserve, and it is correct. The information continues:

I remember the time exactly because I had to check the bus and have my tea and leave the reserve at half-past six. The bottom photo. in the *Sunday Mail* is where dad walked out of the hotel. Dad has been employed on the Commonwealth Railways for five years up to this time. This was why he thought someone had taken his photo. The top photo. in the *Mail* is where the photographer asked us to sit down. It was Friday afternoon and there were quite a few Aboriginal people shopping about but this chap seemed to follow us around all the while. I don't know why, I didn't have a drink that night because I had to take the bus to the Army camp with our C.M.F. boys. What dad and I object most to, and Laurie, is that these pictures make people think that we are the blokes begging around the streets. I have lived in Port Augusta for six years and have never been chatted by a policeman for drinking. I don't know what people think now.

The attitude of the Government is that every citizen of this community is entitled to be treated with respect. I do not know how editors or people employed by this paper would feel if they were posed in Hindley Street and had pictures of them published in a newspaper saying, "They sit waiting, waiting in the streets." This is an abuse of people who have been taken advantage of. I think it is disgraceful, and I cannot understand how a responsible newspaper can proceed in this way.

PERSONAL EXPLANATION: EVIDENCE ACT AMENDMENT BILL.

The Hon. D. A. DUNSTAN (Attorney-General): I ask leave to make a personal explanation.

Leave granted.

The Hon. D. A. DUNSTAN: Last Friday morning I noticed a passage in the *Advertiser* which was a re-write of a story concerning the Evidence Act Amendment Bill. The story had appeared in the previous day's *News*, and it had also been released to the Australian Broadcasting Commission. As originally released, that statement pointed out that, in respect of the provisions of the Bill relating to the suppression of names before conviction, and those relating to the suppression of evidence at preliminary inquiries from publication in mass media, I had the support of the Chief Justice and of the Law Society. When the story was re-written, unfortunately the paragraph referring to that matter was transposed and the wording slightly changed, so that in the *Advertiser* it appeared that I had the support of the Chief Justice and the Law Society for all provisions of the Bill. That is not so, and I desire to make that clear. As soon as I saw

this in the newspaper I got in touch with the Associate to His Honour to point out how the mistake had arisen. I believe that, although an innocent mistake, it must be corrected. The position is that both the Chief Justice and the Law Society were given knowledge some months ago of the principles to be contained in this measure. At that time I had discussions with officers of the Law Society and with the Chief Justice. The Chief Justice gave his assent and support to all the provisions of the Bill except those concerning the introduction of the Judges' Rules for the questioning of accused persons. The Chief Justice had given a memorandum to the previous Government in which he did not support the introduction of such a measure. I explained to him that this was a matter of Government policy and had been in the Party's published platform for some time. He accepted that that was so. I had the support expressed to me by the Law Society for all the provisions in the Bill. I want to make it clear that the Chief Justice did not and does not support the introduction of the provisions relating to the Judges' Rules for the questioning of accused persons.

LAND TAX ACT AMENDMENT BILL.

In Committee.

(Continued from October 19. Page 2246.)

Clause 3—"Taxes on land and rates."

Mr. HALL: I move:

In new subsection (1) to strike out "and subsequent financial years".

It has been clearly demonstrated that this legislation is a cloak for a further increase in land taxes next year. This is a sinister move to introduce a rise now, which is stated to be only a minor rise, when there is to be a new quinquennial assessment this financial year. The Government has taken the opportunity to introduce this measure now so that it will escape criticism next year when the quinquennial rise occurs. This measure should not be passed as a matter of course because it raises a large percentage of the taxes in the State. If my amendment is carried, a new Bill will be necessary next year and this would place the responsibility for land tax increases on the Government. This would mean that the Government's approach would be more honest. The member for Glenelg (Mr. Hudson) said that figures I have quoted did not exist, but he is wrong. Wide-scale farming lands have the high valuations of which I spoke.

Mr. Hudson: I did not say they did not exist; I said they were unlikely.

Mr. HALL: The honourable member said:

I do not know of examples of land having an unimproved value of £80 or £100 an acre where it is not land to be used for subdivisional purposes.

Later, he said:

In almost no case will it have an incidence that could be described as completely unfair or unjustified or be described in the way that Opposition members have tried to describe it.

Mr. Hudson: I said they were completely unusual, that's all.

Mr. HALL: Is it of no concern to the honourable member if 1 per cent or 2 per cent of land taxpayers go out of existence? I agree with the member for Rocky River who said to the honourable member for Glenelg, "You don't know anything about it." I think that the member for Glenelg has read a book and thinks that this is the way to govern a State. He has no knowledge of the hardship caused by this taxation. He said:

Basically all that land tax does in this connection is partly to encourage the transfer of this sort of land from its older use.

Mr. Hudson: In what connection was that?

Mr. HALL: Let the honourable member get up and say. Properties are held from one generation to another, and so they should be. Where is the capital gain in productivity values? For generation after generation these owners are to pay increased taxation on some mythical capital gain that probably will never be realized. This is the type of management we are to get from the policy represented by the honourable member for Glenelg. I can tell the honourable member of one instance in the Virginia area, involving 290 acres at £102 an acre unimproved land value. I have another instance of 150 acres at £60 and 160 acres at £80, and I am willing to furnish the names in private for the honourable member.

This is a tax which is double-barrelled, and I believe that raising the rates just before the new quinquennial assessment is an underhanded way of introducing the increase. This Government should accept the responsibility of the new increase next year by introducing a new Bill. I seek to limit the provisions of this Bill to this financial year.

The CHAIRMAN: The Committee is considering clause 3, which amends section 12 of the principal Act and deals with taxes on land and rates. The member for Gouger has moved to amend new subsection (1) by striking out "and subsequent financial years". The question before the Chair is "That the words proposed to be struck out stand part of the clause." Those in favour say "Aye", those against—

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): I am very sorry that the Treasurer did not in fact—

The CHAIRMAN: Order! I put the question before the Leader of the Opposition rose.

The Hon. Sir THOMAS PLAYFORD: Mr. Chairman, with all due deference, the question has not yet been put.

Members interjecting:

The CHAIRMAN: Order! Last week a question was raised by the honourable member for Mitcham as to the procedure in dealing with a clause where more than one section was involved, and I made one or two suggestions that were not acceptable. However, the suggestion I made that we would deal with one section at a time was acceptable to the Committee. Each amendment has to be dealt with in the order in which it is moved. This is the first amendment, and I put the amendment as moved by the honourable member for Gouger to strike out certain words. I put the question for the "Ayes", and I was putting the question for the "Noes" when the Leader rose.

The Hon. Sir THOMAS PLAYFORD: On a point of order, Mr. Chairman, I suggest that I had every right to stand up.

The CHAIRMAN: Not after the question was put. I thought the honourable the Leader would know that.

The Hon. Sir THOMAS PLAYFORD: With due deference, Mr. Chairman, the question had not been put.

The CHAIRMAN: I suggest the Leader look in *Hansard* tomorrow morning. The discussion is out of order.

Mr. SHANNON: Mr Chairman—

The CHAIRMAN: Order! There was plenty of time allowed. I am declaring the vote.

Mr. SHANNON: The motion has never been put. I am prepared to move, Mr. Chairman, that your ruling be disagreed to.

The CHAIRMAN: As I had not finished putting the vote, I will allow further discussion on this occasion. However, I suggest to honourable members that in future they listen for the call. On this occasion I called "Clause 3"; I read the description at the side; I read the amendment; I put the vote for the "Ayes"; and I was in the course of putting the vote for the "Noes" when the Leader of the Opposition rose.

The Hon. FRANK WALSH (Premier and Treasurer): Mr. Chairman, with all due deference to the Leader of the Opposition and other members opposite, I called out and other members behind me called out when you put the question. The "Ayes" had voted before any honourable member rose.

The Hon. Sir THOMAS PLAYFORD: The vote had not been taken.

The Hon. Frank Walsh: When is a vote taken? When it suits you?

The Hon. Sir THOMAS PLAYFORD: The vote is taken when the "Noes" vote, and not until then. It is usual for the Treasurer, when an amendment is before the Committee, to indicate whether or not he accepts it. Out of courtesy to the Treasurer I did not immediately stand up. Obviously, if he accepts something, I do not want to continue to debate it. The Treasurer did not get up so I did and I maintain that I have every right to get up and support the amendment that was moved.

The CHAIRMAN: I intend on this occasion to put the vote again. However, I point out that before I put the vote I called "Clause 3"; I read "Amendment of principal Act, taxes on land and rates." I read the whole of the amendment; then I put the vote and the "Ayes" voted; and I was in the course of calling on the "Noes" to vote when the Leader rose. However, if the honourable the Leader desires to make some comment he can do so.

The Hon. Sir THOMAS PLAYFORD: Mr. Chairman, I support the amendment. I believe this Bill has been brought in under a very grave misapprehension. The Treasurer stated that the Bill had been introduced to bring the level of land tax in South Australia up to the level of the other Australian States. He produced certain facts and figures to support that statement, and he was very ably supported in that regard by the honourable member for Glenelg, who apparently favours a capital gains tax and considers this is one way of levying it. However, the facts available to honourable members do not support the contention that South Australia is out of line with the other States. Indeed, they indicate that other States are reducing land taxation. The impending quinquennial assessment will undoubtedly raise the tax steeply. If we adjust the taxation now this State will be in the invidious position that we will be taxing industry away from the State, and we will be taxing our landowners to an extent that they cannot support. I strongly support the amendment moved by the member for Gouger. The recent Grants Commission's Report sets out the position in other States and the trend in other States. I think the authority for that will be accepted even by

the member for Glenelg. At page 125 of that report the position in New South Wales is set out as follows:

In respect of assessments for 1963-64 and subsequent years, land taxation legislation was amended to allow, by way of rebate, a 5 per cent reduction on the amount of land tax otherwise payable. In addition, the special rebate of £3 deduction for each stud merino ewe, in respect of merino studs, was increased to £6.

Regarding Victoria, we have the same position, although it is not expressed in the same way. It states:

From December 31, 1962, the exemption on urban land which had been £1,450 unimproved value, reducing proportionately for land of value in excess of this to nil where the value was £1,632 or more, was increased to an exemption of £1,750 unimproved value, reducing proportionately for land of value in excess of this to nil where the value is £2,000 or more.

Also, additional tax of 20 per cent in respect of land owned by absentees is no longer payable where such land is used for primary production or industrial purposes.

In Queensland for the land tax year 1962-63, the exemption that had been £1,000 for urban land and £3,000 for rural land was increased to an exemption of £1,250 for urban and £3,750 for rural land. There was no change in the rate of tax. In 1963-64 the exemption for urban land was raised to £1,750, and £5,250 for rural land, and the rates of tax were reduced by lowering the maximum charge of 10d. in the pound to 7½d. in the pound and by raising the value on which the maximum applied from £75,000 to £100,000. In Tasmania the Grants Commission noted that for the year 1963-64 a general rebate of 10 per cent on tax as assessed was granted to all taxpayers. All other States with the exception of Western Australia, which has a low rate of taxation when considering the total amount collected, are doing exactly the opposite to what South Australia is doing.

These States realize it is a destructive tax, and that with this tax there will not be new industries or successful rural occupation of the land. This is a bad tax and is founded on wrong principles. Recently I compared the tax in this State with that in Queensland, and showed that we collected about 60 per cent more than is collected in that State. In fact, Queensland collects £1,807,000, whereas South Australia collects £2,450,000 without this additional impost. The Treasurer and the member for Glenelg have said that it would be improper to give any comparison between Queensland and South Australia because South Australia had alienated its land but Queensland had not. The member for Glenelg said:

In Queensland, as the Leader should know, the greater part of the land has not been alienated and is not subject to land tax, and that is the basic reason for the great difference between the amount of tax collected in Queensland and that collected in other States.

The Treasurer made a similar statement, which was probably written by the same authority. He said:

The comparison the Leader makes between South Australia and Queensland is quite unreal and it must be pointed out that Queensland has only a relatively small proportion of its land alienated and subject to land tax.

The *Commonwealth Year Book*, an authoritative publication, states that in Queensland the area alienated is 26,200,000 acres of a total area of 427,000,000 acres, a percentage of 6.1, whereas in South Australia 15,700,000 acres have been alienated out of a total of 243,000,000 acres or 6.5 per cent. It is also significant that the land alienated in New South Wales, compared with the total, is 28.7 per cent, while in Victoria it is 56.2 per cent. I hope the Treasurer will consider this reasonable amendment so that the matter will come before Parliament next year after the quinquennial assessment has been finalized by the department, and people will know what is involved. This would show that the Government is not completely unconscious of the economic effect which could arise from this taxation.

The Hon. FRANK WALSH (Premier and Treasurer): I have some comments on the statements of the Leader of the Opposition. The comparison the Leader makes between South Australia and Queensland is quite unreal, for it must be pointed out that Queensland has only a relatively small proportion of its land alienated, and therefore subject to land tax. Queensland, of course, gets its comparable revenues from its leasehold rents where the land has not been alienated. An analysis made some years ago by Treasury officers for the Grants Commission indicated that, if Queensland lands were alienated to the extent that they were in South Australia, the Queensland tax yield would have been about two and three-quarter times as high as actually it was. The actual severity of land tax levied in Queensland in relation to unimproved value taxed is considerably higher than in South Australia. Over the scales to be adjusted in South Australia the rates, in most instances, will still be much lower in this State than in Queensland.

With all due respect to the information the Leader is quoting from now, I point out the following. For instance, on town lands worth

£10,000 Queensland tax would be £102 1s. 8d. compared with £46 17s. 6d. proposed here. For £20,000 value the figures are £310 8s. 4d. and £156 5s. This Government has a responsibility to the people of South Australia, and it is not much use waving the flag and saying, "If you increase taxation, you will injure this State to such an extent that there will be no further industry in South Australia, and a hardship will be imposed on all the people, because there will be no industry." Soon the Opposition will say we are taxing Holdens out of production in this State. There is a limited field in which this Government is able to raise further revenue to finance a programme that is not entirely of its own making. This Government must meet its obligations in respect of social services, and we shall not go to Queensland for the necessary finance: we shall go to the people of South Australia. The Government has introduced the Bill for revenue purposes to honour its obligations and to help provide social services in this State. In the circumstances, we will not accept the amendment.

Mr. HUDSON: One of the great virtues of the Leader of the Opposition is that when he is knocked to the canvas he can get up again and once more lead with his chin, inviting us all to take another swipe. Honourable members will recall that, during the second reading debate, the Leader was caught out on a number of points, and at the conclusion of that debate the Treasurer delivered the final right cross that spreadeagled the Leader. The particular point at issue, which was the basis of my remark in the comparison of Queensland and South Australia (and this I am glad to say was correctly quoted by the Leader), was that in Queensland, as the Leader should know, the greater part of the land has not been alienated and is not subject to land tax. Two aspects are involved in that: first, the greater part of the land has not been alienated.

If we take the percentage of freehold lands to the total area of each State, then the figures emerge much the same as those recently given by the Leader of the Opposition, although the *Queensland Year Book* does not give exactly the same percentages as he gave. However, only 2 per cent of the total land area in Queensland is unoccupied, whereas in South Australia (and quoting from the *Pocket Year Book*) the total unoccupied land area is 32.87 per cent. If we are to make a comparison that means anything, we should compare the percentage of the occupied land in Queensland and South Australia that has been alienated and converted into freehold land. We should then find that in Queensland, according to the figures in the *Queensland Year Book*, about 6.8 per cent of the total occupied land area has been alienated, whereas in South Australia the occupied land that has been alienated is 10 per cent. There was a double barrel to the remark that the Leader quoted from my second reading speech. The second barrel was contained in the words "and is not subject to tax". Page 417 of the *Queensland Year Book*, 1964, states:

In Queensland only the freehold land is subject to land taxation. Land tax applies to all returns of freehold land.

And then there are certain exemptions. In South Australia, however, land tax applies not merely to freehold land but also to almost all the perpetual leasehold land. If the Leader cares to refer to section 19 of the Land Tax Act he will find that all land held under—

The Hon. Sir Thomas Playford: Will the honourable member read it for my information?

Mr. HUDSON: I should be delighted. Section 19 provides:

All land held under—

(*a*) any perpetual lease, not subject to revaluation of rent, granted under or pursuant to the Crown Lands Amendment Act, 1893, which lease subjects the lessee to pay yearly, in addition to the rent, an amount equal to the land tax, whether such lease was granted originally or on the surrender of an existing lease:

(*b*) any perpetual lease granted after the twentieth day of December, eighteen hundred and ninety-four, and before the first day of January, nineteen hundred and four:

(*c*) any perpetual lease, not subject to revaluation of rent, granted after the thirty-first day of December, nineteen hundred and three,

shall be liable to, and shall be assessed for land tax; and all the provisions of this Act shall apply to that land and to the holder of that lease.

If the Leader wishes to compare the area of land in Queensland and South Australia subject to land tax, he will find that in South Australia 22.6 per cent of the occupied land is subject to land tax, whereas in Queensland 6.7 per cent of the occupied land is subject to it. However, in Queensland, payment of rent on leasehold land is regarded as a substitute for land tax. The rental payments made in Queensland on leasehold land are many times greater than those that apply in South Australia. Furthermore, rents on leasehold land in Queensland are subject to re-assessment every 10 to 15 years. I shall quote from the

Payne Report on Progressive Land Settlement in Queensland. Judge Payne was, and possibly still is, the President of the Queensland Land Court.

The Hon. Sir Thomas Playford: What date is that?

Mr. HUDSON: It is the 1959 report. Paragraph 144 illustrates the point I am making that rent on leasehold land in Queensland is regarded as a substitute for land tax. The paragraph states:

Although opinions may differ on this matter, it is considered that perpetual lease tenure with rent at 2½ per cent of the present unimproved capital value of the land, and without payment of any land tax, is the best of the tenures offered. In the case of freeholding tenure, substantial land tax would be payable each year after the land was freeholded. It is true that the rents of perpetual leases would be re-assessed from time to time and would probably be increased; but so would the land tax payable on freehold be increased as the market value of the land increased.

I think it is crystal clear from that paragraph that land tax on freehold land and rent on leasehold land in Queensland go hand in hand. Both are subject to re-assessment periodically. Although I could not find useful instances much earlier than the rates that applied in 1953, the report gives an example of a specific rate that applied in Queensland as early as 1953. It refers to an area known as Cecil Plains. Paragraph 333 of the Payne Report states:

The capital values of the first-mentioned group were re-assessed by the Land Court in 1953. The Crown sought unimproved capital values ranging from 11s. 6d. per acre, for inferior grazing land or light carrying capacity utilized for the grazing of sheep or cattle, up to £16 per acre, for the best black soil, open plain, grain-growing land. The highest unimproved capital value determined by the court was £14 per acre. Rents were calculated at 3 per cent on the unimproved capital values.

That was in 1953 and there would have been a further re-assessment since then, but rent at 3 per cent on land at Cecil Plains in Queensland with unimproved value ranging from 11s. 6d. an acre to £14 an acre would mean rent which varied from 4d. an acre on the worst land up to 8s. 5d. an acre on the best black soil, open plain, grain-growing land. I am confident that, if the Leader of the Opposition cares to add together the land tax and rent payable on land to the Government in both South Australia and in Queensland, he will find that the land tax and rent levied per capita in Queensland is well in excess of that levied in South Australia, and will remain well in excess after this Bill becomes law.

Mr. Hall: Would you say that is why Queensland agriculture is behind South Australian agriculture? It's apparent that it is.

Mr. HUDSON: I would not be qualified to make that sort of comparison. However, I have no doubt that the member for Gouger is fully qualified in that respect. The Leader of the Opposition offered to hold a garden party if anyone could display the difference of the land tax per capita in Queensland and in South Australia. Having checked on his speech, I find that, when he said he would give a garden party, he did not say that he would invite me. However, I request that he admit that his argument in this connection is completely wrong and that he give that garden party. I will allow him complete freedom as to whom he invites.

Mr. HEASLIP: I was interested to hear the theoretical address on land tax by a member who will support the imposition of a tax that he will never have to pay himself. It is to be imposed on a section of the community to which he does not belong. I own land and have paid tax on it all my life. The honourable member has spoken about capital gains tax on land.

Mr. Hudson: I was talking particularly in relation to blocks of land in the inner city area.

Mr. HEASLIP: This legislation is for land tax and applies equally to the country and to the city. I have not made a penny from capital gains: my grandfather took up the land; then I took it; and my boys took it from me. Therefore, there has never been a sale. This applies to practically all country people. They do not buy to sell: they buy land to produce off it. This land tax is added on to the cost of production which, in the end, the consumer must pay. I support the amendment, which will limit the operation of this tax to one year. If the Government's intention in this matter is honest, it will accept the amendment and introduce a new Bill in 12 months' time. However, I believe the Government does not want to introduce a further Bill next year. The reason for the Bill is to raise money from one section of the community.

Mr. Jennings: What do you mean?

Mr. HEASLIP: The Treasurer said that the Government was introducing this Bill to raise revenue and to pay for its social services policy. I maintain that the Government is raising money from one section of the community to pay another section of the community. In fact, it is taking it away from the productive section to give it to the non-productive section. I realize that is Socialism

and that it is the policy of the Government, but I do not believe in that policy. I support the amendment, and I believe that if the Government is honest it will accept it.

Mr. SHANNON: I have listened to much academic discussion and odious comparisons which do not have any bearing on the matter now before the Committee. This is a tax measure for the raising of money. I do not think any member of Parliament would deny a Government the right to raise money for its own purposes. The Government must carry on the affairs of the State, and if the policy of the Government and my policy do not agree it is just bad luck for me. My complaint in this matter is that the Government is introducing a tax measure, the estimate of the value of which it does not itself know. We are on the eve of a re-assessment of land values in this State, and when that re-assessment is known, but not until then, the impact of the taxes now proposed can be correctly assessed.

It is important that, first, a Government should know what money it wants. Secondly, it should know the source from which it will collect that money. I repeat that in this instance the Government cannot possibly assess the value of the tax being imposed, and I maintain that we should not impose it for more than one year. After that period we will know the impact of the forthcoming quinquennial assessment, and we shall then be able to assess accurately the income available from this source. I suggest the Government would be well advised to accept the amendment so that we can assess in 12 months' time whether we are slugging the landowner too heavily or not heavily enough. What will happen with the quinquennial assessment is anybody's guess. It seems to me that the Committee is dealing in academic arguments regarding the position as between States. I maintain that this does not have much bearing on the matter, because every State has its own peculiar problem. Regarding the point raised by the member for Glenelg, quite obviously some of our land is not capable of being occupied. Certain comparisons that have been made are academic and quite without value when it comes to assessing a problem of how much tax is needed.

The Hon. Sir THOMAS PLAYFORD: I rise only to point out that the honourable member for Glenelg has persisted in saying things that are not according to fact. I have some knowledge of the application of land tax in this State, and I also have some knowledge of who pays the land tax and why they are paying it. I can tell the honourable member that land under perpetual lease in South Australia is alienated from the Crown for land tax purposes. Perpetual lease land, therefore, is subject to land tax. Pastoral lease land does not pay land tax, but it does have a revaluation under the new legislation, I think every seven years. The only proper way of comparing the rates of taxation between the various States is to get down to the incidence of taxation on those people who pay it. It is unreal for the member for Glenelg to talk about our unoccupied land and to imply that the people who occupy land inside have to pay double land tax to make up for the land that is unoccupied. That is just so much rot. Let us examine the rates of taxation that are set out in a document which came to the Parliamentary Library only a few days ago and which is reasonably up to date. I do not think there is a more reputable document than the Grants Commission's report. On page 119, concerning urban lands, the report states:

New South Wales: the general exemption £7,500 reducing by £3 for every £1 by which the value exceeds £7,500.

Victoria: £1,750, reducing by £7 for each £1 by which the value exceeds £1,750.

Queensland: £1,750 deduction from the unimproved value in each case.

In Queensland all values are written down by £1,750, irrespective of the value of the estate. In South Australia and Western Australia the figures are nil. In Tasmania the general exemption is for holdings up to £120 in value. The rate for New South Wales is 1d. in the pound on taxable value up to £2,500, rising to £1,214 tax plus 8d. for each £1 exceeding £65,000. In Victoria it is 1d. in the pound on taxable values up to £8,750, rising to £1,424 tax plus 7d. in the pound of value exceeding £85,000. In Queensland it is 1d. in the pound on taxable values up to £499 rising to 7½d. on each pound of value exceeding £99,999. In South Australia it is ¾d. in the pound on all values up to £5,000, rising to £1,828 plus 7½d. in the pound of value exceeding £100,000, and this now goes to 9d. in the pound under this legislation.

In Western Australia it is 1½d. in the pound on all values up to £5,000, rising to £906 tax plus 7d. for each pound of value exceeding £60,000. In Tasmania it is ½d. in the pound on taxable values up to £480, rising to £1,338 tax plus 7d. for each pound of value exceeding £72,000. That is for urban land. Let us consider rural land, because it is in this field that the member for Glenelg has inflated ideas

of what can be done. In New South Wales the general exemption is £15,000, reducing by £3 for each pound for which the value exceeds £15,000. In Victoria the general exemption is £3,000, reducing by £1 for every pound for which the value exceeds £3,000. In Queensland it is £5,200 deduction from the unimproved value in each case. It does not matter what the value is of the estate. In South Australia it is £2,500, reducing by £2 for every £3 for which the value exceeds £2,500. Western Australia is fully exempted except for unimproved land, although a separate tax or vermin rate is levied on most rural land. We have a dog and vermin rate here.

In Tasmania the general exemption is £4,800, reducing by £2 for every £1 which the value exceeds £4,800. Without the additions brought about by this Bill, it will be seen that South Australia is the heaviest taxed of all States, so that how can anyone say that we are the lowest taxed State in the Commonwealth. The member for Glenelg has been justifying himself on the ground that it is necessary to bring our level to that of every Australian State. This is a destructive tax and it could have a serious effect on the economy of this State. It comes at a most inopportune time. Although the Treasurer said that the Opposition blames him for the dismissals at Holdens, there has not been one question from this side of the Committee that would give that impression, and that matter is outside the scope of this debate.

The Hon. D. N. BROOKMAN: I support the amendment, and refer to the risky situation that occurs when the land tax rate is altered before an assessment. I presume the coming assessment will be increased, but it is folly to alter the rate before we know the effect of the assessment. The amendment is sound as it will enable us to reconsider the problem. Reference to other States is often completely unbalanced. Because of the quality of our primary industries, we are eminent among other States and the envy of them all. We are much closer to our agricultural potential than are other States. In Queensland is an area of 300,000,000 acres with a rainfall of 20in. or more, and this area is larger than the State of South Australia. As only about 3 per cent of this State has a better rainfall than 20in. how can we support high land tax in this State? How can we support high land tax under these conditions, and how can we support a measure that will alter the rate, before we receive a mysterious assessment we do not know about? We should be better able to examine this legislation next session.

Mr. HUDSON: I was fascinated to hear members of the Opposition, including the member for Alexandra and the member for Onkaparinga, say that we should not really make comparisons with other States, and that they did not mean much. I hope the Leader of the Opposition, who started this process of making—

The Hon. Sir Thomas Playford: The Treasurer started it!

Mr. HUDSON: I made it perfectly clear that in South Australia land tax is payable on freehold land and perpetual leasehold land, but, in the figures quoted in respect of the alienation of land, 6.6 per cent of the total land that is being alienated refers only to freehold land. In Queensland the difference between the land tax figures per capita for South Australia and Queensland is explained by the fact that in that State land tax is collected only on freehold land. Instead, on all the leasehold land, rents are levied at rates that are re-assessed from time to time. It is different from the position that applies fairly generally in South Australia. In 1963-64 the land tax in Queensland was £1,807,000, and pastoral rents were £887,920. For the Leader's information, these figures are taken from the Queensland Auditor-General's Report for this year. Rents of selections and other pastoral leases amounted to £2,567,523, giving a total from land tax, pastoral rents and other rents on land charged by the Government in 1963-64 of £5,262,457. The total figure on land tax, pastoral rents, rents for selections, etc., in Queensland for 1964-65 was £5,421,537. The comparable figures for South Australia for 1963-64 are as follows: land tax, £2,449,483; rents collected through the Lands Department, £330,377, a total of £2,779,860. For 1964-65 the land tax was £2,484,650; rents were £359,631, a total of £2,844,281. That clearly illustrates that the rates in Queensland are many times greater than those in South Australia. On a per capita basis, Queensland land tax in 1963-64 was £3 7s., and in 1964-65, £3 8s. In South Australia the combined figure of land tax and rents in 1963-64 was £2 14s. 6d., and in 1964-65, £2 15s. 2d., which is about 13s. less than the per capita figure applying in Queensland.

The Hon. Sir Thomas Playford: And 20in. lower rainfall.

The Hon. G. G. Pearson: Rainfall has some bearing on the rate levied.

Mr. HUDSON: The assessment made for unimproved land should take that into account, both in South Australia and Queensland. The difference in rainfall and productivity, and the

fact that the smallest percentage of occupied land in South Australia is productive, explains why land tax and rents in Queensland, are 13s. a head higher than they are in South Australia. Using the figures quoted by the Leader of the Opposition from the latest report of the Grants Commission, the land tax payable on a New South Wales estate with an unimproved value of £65,000, would be £1,214. In South Australia, prior to this legislation's being enacted, it would be £869, and £1,109 after its enactment. From that example, and because New South Wales rates begin at 1d. in the pound (and not ¾d. in the pound, as applies in South Australia), it is clear that the actual sum levied in tax on a given unimproved value in New South Wales will still be higher in that State (after this legislation is enacted) than it is in South Australia. In Victoria the tax on £85,000 (urban land) would be £1,424, and in South Australia at present it is £1,390. Pursuant to this legislation the tax on £85,000 would be £1,729. Therefore, the rate on the figure of £85,000 would be higher in South Australia than in Victoria, but not that much higher. Certainly, the rate structure in Victoria is such that on lower valued properties the rate of tax in South Australia, even after this legislation, would still be less than that which applies in Victoria. In Queensland, the Liberal Government reduced the rates particularly on the higher valued properties (and this was to benefit a particular class) and the rates there would now be less than in South Australia, but not for pastoral rents.

In Western Australia, on a property worth £60,000 (and this is from the Grants Commission report), the land tax collected would be £906; in South Australia, prior to this legislation, the rate was £765 12s. 6d., and it will now be £968 15s. Therefore, at the level of £60,000 the land tax rate in South Australia will be slightly above that in Western Australia after this legislation becomes law but on the lower valued estates the land tax in South Australia will still be significantly lower than the rate in Western Australia, because the Western Australian rate starts at 1½d. in the pound whereas the South Australian rate starts at only ¾d. in the pound. In Tasmania, on an estate valued at £72,000, the land tax would be £1,338. Prior to this legislation land tax in South Australia was £1,044 and it will be £1,312, which is still lower than the rate in Tasmania. South Australian rates will still be lower than the rates that apply in New South Wales, a little bit higher than the rates in Victoria on urban land, higher than the rates that apply in Queensland, on a par with the rates in Western Australia, and lower than the rates in Tasmania. Let us get this point clear: this legislation is taxing people who have the capacity to pay.

The Hon. Sir Thomas Playford: The Treasurer is not very pleased with the honourable member.

Mr. HUDSON: The Treasurer showed his displeasure with the Leader of the Opposition in two replies he gave to him. I never expected for a moment that we would have further argument from the Leader or other Opposition members about the details of the legislation after the way in which the details were dealt with during the second reading debate when Opposition arguments were shown to be phoney. I think that I have said enough to demonstrate that, in particular, the Leader's arguments are without foundation. They are things that he has said on the spur of the moment; he has plucked figures from here and there and distorted them in his own inimitable fashion. The rates proposed in this clause are within the bounds of reason, and are on a comparable basis with those in other States.

The Committee divided on the amendment:

Ayes (16).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall (teller), Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, Shannon, and Mrs. Steele.

Noes (19).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Ryan, and Walsh (teller).

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 4 passed.

New clause 3a.—"Repeal of section 15 of the principal Act."

The Hon. Sir THOMAS PLAYFORD: I move to insert the following new clause:

3a. Section 15 of the principal Act is repealed.

Section 15 is completely opposed to the general principle of the Land Tax Act. Every honourable member knows that all lands (no matter where) owned by a person are aggregated for the purpose of fixing the rate of taxation. If a person owns a block of land in the South-East, another in the Murray Mallee,

and another in Adelaide, they are all assessed for a total value for the establishment of the rate. In other words, the taxation is based upon the total area of land a person may own. In section 15, exactly the opposite principle operates, for it provides:

Where more persons than one are owners of any land the same amount of land tax shall be payable in respect of that land as if only one person were the owner thereof.

In other words, it is a complete reversal of the general principle of the aggregation. If two farmers owned a farm jointly and the total value was £20,000, the ownership of the farm would be actually £10,000 for each person, but the tax is based on £20,000.

The Hon. G. G. Pearson: Based on titles and not on persons.

The Hon. Sir THOMAS PLAYFORD: Yes. Apart from that section, in the rest of the Act it is based on persons, so there is an anomaly in that a property owned by two people pays relatively more tax than if it were cut in two and owned under separate titles, and that is manifestly unfair. It is against the principles of the Act, and I believe there is no justification for it.

When I searched for the origin of this section I found that it went right back to the time when there was not much difference between the rate of tax on a relatively low-value property and that on a high-value property. In the case of the former it was ¾d. and in the case of the latter it was only 1½d., so it did not have any material detriment to a taxpayer at that time. However, when we raise the tax to 9d. on a high-value property, a grave injustice is done. Although I am not in a position to consult with the Commissioner, I imagine that this amendment would involve no administrative problems because there are no such problems in chasing up all the titles to aggregate them. If it is feasible to aggregate, I would think it would be fair and equally feasible to segregate the ownership.

I make it clear to the Treasurer that this amendment is not designed to interfere in any way with company holdings, which are an entirely different thing. However, where two or more persons own a property jointly there is no reason why they should be aggregated to get a capital value that puts them into a very much higher class than if they merely took the trouble to divide the property into separate holdings. There would be nothing to stop them adopting that course, which would result in their paying infinitely less tax. I remind the Treasurer that this would not be a costly concession.

The Hon. FRANK WALSH: I remind the Leader that section 12 (4) of the principal Act provides:

Except as otherwise provided in this Act the amount of the land tax payable by a taxpayer shall be based upon the taxable value of all land owned by the taxpayer.

If a person has some land in the South-East and other land somewhere else, it is still land. How are we going to dissect land from land?

Mr. Casey: It is worked in one unit.

The Hon. FRANK WALSH: Yes. A person who has land in the South-East or North-East of the State, or wherever it is, has had to pay for that land and acquire a title for it before beginning to pay tax. Wherever the land is, it is still taxable under this legislation. Unless we can overcome the question of what is provided in subsection (4), I cannot see how we can assist the Leader.

The Hon. Sir THOMAS PLAYFORD: I take it that whatever the decision about section 15, the same decision applies to section 16: the same principle is involved. If the Treasurer will consider the section he quoted he will see that the principle is that, except as otherwise provided in this Act, the amount of tax payable by a taxpayer shall be based on the taxable value of all the land owned by the taxpayer. The person who owns the land pays the tax. Section 15 provides the opposite, that he pays a tax on land which he does not own, or at a suppositious rate. It provides that if four people own the land they pay tax as if one person owned it. I intend to strike out all of section 15, and this is a fair proposition. If people have a joint ownership they will be charged on the same basis as if one person owned the land.

The Hon. FRANK WALSH: Apparently I read it in a different way from the Leader. I understand that if two or three people own a section of land they will not be charged any more for it than if it were in the ownership of one person.

The Hon. Sir THOMAS PLAYFORD: If the Treasurer will consider page 356 of the Act he will see the rates of taxation set out before the amendments become operative. For land exceeding £20,000 in value the base rate of taxation in £119 15s., and for £10,000 the rate of taxation is £36 9s. 2d. Assuming that he and I jointly own a block of land valued at £20,000 with a half-ownership, under section 15 we pay £119 and not £72. Under my proposal each person would pay the appropriate amount for the land he owned, which is in accordance with the general provision of section 12, except

as otherwise provided. I am sure members opposite believe that people should pay the same tax as that paid by another person owning the same area of land.

The Hon. R. R. Loveday: People do not own land jointly unless there is a monetary advantage to be gained.

The Hon. Sir THOMAS PLAYFORD: That is not correct. I have discussed this matter with taxation experts, and they have agreed that the effect of this is to place upon any person who has a joint ownership a gradually increasing rate of tax. That is the only effect it can have. It did not matter when it was originally introduced, because the rates were practically the same, and the large increase was not involved. Section 15 is unjust: it increases the taxation in respect of certain classes by at least 50 per cent.

The Hon. FRANK WALSH: The principle of this land tax relates to unimproved land. It does not involve the question of ownership: it is a question of land.

The Hon. G. G. Pearson: It is not!

The Hon. FRANK WALSH: I am basing my remarks on what is contained in the last amending Act. I have read and re-read section 15. We are agreed on the broad principle that it relates to the tax on the land.

The Hon. Sir Thomas Playford: By the one owner!

The Hon. FRANK WALSH: I am concerned with the taxing of unimproved land. I ask the Committee to accept what is provided in the Bill, and to reject the Leader's amendment.

The Hon. G. G. PEARSON: I know that the Treasurer is anxious to have this legislation passed in the form in which it is presented to the Committee, but, because he is possibly concerned about some slight effect on the revenue, he is completely opposed to the amendment. Section 12 provides that all the land owned by one person shall be treated as one assessment. It is aggregated, but now the Leader of the Opposition desires to apply the reverse principle, which is perfectly fair and proper. He desires to provide that, where a parcel of land has a divided ownership, the same principle shall apply, and that the owner shall pay according to the value of his ownership. That is all the amendment seeks to provide. How can the Treasurer logically expect to have it both ways? As the escalations and the various steps become wider (as they do under the Bill) the matter becomes more serious. Throughout the State hundreds of cases exist where, because of the gain in productivity of farm lands, farmers are dividing a property amongst two or three sons, and a reasonable living area is available on a piece of land which, in the mallee scrub days, could provide a living for only one family.

Mr. Casey: A separate title can be taken out.

The Hon. G. G. PEARSON: Suppose the owner does not desire to cut the property up into separate titles. He is penalized for not doing that. The only way to escape the aggregation is to take out a separate title, and if he does take out that separate title he pays exactly what we desire he should pay now. The Treasurer's argument about taxing a piece of land falls to the ground because, if it is cut up into separate titles, separate ownership and assessment are achieved. If that occurs (and I have no doubt that the farmer will eventually do that) why penalize the people concerned at this stage, when the parent may desire to retain an interest in the property as a joint owner? Because he seeks that legitimate privilege, he is taxed on the value of the whole piece of land. That intention militates against what I thought would be the Government's policy, namely, the closer settlement of land.

The Hon. R. R. Loveday: What about the reverse process?

The Hon. G. G. PEARSON: I am not disputing the provision in the Bill that aggregates all the land owned by one person into the one assessment. However, I dispute the fact that when a person desires to settle his property more closely—

The Hon. R. R. Loveday: He can divide the title without settling it more closely.

The Hon. G. G. PEARSON: If two separate titles exist, separate occupancies (and separate plant and machinery for each occupancy) are involved, which is not always economic. The Treasurer desires land to be aggregated when it suits him, and he desires it to be separated when it suits him. The principle of the Act is that if taxation is to be based on all the land that a person owns, it shall be based on that principle and not on the basis of something that is owned in partnership.

The Committee divided on the new clause:

Ayes (16).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, Nankivell, and Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Rodda, and Shannon, and Mrs. Steele.

Noes (19).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Ryan, and Walsh (teller).

Majority of 3 for the Noes.

New clause thus negatived.

Title passed.

Bill reported without amendment. Committee's report adopted.

[*Sitting suspended from 6 to 7.30 p.m.*]

Bill read a third time and passed.

COMPANIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from July 1. Page 657.)

Mr. MILLHOUSE (Mitcham): When we were at school, the Attorney-General was regarded as one of the best actors we had produced, and even though he was a very big boy when I was a little boy—

Mr. Lawn: You are still a little boy; stop kidding yourself!

Mr. Quirke: Neither of you has grown up.

Mr. MILLHOUSE: I am beginning to think honourable members are being unkind to me and to the Attorney-General. I was going on to say, before these barbs were directed at me, that I well remember the outstanding performance the Attorney-General gave in the title part of Abraham Lincoln. I believe the Attorney-General has kept up his acting ever since, although I think he was taking himself rather too seriously this afternoon.

The Hon. D. A. Dunstan: I don't.

Mr. MILLHOUSE: Well, it was obvious this afternoon.

The SPEAKER: The honourable member must not refer to another debate.

Mr. MILLHOUSE: I should not dream of doing that. The Minister was certainly acting when he gave the second reading explanation of this Bill. I well remember it, even though it was made as long ago as July 1. I have been treasuring up my recollections of that speech ever since, and I remind the Minister that he cast his eyes piously to Heaven and then said, at the end of his speech:

I hope the House will give unanimous support to the Bill for the purposes that I have outlined.

I must tell the Attorney-General that, as far as I am concerned, that is not to be.

The Hon. D. A. Dunstan: You disappoint me.

Mr. MILLHOUSE: I am glad to see that the Minister is not taking himself so seriously now; I think that is definitely a change for the better. Even though the Minister was able to give his second reading explanation in a little under a page and a half of *Hansard*; and even though the Bill itself is short, it is, in fact, a revenue-raising Bill: it is nothing more or less than that, and I believe it is entirely unwarranted. I remind the Minister (who is now shuffling his papers) and other members, who may have forgotten about the Bill in the few months during which the Government has allowed it to remain on the Notice Paper, that it makes three alterations to one of the schedules of the Companies Act. All three of these alterations will mean an increase in revenue for the Government.

The Hon. D. A. Dunstan: You are mistaken.

Mr. MILLHOUSE: Well, I am sure I am not mistaken.

The Hon. D. A. Dunstan: The first one will not, because it is what we are doing already.

Mr. MILLHOUSE: The first one is a most extraordinary amendment. About half of the Minister's neat little speech is spent in explaining that the Act is really all right now and that the proper interpretation of a passage in the schedule is so and so, when all the amendment does is to make sure that it does say so and so. In other words, the Minister spent his time justifying the present wording of the schedule as a reason for alterating that wording to make it entirely clear—a waste of time if ever I knew one. The purpose of making it clear is to make sure that the Government does not lose any revenue because of a possible faulty interpretation, so I think it is fair to say that if this amendment does anything at all (and, incidentally, I do not oppose it) it does increase the revenue of the Government. However, as I say, the second reading explanation really argues that it is not necessary.

The second amendment is again a small one, and there is nothing in it, I suppose, that we need worry too much about. It merely provides that everybody who applies for a licence of the Minister to dispense with the word "Limited" in the name of a charitable or non-profit making company will pay the fee whether the licence is granted or not. At present, under the schedule to the Companies Act a person only pays his fee if he gets his licence. However, that is not good enough for the Attorney-General, whose attitude is, "You are going to pay your fee whether you get your licence or not; you are going to pay it with your application and not on the granting of the licence."

The Hon. D. A. Dunstan: My word!

Mr. Quirke: How much is it?

Mr. MILLHOUSE: I think it is £10. I diligently noted up the amendment in the First Schedule. It appears in the 1962 volume of the Statutes at page 488. I see it is £10. At present the item says:

For every licence of the Minister to dispense with the word "Limited" in the name of a company, £10.

In future, if this amendment goes through, it will be £10 for every application for a licence of the Minister to dispense, etc. So this, to the extent of the applications which he knocks back, is increasing the revenue of the State. At present, if he knocks them back they do not pay, but from now on they are going to pay, so that, too, is a revenue raiser. Sir, it is the third amendment that is the serious amendment and the one to which I take the greatest exception.

The Hon. R. R. Loveday: If you ask a carpenter to look at a job you have to pay him to come and look.

Mr. MILLHOUSE: The Minister surely is not saying that the Attorney-General is as good as a carpenter. I do not think even the Minister of Education would say that.

Mr. Shannon: It is a gross exaggeration.

Mr. MILLHOUSE: It certainly is.

The Hon. R. R. Loveday: One of the most important people was a Carpenter.

Mr. MILLHOUSE: Does the Minister say the Attorney-General is one of the most important people? We cannot swell the Attorney-General's head by saying that.

Mr. Corcoran: I am sure his head would not be swollen by anything you said.

Mr. MILLHOUSE: I try to make sure it will not be, but I am not sure after my opening gambit in this speech. Let me get back to the serious side of this Bill, which is the third amendment. This is the one to which I take the greatest exception, because it will increase the fee for lodging an annual return of a company from £2 to £3.

Mr. Clark: That's not enough.

Mr. MILLHOUSE: The honourable member for Gawler says that before hearing anything else.

Mr. Clark: I have often heard the stuff you put over.

Mr. MILLHOUSE: I thought this was original.

The Hon. D. A. Dunstan: What you are doing is supporting not private enterprise but private roguery.

Mr. MILLHOUSE: No, I am not. The Attorney-General is jumping in with both feet, and he is right in now. He says that the reason for this increase is to obtain funds to investigate companies' affairs, and further, with more pieties, he speaks about the need for investigation. I do not say there are not some companies that do not observe the law: there are bad examples of that. There were under the old Companies Act, and there have been since the new legislation was passed in 1962. However, I object to the Attorney-General's saying these things in a vague way and not telling us more about how much revenue this will bring in; what he is going to do; when he is going to appoint the investigators; and what their powers will be. Let us consider what is going to happen about the fees raised through the Registrar of Companies in the last few years. Members may remember that in 1962 this Parliament, alas under the previous Government, was cajoled into passing the uniform Companies legislation. At that time, as effectively as I could (but it was hardly effective at all), I opposed that Bill and said what has proved to be the fact, that it was merely a bit of red tape and a revenue raiser for the various State Governments, and that is what has happened.

Let us compare the revenue flowing into the office of the Registrar of Companies before the uniform Bill, and since. If anyone wants me to quote the originals, I have them, but I have made a small table to show what revenue has flowed into that office in the last few years, and it will be instructive for members to listen to these figures so that they can compare them. In 1961-62 the estimated revenue was £60,000, the actual revenue £61,507; in 1962-63 the estimated revenue was £62,000, the actual £65,890; in 1963-64 the estimated revenue had jumped to £146,000 and the actual receipts were £166,684, an increase to well over twice as much; in 1964-65 the estimate was £180,000, the actual £189,441; while in 1965-66, the current year, the estimate is £210,000. Therefore, between 1961-62 and the present year, the estimate has risen from £60,000 to £210,000. The big increase occurred when the uniform Companies Act came into operation, and a gradual increase has taken place ever since. If we look at the profit made by the Companies Office, we find that for the year ended June 30, 1962, there was an excess of receipts over payments of £44,682. If we examine the Auditor-General's Report for this year we find an excess of receipts over payments of £161,069, which is about four times as much. Yet the Attorney-General has the gall to say that he desires additional revenue before he can appoint these

investigators. He is doing a good job of acting now, and I hear his hollow laugh, but the tremendous growth of revenue through the Registrar of Companies office in the last five years is not emphasized. Let us examine the sincerity of the Minister a little further, and see what extra provision is being made in the Estimates of Expenditure this year for the salaries of these investigators that he intends to appoint as a result of this Bill.

We find that no extra allowance is made for more staff in this office. If we look at the Estimates of Expenditure for this year, we find that in 1964-65 we voted £23,522 for salaries and wages in the office of the Registrar of Companies, the actual payment being £24,162. This year we voted exactly £700 more than the actual sum for last year—£24,803. Where is the provision being made to put on this extra staff? It certainly was not envisaged when these Estimates were drawn up. No provision for it is made and yet the Minister, in his second reading explanation (delivered before we had the Budget), said that this extra money was to pay for extra staff to be used in the investigation of crook companies. Why is some provision not made for it in the Estimates, if that is the reason? With great deference to the Attorney-General, I do not believe the Government intends to appoint investigators.

The Hon. D. A. Dunstan: Will you offer a garden party if we do?

Mr. MILLHOUSE: I am waiting for the Attorney-General to give the facts and figures to justify what he is asking the House to do. He did not have the courtesy to give those facts and figures to the House during his second reading explanation. I should like him to tell the House when he replies to the second reading debate, if he deigns to do so (I think he will), how much these amendments are expected to bring into the Government coffers, how many more staff he intends to employ, what the duties of the staff will be, under what powers he intends that they shall operate, and when they will be appointed.

Mr. Hughes: You have left out one.

Mr. MILLHOUSE: What is it?

Mr. Hughes: His mother's maiden name!

Mr. MILLHOUSE: The honourable member is being facetious, which is more than I expect of him. Unless this House is treated to the courtesy of having a little more information than the Minister has deigned to give in his second reading explanation, I will not support this measure. As it stands at the moment and on the facts and figures that I can get from Parliamentary Papers, it is no more or less than a revenue raiser. What will happen to that precious principle of uniformity that was so lauded in this House when we passed the uniform Companies Act in 1962? I suppose this is just one more departure from that goal of uniformity with which the overwhelming majority of members in this House (on both sides, I regret to say) agreed in 1962. It is a pity that it has been whittled away so quickly, but if one looks at the schedule one finds that it has already been amended several times and that uniformity has gone to the four winds. However, this measure is simply putting it farther away. I hope I have been able to say enough to express my own sentiments on the three not so innocuous amendments made by this measure to the principal Act. I think the House is due for much more information before it can cast an intelligent vote.

Mr. SHANNON (Onkaparinga): The 50 per cent increase in the fee under this measure is consistent with the Government's policy in relation to most charges.

The Hon. D. A. Dunstan: This has been done by every State Government.

Mr. SHANNON: We really should not be surprised at the increase, as the Government's programme in accordance with its election promises was a costly one. At the time of the election we knew that someone had to pay for those promises, but this is the scraping of the barrel. Even if the collections were quadrupled they would be infinitesimal compared with what the Government will require to meet its various promises. I agree with the member for Mitcham (Mr. Millhouse) that it is a pity that the people mainly responsible for finding employment have been selected to pay. It is all very well to say that companies are fair game. Most people take that view—I do not know why. They make a false approach to employers. I happen to be one and my experience is that employers have in most cases more fellow feeling and kindliness in their hearts for an employee than that employee's fellow employee has for him. This is what I would call tiddlywinks—it is not much more than that. I should not have thought that a Government with a programme of works requiring the expenditure of large sums would be bothered tinkering with this sort of thing.

The Hon. D. A. Dunstan: It is not for that purpose. The honourable member should read the second reading explanation.

Mr. SHANNON: The member for Mitcham made a point well worth considering. I have

grave doubts whether the Registrar of Companies' revenue will be required for investigation. If this money was to be devoted to investigation of companies in order that the investing public should be properly protected, of which we have no assurance—

The Hon. D. A. Dunstan: You have every assurance.

Mr. SHANNON: I am afraid we have not. No promise has been made.

Mr. Jennings: It would be a good idea.

Mr. SHANNON: If that is the whole purpose of this and if there were in South Australia a standard of company practice that warranted a panel of permanent investigators, I, for one, should be most surprised.

The Hon. D. A. Dunstan: There is a great need for the appointment of investigators today.

Mr. SHANNON: The economic life of this State is probably one of the things of which we are most proud.

Mr. Millhouse: Why has the Government not appointed them already? The names of plenty of registered companies can be obtained from the Registrar of Companies.

Mr. SHANNON: If that was the sole purpose for which this money was to be raised and if there were, as the Attorney-General has now suggested by interjection, many crook, snide companies operating in this State, obviously the Government would be remiss in not already having appointed somebody for the job. It has the money in hand at least to have had a decent panel of investigators employed already.

Mr. Jennings: What about a lot of honest companies with crook employees?

Mr. SHANNON: The honourable member speaks for himself. I realize he is a good judge of that and I should not like to add to his embarrassment. The whole point about this is not employees: it is employers with whom we are dealing, people who have to find somewhere for a good honest workman to work. I shall not repeat the figures of the member for Mitcham as it is unnecessary so to do, but they show the gradually increasing revenue of the Registrar of Companies over a period of years since the inception of this so-called uniform company law, which, as he rightly points out, is no longer uniform, and the farther we go along the path we are now treading the less uniform it will become.

The Hon. D. A. Dunstan: These are uniform agreements.

Mr. SHANNON: I do not know whether we are setting a standard for other States to follow or whether we are getting out in front and hoping that others will follow us.

The Hon. D. A. Dunstan: The other States have done this already.

Mr. SHANNON: How many other States? That is not mentioned in the second reading explanation.

The Hon. D. A. Dunstan: It was agreed.

Mr. SHANNON: It would be interesting if the Attorney-General when explaining the Bill had made some of the remarks that he is now interjecting.

The Hon. D. A. Dunstan: At that stage of the proceedings, the other States had not had the opportunity. Honourable members opposite have had this Bill on the Notice Paper for months.

Mr. SHANNON: I am afraid the Attorney-General will have to accept from his own front bench the responsibility for delay in dealing with this Bill. We did not arrange the Notice Paper. The Minister knows that the Government arranges the Notice Paper.

The Hon. D. A. Dunstan: We cannot arrange the amount of talking that is done or the amount of repetition and prolixity.

Mr. SHANNON: I regret that the Minister is showing his boyish tendency. It is a shame that he cannot listen to criticism with a little more patience. If he feels that he knows all the answers—

The Hon. D. A. Dunstan: I don't, but you don't either.

Mr. SHANNON: I regret that the Minister has set himself up as an authority in many fields, this not being the least of them. He tends to take any criticism or comment that may be made about these matters in poor part. Obviously if he were a man of parts he would accept my criticism in the spirit in which it is offered. We expect more of a man who is well educated and has some ability, and I say that not with facetiousness but with honesty and sincerity.

Mr. Jennings: But with what relevancy?

Mr. SHANNON: It is relevant because the Minister said that I was more or less beating the air and talking for the sake of talking; that is not the case.

The Hon. D. A. Dunstan: With the deepest humility, I suggest that the honourable member get back to the Bill.

Mr. SHANNON: The Bill will do nothing at all to further the suggested appointment of investigators to look into snide company practice. Money is already in kitty that is not being used. I have no doubt the money that has not been used has gone into general revenue

because that is where all funds of this type go eventually. I have no doubt that if more money were raised it would go into general revenue and not towards providing for people to investigate snide companies in South Australia.

Mr. HEASLIP (Rocky River): Having read the Attorney-General's second reading explanation, I am still at a loss to know what it means. I like my information to be correct. So-called experts do not always know the answers to problems. The knowledge of academics is often not as accurate as the knowledge of men who have had experience; theory is all right but practice is better.

Mr. Clark: Give us the benefit of your experience.

Mr. HEASLIP: I do not want to do that. We have all had our experience, good and bad. Normally I am opposed to uniformity, but frankly this is one case where I believe in uniformity. I think it is necessary to get the companies throughout Australia on a uniform basis if possible, because we are trading between the States. If companies legislation is uniform throughout the Commonwealth it is much better and it is easier for us to operate. We did bring in uniform companies legislation about two or three years ago, but it is not uniform today. I have discovered that the costs of trying to administer that legislation have mounted considerably, with extra fees here, there and everywhere, extra accountants' time and extra costs to every company in trying to carry out what is the so-called companies legislation.

Under the one clause of this Bill that I do understand the cost for returning the annual forms is to be increased by 50 per cent. I know that many companies have had very sorry and sad experiences, but I do not think for one moment that by increasing the cost in this respect we are going to prevent those experiences. I know that some big companies and the people who invested in them lost a great deal of money in the past and that it was a sorry state of affairs, but this Bill is not going to prevent that from happening. Like the member for Onkaparinga, I think this money will go into revenue. It is just another revenue-producing Bill, and it is not going to cure the ills it is claimed will be cured. The money derived will not be spent in preventing what has happened in the past.

The Hon. D. A. Dunstan: Are you going to join the garden party givers, too?

Mr. HEASLIP: I will give a garden party if the Minister, in increasing by 50 per cent the cost of the annual return, is going to cure the ills of the past.

The Hon. D. A. Dunstan: I did not say that. All I am asking is, "Will you give a garden party if I do the things I said I would do?"

Mr. HEASLIP: I thought this money to be derived was to cure the ills that occurred in the past.

The Hon. D. A. Dunstan: Will you give a garden party if I appoint the inspectors?

Mr. HEASLIP: That is the very thing on which I differ with the Attorney-General. He is not going to cure these ills by appointing inspectors. He is going to involve the companies in more expense and still not get a result. That is the position as I see it and as I know it. Appointing inspectors is not the answer in itself.

Mr. Quirke: What is?

Mr. HEASLIP: Frankly, I do not think there is an answer to it.

The Hon. Sir Thomas Playford: Why doesn't the member for Glenelg get up and tell us about it?

Mr. HEASLIP: I should be surprised if the honourable member for Glenelg said he had no experience on this; I thought he was experienced in everything.

Mr. Hudson: I am certainly experienced in some things.

Mr. HEASLIP: I thought the honourable member had a cure for all ills. This is a revenue-producing Bill to help pay for the Labor Government's policy of social services. It is a taxation measure to honour promises made by the Government before the election, most of which are for social services and are non-productive. All these measures take away from those who are producing and give to those who are not producing. If the people producing are destroyed that is the end of things. Secondary industries in this State have been built up tremendously over the last 20 years, and I would be sorry to see them destroyed now. I hope the Government will remember that we are not a highly populated State. We are not close to markets and we cannot compete with people who are closer to the markets unless we keep our costs down. This Bill will increase costs, and if we cannot compete with other States we will have mass unemployment. Every Bill introduced this session has increased the cost to someone—land tax, water rates, and now an increase cost to companies—to provide revenue to meet the promises made by the Government. I do not think this is the right

policy, and unless the Attorney-General can answer my queries, I will not support the Bill.

Mr. McANANEY (Stirling): This is one of the first Bills to be introduced this session in which something definite is stated. I congratulate the Attorney-General on the first part of it in which certain portions of the Act are brought up to date. However, I object to the type of language and the expressions used by him in his second reading explanation. I object to his expression, "The point is, if we are to protect people in South Australia from the kind of wholesale depredation of the public by companies . . .". That is a sweeping statement, as there are not wholesale failures of companies at any stage. Many of the failures are caused by individuals entering into commitments with companies and then not meeting their liabilities, forcing the company into the position in which it finds itself.

The Hon. D. A. Dunstan: You have not had a look at the Davco case?

Mr. McANANEY: I object to the Attorney-General making sweeping statements that there are wholesale depredations by companies.

The Hon. D. A. Dunstan: If you do not think the depredations of Davco were wholesale, you should have another look.

Mr. McANANEY: The Attorney-General's statement included many companies, and I am sure that about 95 per cent of companies perform a useful service to the community.

The Hon. D. A. Dunstan: We are not going to appoint inspectors for that 95 per cent.

Mr. McANANEY: In my short life, I have been a foundation member of several companies that have been of service to the community. I have not got anything out of them, but many people join companies to serve the community. Investigators are used when the horse has already escaped. The Companies Act contains too many loopholes; it has been drawn up by lawyers rather than by accountants.

Mr. Millhouse: I don't know about that.

Mr. McANANEY: If two or three people with a few shillings can get together, form a company, and then borrow thousands of pounds from the community without any backing and without the necessary qualifications of staff, etc., it is up to the Government of the day to bring down legislation that will cover those loopholes. I cannot follow the principle of making all companies pay for these inspectors. The Attorney-General himself admitted that 95 per cent of the companies were above suspicion and endeavoured to serve a useful purpose, but they are to pay a fee for the provision of inspectors specifically employed to investigate malpractices on the part of only a few companies. As the inspectors are appointed to protect the community, why should not the community pay for them?

The Hon. D. A. Dunstan: Where do you suggest we should get the extra money from?

Mr. McANANEY: Out of general revenue.

The Hon. D. A. Dunstan: What sort of taxation should we levy?

Mr. McANANEY: If we cannot meet our liabilities we should cut down on our expenditure in some way. We could dispense with public relations officers.

Mr. Millhouse: Or at least one!

Mr. McANANEY: Then we probably would not receive so much publicity at places such as Port Augusta. Why make good companies pay for the bad ones? The Attorney-General's second reading explanation is far too sweeping. The wrong source for the payment of these inspectors is being used.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): According to the second reading explanation that the Attorney-General gave some time ago, this Bill is designed to protect people from improper practices of certain companies. If the Bill provided for that, I could assure the Attorney-General that members on this side of the House would support it. I believe the purpose of establishing the Companies Act (and certainly the purpose of establishing uniform companies legislation) was to provide a protection, as far as possible, from malpractices of certain organizations, and to ensure that the provisions of the Constitution relating to free trade between the States was not abused. I listened to the remarks of the member for Mitcham with much concern. I find that, according to last year's Auditor-General's Report, the total receipts from the Companies Office, which was established to protect the public, was £190,664. Payments of £29,595 were made against these receipts and there was an excess of £161,069 in the accounts of the department. I think the Attorney-General will agree that its functions are to protect the public. I would have expected that this excess would be used towards appointing investigators, but instead the Government instituted new charges before the Estimates were introduced. There has been only one essential increase in the expenditure of this department—of £1,497 for payments for dependents and officers retiring or resigning, long service leave and recreation leave. It does not seem from this that there will be an expansion in the department. A small increase

of £370 is for the 1½ per cent adjustment in wages. The total provision for this department does not show any of this violent activity that the Attorney-General has forecast in his explanation of this Bill. I do not think the Attorney-General can appoint officers without having a Parliamentary Appropriation to cover them; I think he will agree with that.

The Hon. D. A. Dunstan: I will not.

The Hon. Sir THOMAS PLAYFORD: I know that certain amounts can be provided from the Governor's Appropriation but, in a poor season such as the present one, that Appropriation will probably be required to its limit to meet contingencies that are bound to arise.

The Hon. D. A. Dunstan: The season will not affect our proposals under this Bill.

The Hon. Sir THOMAS PLAYFORD: The Attorney-General seems to think that he is able to increase the expenditure of his department materially without some Parliamentary Appropriation, but I suggest that he cannot. The sums provided under the Governor's Appropriation are extremely small, and the Attorney-General will find that they will be fully committed for matters that arise daily and cannot be avoided. If he will make a statement in closing the debate about how many officers he intends to appoint and what their duties will be, we will at least be able to decide whether this is a revenue-producing Bill or whether it is designed to protect the public. The latter is the true function of the Companies Act.

The Hon. D. A. DUNSTAN (Attorney-General): I am grateful to honourable members opposite for their attention to this matter. I am distressed that they feel that I have been insufficiently detailed in the explanation I have given to the House. Some honourable members opposite found that the first amendment to the Act was sensible; some found that nothing in the Bill was good. Regarding the first amendment, it has been the practice of the department to charge the amounts specifically provided for in the Bill. We are continuing this practice. There has been some suggestion by some firms of solicitors (including that with which the member for Mitcham was formerly associated) that the way in which we have proceeded to charge in relation to the matters contained in the first amendment is improper. The Crown Solicitor in advising me, did not agree with that view; nor did I or the Registrar of Companies agree with it. But we considered that, rather than that there should be these continued applications from firms of solicitors that we should desist from previous practice, we should put the matter beyond question.

Mr. Millhouse: You have departed from the uniform proposal?

The Hon. D. A. DUNSTAN: Yes, and we have submitted it to the other States to point out that it was advisable to proceed in this way. So there is no departure from present practice in this: it is simply clearing up something over which there has been some dispute with members of the legal profession who act for the larger companies in South Australia and who consider that, when putting in papers for registration, they have a point to take on it that they should not pay quite as much as we charge them.

Mr. Hudson: You are saving them legal costs.

The Hon. D. A. DUNSTAN: Yes. As to the second and third amendments, honourable members opposite have seen fit to wax eloquent about the uniform companies provision, saying, "Here it is; we are departing further from the uniform provisions of the Companies Act." In fact, each of these amendments was agreed at the Standing Committee of the Attorneys-General at which the original companies measure was agreed. I reported to the last meeting of the Standing Committee that we were the first State to introduce an amendment to cope with these proposals.

Mr. Shannon: You were ahead of the committee, in other words.

The Hon. D. A. DUNSTAN: We got ahead of the others on the amendment. Unfortunately for us in this State, Opposition members in other States are perhaps not so eloquent as those here: consequently, the other States, although they introduced their measures later than we introduced ours, have managed to pass them ahead of us.

The Hon. G. A. Bywaters: At least, you tried.

The Hon. D. A. DUNSTAN: We tried; we did our best.

Mr. Millhouse: Opposition members in other States come from the Labor Party, so you would not expect them to be eloquent.

The Hon. D. A. DUNSTAN: I would not expect them to be so long-winded. I was being kind rather than frank, if the honourable member forces me into that position. Regarding the third amendment, about which honourable members have had so much to say, the proposal was and is to increase the fee for lodging an annual return from £2 to £3. This is not a grave impost on companies in South Australia. To expect them to pay two dollars

a year extra for lodging their annual returns is really not going to break any company. We are increasing the fee with every justification.

Honourable members have pointed to the amounts that have come into revenue already from the provisions of the uniform Companies Act, but apparently they have overlooked the fact that the previous Government of South Australia had committed all of that revenue to existing items of expenditure. The present Government came into office with far less revenue provided by the previous Government than it had actually committed us to spending and, if we were to continue on existing revenue, we had to cut expenditure or go into a deficit. In the Aboriginal Affairs Department, the smallest of the departments that I have to administer, I had to exceed expenditure last year by over £20,000 on items to which the previous Government had committed the department. To take an example, the Playford Government had proceeded to plough up Point McLeay.

Mr. Heaslip: Giles Point did not get a terminal!

The Hon. D. A. DUNSTAN: There were not any Aborigines over there, either. To get back to the position at Point McLeay the previous Government had provided for the ploughing but had not provided one penny for seed or superphosphate. I had to provide £1,000 for those items in order to avoid erosion. That was one thing to which it had committed us, and that sort of thing went on and on. Every bit of expenditure had been committed by the previous Government.

Where was I to get the money for investigators? For honourable members opposite to say that investigators are unnecessary is nonsense. In South Australia, we have had many cases where rogues have been involved in wholesale depredations of the public. The sort of thing that turned up on my office desk was scarifying. Things done by people under the cloak of the Companies Act have caused grave harm to the ordinary citizens of this State. People in this State have been swindled out of their life savings because of the way certain things have been carried on and because of the lack of investigators.

What is our provision at the moment for investigation? We have an overworked Crown Law office. No officers are available for the investigation of major company scandals. It is simply not possible for use to provide the officers or the time. The time of the office is taken up with day-to-day work. When I came into the Attorney-General's office, I found that there were two major defalcations in South Australia that had placed the ordinary investors of the State in a grave position. However, neither of those had been adequately investigated and the reports of the Crown Solicitor's office showed that it was simply not possible for that office to provide for adequate investigation.

Mr. Heaslip: Will this Bill cure it?

The Hon. D. A. DUNSTAN: If the honourable member will listen to what I am saying about the provision of staff he will, perhaps, learn something. The honourable member for Mitcham said that I did not tell the House enough, and I am trying to give more information now. Therefore, I urge the honourable member to wait and listen. As a result of this situation, I looked to see what could be provided in the Police Department. The department has a fraud squad for investigations of this type but the people in the fraud squad have not been given the training necessary for the investigation of complicated company frauds. It is just not possible for us to work with the existing fraud squad on investigations of this kind that need to be overseen by a company accountant—somebody who well knows the whole provisions of the Companies Act and who can investigate in detail the kind of complicated company swindle that has been going on in South Australia. The Daveo swindle was only the first swindle for which the same people were responsible in this State. As a result we had to get people outside the Public Service to oversee this provision, and the investigations are proceeding. However, we do not have officers in the Public Service who are able to proceed with this work.

Therefore, the question of how we were to provide protection for the public was taken up at the meeting of the Standing Committee of Attorneys-General. Each State (Liberal and Labor alike) agreed that it was vital for us to provide, in the Companies offices in the various States, trained staff that would be able to make the necessary investigations. In South Australia I had a submission made by Mr. Wells, Q.C., and by Mr. Scarfe (the officers in the Crown Law Department who had been responsible previously for endeavouring to see that there were adequate investigations) recommending that just this provision be made—that we set up a special group of investigators in the Companies office.

Mr. Millhouse: Why didn't you tell us about this in your second reading explanation?

The Hon. D. A. DUNSTAN: I said it in terms that I thought would have explained to

honourable members (who, after all, were interested in the protection of the public) precisely what we were proposing to do, and I explained it in such terms that the honourable member for Stirling felt I was being insulting to companies in South Australia. If the member for Mitcham had wanted to know more it was a simple matter of asking me.

Mr. Millhouse: I have asked you this evening.

The Hon. D. A. DUNSTAN: I am sorry I was not more explicit but I thought the honourable member knew about these matters. If he did not know then I am telling him now what the position is.

Mr. Quirke: Do you read the second reading explanations only for the benefit of the member for Mitcham? What about members who know nothing about the Companies Act?

The Hon. D. A. DUNSTAN: Although honourable members in this House are not all versed in company law I should have thought from the way in which their constituents had approached them (and I have some knowledge of the way in which members of the public have approached members of this House concerning company swindles on occasions over the last few years) that most of them would know the kind of depredations wreaked on the people of South Australia.

Mr. Quirke: We know that; you said it in your second reading explanation.

The Hon. D. A. DUNSTAN: Yes, I did, and the terms I used were then considered to be insulting by the member for Stirling. I suggest to the member for Burra that, if he did not hear my second reading explanation at the time, he should read it, because I amplified the statements provided by the Parliamentary Draftsman.

Mr. Millhouse: It certainly won't take him long to read it.

The Hon. D. A. DUNSTAN: I am sorry if the honourable member feels that I was too cryptic and, if I was, I apologize to him. However, I thought I was stating quite adequately what were the problems facing us.

Mr. Shannon: What will the qualifications of investigators really be? Will they be in the same field as auditors?

The Hon. D. A. DUNSTAN: Yes, they will be. We propose to appoint two to the staff of the Companies Office as an initial two investigators. The honourable member for Mitcham has asked under what provisions these investigators will have any powers. I refer him to sections 169, 171, 173 (Part II) and 174 of the uniform Companies Act, which provided for the appointment of special investigators in varying circumstances. We consider that as things stand this will give us power to investigate companies, and it will also give us power in relation to the new provision which is recommended by the Standing Committee of Attorneys-General regarding the £2 companies and which will be introduced later this session.

Mr. Millhouse: What? Another Companies Bill!

The Hon. D. A. DUNSTAN: The honourable member has obviously overlooked public announcements that have previously been made on this score. It has been announced from the standing committee that we propose to make changes in the Companies Act to deal with those unpleasant people who register a £2 company and then defraud the public.

Mr. Heaslip: Will this be uniform legislation?

The Hon. D. A. DUNSTAN: Yes, as are the second and third amendments in this Bill. The first amendment has been recommended as a uniform provision.

Mr. Millhouse: It will be interesting to see whether the other States adopt it.

The Hon. D. A. DUNSTAN: The other States have all agreed regarding the £2 companies. All that is held up at the moment is the final drafting of the provision, which is to be agreed at the next standing committee meeting in Hobart in January, just after the House resumes, so the honourable member will have an opportunity to champ on that particular one early in the new year.

The Hon. Sir Thomas Playford: Will we have to wait until then?

The Hon. D. A. DUNSTAN: I regret that the Leader will have to wait until then, but that is his fault and not ours.

Mr. Millhouse: Oh now, now!

The Hon. D. A. DUNSTAN: If the honourable member will just have a look at the Notice Paper he will see what the position is. This Government has been trying for a very long time to get legislation through this House.

Mr. Heaslip: Very important legislation, too!

The Hon. D. A. DUNSTAN: A great deal of important legislation, which has been held up by the extraordinarily repetitive speeches of members opposite.

Mr. Nankivell: Don't you ever make any repetitive speeches?

The Hon. D. A. DUNSTAN: First I am accused of being too short and too cryptic in not taking up the time of the House, and the next moment I am accused of being

repetitive in answering the questions of honourable members opposite. Those members have suggested that there is something frightfully sinister in increasing this fee to provide us with the money to employ investigators.

Mr. Shannon: I don't think that is a fair statement. We never suggested there was anything sinister in it.

The Hon. D. A. DUNSTAN: Several members opposite, including the member for Onkaparinga, said that in fact the money was going to be paid into general revenue, and the member for Onkaparinga said he would be very surprised to see any investigators appointed. When I invited honourable members opposite to undertake to give a garden party if we appointed the investigators, there was a certain shy reluctance apparent.

Mr. Shannon: Will the Minister say where the money will go if not into general revenue?

The Hon. D. A. DUNSTAN: It will be paid into revenue all right, and it will be paid out, too.

Mr. Millhouse: Why doesn't that appear on the Estimates then?

The Hon. D. A. DUNSTAN: The reason is that although we had introduced this Bill early in the session it had not been passed. In consequence, no submission from the Companies Office had been made to the Public Service Commissioner, and therefore the Commissioner had not provided for the increase in the salaries for the Companies Office. If honourable members look at the Companies line, they will find that there is a general line for the salaries of the Staff of the Companies Office. This is entirely in accordance with the provisions of the Appropriation Act, and we can exceed that provision if we are provided with extra revenue without any constitutional difficulty.

Mr. Jennings: Do they know anything about section 27 of the Public Finance Act?

The Hon. D. A. DUNSTAN: I don't think they know much about anything. After all, the Leader was Treasurer of this State for 27 years and should know what I said to him is the position. This is not something new.

The Hon. Sir Thomas Playford: I always thought that the amounts had to be shown on the Estimates.

The Hon. D. A. DUNSTAN: What is put on the Estimates, as the Leader well knows, is a general line for salaries. It was the practice of the previous Government to appoint officers during a financial year who had not been provided for in the original Estimates. I can point to many instances where this occurred, but the money was found.

Mr. Millhouse: But here you knew the officers were to be appointed.

The Hon. D. A. DUNSTAN: Unfortunately, the Public Service Commissioner did not provide for them, but I assure the honourable member that, when the extra revenue has been provided by the passing of this measure, he will find that the officers will be appointed. I am keen to appoint them as soon as possible, and that is why this measure was introduced as an urgent one, so that we can get on with the job. I know that I do not have officers at the moment able to do this job, but I want to get them and that is why I want the Bill put through.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, Second Schedule."

Mr. MILLHOUSE: I am indebted to the Attorney-General for his eloquence, albeit sometimes lachrymose—

Mr. Shannon: A little vehement.

Mr. MILLHOUSE: That is a good description, too.

Mr. Jennings: I can see the tears on the other side.

Mr. MILLHOUSE: I could see them running down the Attorney-General's face when he closed the second reading debate.

The Hon. D. A. Dunstan: I think you need more visual correction.

Mr. MILLHOUSE: Leaving these frivolities aside because this is a serious matter, I did, in speaking, formulate four questions which I had asked the Attorney-General to answer. He answered a couple of them but he has not answered one important question I asked, and his failure to do so was obvious. How much will these amendments bring into the office of the Registrar of Companies to pay for the investigators?

The Hon. D. A. DUNSTAN (Attorney-General): Over £6,000 a year.

Mr. SHANNON: If this is all we are tinkering with, I point out to the Attorney-General that, although he made an impassioned speech in closing the second reading debate and called this a matter of urgency, it has taken him 3½ months to make it clear that it is urgent. The Bill has sat on the Notice Paper until recently. The urgency does not appear as great as the Attorney-General made out. Further, if malpractices are taking place in this State's commercial organizations (which

the Attorney-General alleges are taking place) and if I were in the Attorney-General's position, I would have had people appointed, on assuming the portfolio. The credit is certainly there. I am not sure just what qualifications the Attorney-General will seek in relation to these investigating officers, but if they are to be fully qualified accountants, fit and capable of auditing company accounts, he will find that they are as scarce as hen's teeth.

Mr. Millhouse: For £3,000 a year!

Mr. SHANNON: The honourable member must be talking about office boys, because I am afraid that they are all we shall obtain. Obviously, if these people are to be of any value they must be highly skilled and adequately paid. This State has certain auditing companies employing an impressive panel of personnel who supervise and train people, but I cannot believe that we shall be able to obtain the type of individual that is required. I do not think the qualifications necessary for such a post as this will be available to the Government. Every company, under the Companies Act, must have public auditors appointed to examine its accounts.

Mr. MILLHOUSE: First, the Government must be desperate, indeed, for money if it could not find a sufficient sum to pay for a couple of auditors until this Bill was passed, and if the total to be brought in by these provisions is only £6,000, in view of the urgency described by the Attorney-General. Secondly, I do not know what the Attorney-General expects to obtain for £3,000 a year by way of qualified men, but I should be surprised, indeed, if he could obtain men competent to do the job, the difficulties of which he has outlined, for that figure. I hope we are not being sold a pup in respect of this Bill.

Mr. HEASLIP: If this malpractice is occurring (and there have been a few instances of it) it is impossible for two investigators to check all the companies in this State. Which company will be defective? They will all have to be investigated, for if we wait until something happens it will be too late. There has been evidence of malpractice on the part of a small percentage of companies. Probably not more than 1 per cent of companies would be dishonest, but to find them these officers would have to investigate the accounts of all companies.

The Hon. R. R. Loveday: There will be an investigation whenever there is a bad smell.

Mr. HEASLIP: When that stage is reached the money will have been lost. It will be impossible for two inspectors to do this work.

Clause passed.

Title passed.

Bill read a third time and passed.

INHERITANCE (FAMILY PROVISION) BILL.

Adjourned debate on second reading.

(Continued from October 20. Page 2289.)

Mr. SHANNON (Onkaparinga): This is a very far-reaching measure. I am not an expert in this field, though I have some knowledge of the administration of estates, but I have been told that if it passes in its present form it will be a waste of time for any person to worry about making a will, as the distribution of estates will be provided for irrespective of the wishes of the deceased. This may be a sweeping statement, but it has more than a smattering of truth because the measure brings into the inheritance field and will enable to claim on the estate people only remotely related to the deceased—people who could not possibly have looked to the deceased for any help during his lifetime and who would not have received any assistance if they had sought it. There would probably be just and sound reasons why they did not receive any. Everybody with experience of these family affairs is aware that there are occasions, of which I shall cite only a few, where in a family arrangement a certain member of the family (it may be the eldest son) receives some assistance from his parents to set him up on the land or in business so that he may earn his own living; and, because of his character, he messes things up. This is not unknown in family life. In other words, he wastes the substance that his parents have provided for him. But, despite that, the parents are forgiving and probably lend him some more money to put him back on his feet. There are other members of the family, younger and in some cases still minors, who are dependent entirely upon their parents.

An accident occurs and the father is killed. The son who has had all this help and who has probably frittered away more money than the estate finally divided up will provide for the younger surviving children, however many there may be, may still claim on the estate of the deceased, in spite of what he has had. No will can override his right to apply. The court will decide, but why should this estate, in the case of a recalcitrant (I was going to say "wastrel"), a man who obviously has not done the right thing by his parents, be put to the expense of going to court to have this matter rectified when the will of the deceased person

provides for those people to whom he knows he has some obligation, the junior members of his family? If such a worthless son has been provided for during his father's lifetime, why should he try to override the provision for other members of the family? Why should he go to court and saddle the estate with expense?

The Hon. D. A. Dunstan: Is the honourable member proposing to overcome many things already provided for?

Mr. SHANNON: I am proposing, with the Attorney-General's approval, to define a difficult and knotty problem that I understand the courts have some difficulty in deciding—what a dependant is. I do not think that anybody will complain (I have had no such complaints) about a person who was a dependant on a deceased person having a rightful claim on his estate if he has been excluded capriciously and without justice from the will of that deceased person because he has a bent nose, the silly sort of thing that some people get a fad about in later life. If that has happened and he was a dependant of a deceased person, I am 100 per cent in favour of his participating in the estate. I do not think that people who sometimes late in life get peculiar kinks and do silly things in making or amending their wills, excluding from their estates certain people who should justifiably be included, should be allowed to do so. However, the Bill goes further. I wish to cite the case of a couple who do not get on well together and one party takes proceedings for divorce on the grounds of the commission of a social sin in respect of which the guilty party has no defence. Under the provisions of this Bill, upon the death of the innocent party, the guilty party who has been divorced may apply to the court for a share of the estate of the deceased.

The Bill goes further than that. I understand that, if the divorcee remarries and has children by the second marriage, they are not excluded from the right to appeal to the court to participate in the estate of the former spouse of one of their parents. The position becomes so complicated that I cannot cite all the examples but I wish to mention one that will appeal to every man who knows anything about life on the land. A wife who divorces her husband for cruelty, adultery, or some other cause, may be in poor circumstances but, upon her death, may leave what she had to her children or to her aged parents. The unfortunate aspect is that the husband's claim could defeat the claim of the children, or of the parents, to the estate, or could delay finalization of the estate. I do not know what would be more unjust than such a happening.

Again, a deceased may have two children, one over the age of 21 and the other a younger child at school and completely dependent on the parent. Although the elder child may be self-supporting, he can make a claim and defeat or delay the benefits that the deceased person wished to give to the younger child. I cannot see any justification for even asking the court to give a favourable decision to such a claim. It does not appear to me to be a proper approach to the division of a deceased person's property.

My general comments may be summed up in the statement that eligibility to make a claim on a deceased person's estate should be confined to those who were dependent on the deceased person. Let us assume that a widower leaves two daughters aged between 40 and 50, that one daughter married a wealthy husband at the age of 22, left home and is now wealthy in her own right, but has not visited or communicated with her parents in any way for 20 years. Assume further that the other daughter has given up the idea of marriage or a career and has remained at home to look after her parents. Since the death of her mother, she has looked after her father and has not received any reward except board and lodging and pocket money. These are not unusual cases, yet under this Bill the wish of the parents to provide for the daughter who has been good to them during their lifetime may be over-ridden. In such a case, the single daughter who has cared for her parents when they needed assistance and in their last illnesses may have nothing of her own and may be denied an inheritance from the parents, which could well have been her only hope in life. The wealthy daughter, who may have forgotten all about her parents, may apply for a share in the estate.

The Hon. D. A. Dunstan: That does not mean she will get it.

Mr. SHANNON: It does mean one thing: it holds up the administration for the daughter, who is left without a penny in the world. It means court costs for her, such as lawyer's fees and so on. It should not be possible for an innocent party, such as the daughter to whom I have referred, to be attacked. Surely we should not provide an equal right of appeal for the second daughter who has married well and is comfortably off.

The Hon. D. A. Dunstan: The honourable member wants to amend the present provisions.

Mr. SHANNON: Yes, I want to amend some of them and I will refer to my amendments shortly. First, it is important that we define the word "dependant" so that there can be no ambiguity about the interpretation. I have discussed this with legal people who have examined it, and every one has said that this is the best solution of this difficult problem. It has always been a bone of contention whether the courts will finally come down on the side of an appellant (in a case such as this) who was, or was not, dependent on a deceased person. This has been left to the courts to decide with no decision in law to guide them.

The Hon. D. A. Dunstan: There is a whole series of cases on this.

Mr. SHANNON: The case history on this point is so contradictory that no judge rests upon it; judges consider cases on their merits. The cases of dependency are always controversial. This is a costly business for the estate concerned; it is time-absorbing too, because nothing can be done until the court makes its decision.

Another case in point is that of a father who leaves an estate to a single daughter consisting of house property, furniture and so on of a total value of £4,000. Her benefit could be divided or delayed by a claim made by a wealthy married daughter. This case is similar to the previous case to which I referred. I have pointed out some of the weaknesses seen in the Bill by people whose function it will be to administer the law.

The Hon. D. A. Dunstan: Who are these people?

Mr. SHANNON: Mostly executors and trustees. It does not matter whether they are lawyers, private individuals or people involved in companies—they are all concerned.

The Hon. D. A. Dunstan: The Bill was unanimously recommended by the judges and by the Law Society.

Mr. SHANNON: Is that your only justification?

The Hon. D. A. Dunstan: The Law Society is involved with the executors, and the judges are involved in administering the law.

Mr. SHANNON: We are like Caesar's wife—above suspicion. We have consulted the oracle and the oracle has spoken; so let it be! I still have opportunities for making investigations of my own regarding legislation coming before this Chamber, and I propose still to pursue those opportunities. Where honourable members are convinced of the merit of opinions on these questions, I think it is fair for them to put their cases before this House, and that is all I am doing.

I have grave doubts (and my doubts are well founded, because I have consulted certain lawyers on the matter) as to whether the whole of the legal fraternity are unanimous about the provisions of the Bill now before us. I think I have justification for those doubts. I think the word "dependant" is a key word, for it is most important in deciding whether or not some of the provisions of this Bill should be accepted. The definition which I seek to insert is:

"Dependant" means a person who in the lifetime of the deceased person was wholly or partly maintained by the deceased person or who was legally entitled to be wholly or partly maintained by the deceased person, whether the deceased person was actually providing such maintenance or not.

That, I am told by people who are competent to interpret such a definition legally, covers the ground better than any other definition they have seen. If it can be improved upon, I will be the first to accept any amendment. I am not claiming that I framed this definition, for it would be puerile for a layman to stand here and suggest that he had the legal ability to frame something on what, after all, is a very knotty legal problem. If any improvement can be suggested to it, I will have no objection, but I want to see that we do not go past the field of people who have some rightful claim upon a deceased estate, and that we will not have a multiplication of cases before the court on frivolous grounds. There are people in the world who for no other reason than just to be narks contest the rights of persons to inherit certain estates. Those people have the right under the law to make such claims, and their attitude is that it will at least hold the matter up for a few months and that they might get something out of it. In my view, that is bad law.

The Hon. D. A. DUNSTAN (Attorney-General): I thank honourable members for their attention to this Bill. I point out that the Bill has been carefully prepared after a great deal of investigation and debate by Their Honours the judges, the Master of the Supreme Court, and the Law Reform Committee of the Law Society. There were various provisions which occasioned some debate between the various people concerned with drafting this Bill which have not actually been passed on by members here. We have attempted in this measure to bring up to date all the provisions of the Testator's Family Maintenance Act, which previously provided

some difficulty, and to take the best provisions from all comparable legislation, and that is what has been done.

I have referred to Their Honours the judges, who are very experienced in attempting to work the provisions of the present Testator's Family Maintenance Act. I can say quite clearly that Their Honours strongly oppose every one of the amendments that have been suggested by honourable members opposite, for they consider that either those amendments will cut across already established principles of case law in this field or entirely cut across the provisions of the Bill which, after experience in attempting to work our existing legislation, they consider to be well warranted. At this stage, it would not be proper for me to deal with the amendments on file, because these are matters to be dealt with in Committee. However, in Committee I shall give members the comments of Their Honours on each of the proposed amendments. I have been through them in detail, entirely agree with the comments made by Their Honours, and cannot agree with the contentions of honourable members opposite. In this matter it is essential that not only legal claims for maintenance but moral claims be judged on in the discretion of the court. Already a body of case law has been built up not only in South Australia but in the rest of the British Commonwealth on provisions of this kind. I believe that it is essential that we follow what has been found to be just by the courts, and that we give them an opportunity to decide each case on its merits. This is the only way we can provide for what would otherwise be serious anomalies in our inheritance provisions. I ask members to vote for the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Mr. SHANNON: I move:

After the definition of "administrator" to insert:

> "'dependant' means a person who in the lifetime of the deceased person was wholly or partly maintained by the deceased person or who was legally entitled to be wholly or partly maintained by the deceased person whether the deceased person was actually providing such maintenance or not:"

I point out to the Attorney-General that this definition is framed to cover the not unusual case where incompatibility leads to two people living apart, but the husband is legally responsible for the maintenance of his partner who does not live with him. There are cases where the husband may be prepared to provide maintenance but not to allow the dependant to live with him. Sometimes when they get together they squabble and fight and in those cases there is great difficulty in bringing about justice for the aggrieved person as it may not be the fault of the wife that she does not live with her husband. He may be a difficult person with whom to live, because of his habits, or he may be a violent type, but he is responsible as she is still his wife even though they are not living together. The definition, as framed by my legal advisers on this matter, will cover any case where a claimant for some portion of the estate of a deceased person can show he was legally dependent on the deceased.

The Hon. D. A. DUNSTAN (Attorney-General): I hope the Committee will not accept this amendment. A report I have received from the Master of the Supreme Court, giving the unanimous comments of Their Honours the judges on these proposals, states:

The amendments proposed by Mr. Shannon, M.P., to the Inheritance (Family Provision) Bill, 1965, have been referred for the consideration of Their Honours the judges who have directed me to offer the following comment on the amendments. The new Statute, to replace the Testator's Family Maintenance Act, 1918-1943, will be concerned with the exercise of a jurisdiction which directly affects the community and serves to ensure that persons who should be maintained out of the estate of a deceased person are not maintained at public expense (cf. *In re Wade* (1946) S.A.S.R. 131). The dominant purpose of the amendments to the Bill is to make dependency upon the deceased person a condition precedent to the exercise of jurisdiction. But there may be cases where, in the interests of the community, a moral claim upon the bounty of the deceased person, quite apart from dependency, may justify an application for the benefit of the statute. "The provision which the court may properly make is that which a just and wise (testator) would have thought it his moral duty to make . . . had he been fully aware of all the relevant circumstances."

That is a quotation from a judgment, and Their Honours drew attention to the cases of *In re Allen deceased* (1922) N.Z.L.R. 218 and *Coates v. National Trustees, Executors and Agency Co. Ltd.* (1956) C.L.R. 494. The report continues:

It is considered that "the carefully guarded discretion" which the legislature will entrust to the court in exercising its jurisdiction under the Statute should not be fettered by restriction to those cases in which dependency can be established. Dependency should continue to be only one of the circumstances to be considered in determining whether relief should be granted. In none of the relevant Statutes of the Australian States is there any provision

which makes dependency a condition precent to an application, and it seems that no good purpose will be served by introducing into the South Australian Act a provision isolated from the provisions of other Australian States. In the past the Statute law and judicial decisions in the various Australian States have developed on substantially similar lines.

There is a great body of law on these matters. The courts are guided by the principles that have been laid down for the benefit of the community. They will continue to be so guided, and the definition the honourable member intends to introduce is a novel and limiting one that will set aside the South Australian provisions from those of the rest of the Australian States and of New Zealand. I do not believe that that is proper, but that it is necessary that the court should maintain the discretion and the tradition of the case law which has been built up, and that it should be left to the court to decide what is proper in the circumstances of the application made.

The Hon. D. N. Brookman: Did that statement emanate from the Supreme Court?

The Hon. D. A. DUNSTAN: Other than those last few points, it is the unanimous view of the judges given to Parliament.

Mr. MILLHOUSE: I respectfully agree with the opinions of Their Honours given by the Attorney-General, but it is not simply because of those opinions that I cannot support the amendment. Their Honours have their job to do but we have our job to do, and it is up to us to make up our minds and not merely to accept what Their Honours say in this matter. I do not think that the Law Society's being behind this Bill is conclusive. We are the members of Parliament and it is up to us to make up our minds, valuable though the opinions given by Their Honours or the members of the profession as expressed through the Law Society may be. In this case, however, I consider that what has been said is right.

I think the testator's family maintenance legislation originated in New Zealand. Until early this century the tide had been flowing entirely in favour of the unrestricted discretion of a testator to dispose of his estate as he saw fit without being trammelled by the law. Actually the current has flowed the other way, with increasing swiftness as the years have passed. In this State in 1918 there was an interference with that absolute discretion by the passing of the Testator's Family Maintenance Act. This Bill will make that legislation wider than it was before.

The Attorney-General has referred to one expression of a principle used by the courts, but that is not, I say with respect to him and to Their Honours, quite the way in which I was brought up in law school to look at the matter. I was always taught—and I think it is a slightly more comprehensible test—to use the traditional test laid down in *Bosch versus Perpetual Trustee Co. Ltd.*; that is, that the court must place itself in the position of the testator and consider what he ought to have done in all the circumstances of the case, treating him as a wise and just rather than a fond and foolish husband or father. As the Attorney-General has pointed out, that test does not restrict the discretion of the court to cases where there is some dependency and, as much as I regret it, I must say that I do not believe that that restriction should be put on. I think our legislation should continue in the direction in which it is flowing now; that is, to increase the ability of the courts to interfere when that is required. That is what this Bill sets out to do. It does not mean that people will automatically succeed in claims on the estate of deceased persons or give them a right to succeed; it merely gives them the right to apply. It is for the court then to say whether they are entitled to succeed to any share or a greater share of the estate. I think that is a good thing; therefore, I cannot support the amendment.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): The introduction by the Attorney-General into this discussion of a report from Their Honours the Judges is an unusual procedure, not frequently indulged in. I am not sure of its implications. I have never felt that we should be in order if we started imposing our views here on the judges: I have always felt it was the judges' duty to interpret the law and carry out the functions and administration of the courts. That is the proper procedure for Parliament to follow. With all respect to the Attorney-General, the judges and the weight to be given to their statements, I am not sure whether it is wise to start consulting the judges upon proposals to come before Parliament, and then to submit them in Committee as a reason for opposing an amendment. I do not enter into the merits or demerits of the amendment: things can be said for and against it. Perhaps the Attorney-General would report progress so that we could look at the report that he has produced and study it before we proceed with this amendment.

The Hon. D. A. DUNSTAN: I appreciate the Leader's request but feel it is necessary for us to proceed immediately with this amendment. We want to get this measure through so that another place has legislation from this place to debate next week. We have much on the Notice Paper and this has been on it for a considerable time. I should not be happy to report progress at this juncture.

The Hon. Sir Thomas Playford: You now introduce new explanations in Committee.

The Hon. D. A. DUNSTAN: It was not possible for me to deal with matters contained in the report during the second reading. In fact, the last group of amendments was put on the file only recently. That applies to this amendment.

Mr. Shannon: The date is printed on the amendment—August 24. We are now in October. It was two months ago.

Mr. Jennings: That is comparatively recently.

The Hon. D. A. DUNSTAN: I am sorry; I mistook the month. On the other hand, I had a previous report from the judges dealing with the amendment submitted by the member for Flinders.

The Hon. Sir Thomas Playford: I want to know whether this report from the judges was obtained before or after the amendment was put on the file.

The Hon. D. A. DUNSTAN: It was obtained after the amendment was put on the file. The original recommendations for this Bill came from the judges and the Law Society. The Bill had been discussed by them and the reports on the amendments were obtained after the amendments were put on the file. In fact, the report that I read out to the Leader is dated October 21. He has raised a question of principle, whether the Attorney-General should obtain from Their Honours their views on a matter of law reform. It is true that it is for Parliament to decide issues of legislation and that it is for Their Honours to interpret them and to administer the law. However, traditionally judges everywhere in the British Commonwealth have had the right to have some public say on law reform issues. Normally, they do not say anything publicly on what are considered to be matters of social policy but it is common for the judges, in the course of their administration of the law, to draw the attention of the legislature to amendments that should be made. Recently, a decision of the Full Court of South Australia dealing with the Licensing Act completely changed the practice of the Licensing Court in this State.

Mr. Hudson: It made nonsense of it.

The Hon. D. A. DUNSTAN: It did and I am not sure what the future practice of the Licensing Court will be. In both the majority and minority judgments, the attention of the legislature was drawn to deficiences in the Licensing Act. Such a procedure as that is perfectly proper.

The Hon. D. N. Brookman: Those comments were made in their own courts about existing legislation.

The Hon. D. A. DUNSTAN: This legislation was proposed by the judges. In other parts of the British Commonwealth it has been the practice to establish standing committees on law reform that include representation of the judges. In England the Law Reform Committee has the Lord Chancellor as Chairman. The Lord Chancellor of England is also the Leader of the Government in the House of Lords. This is a peculiar position and is not provided for in our Constitution. Nevertheless, the Lord Chancellor's Law Reform Committee includes judicial representation and brings to the Legislature representations on specific law reforms.

This procedure has been repeated elsewhere and I receive letters almost weekly from various parts of the British Commonwealth in which I am told that permanent law reform committees of that kind have been established in those countries and I am asked, "What are you doing about it? Have you one?" The answer is that we have no such committee. The way law reform in South Australia is functioning is that three bodies are involved directly in such questions. They are Their Honours, the Law Society (through its Law Reform Committee) and the Attorney-General, either on matters initiated by the Government or on matters that come from the Standing Committee of Attorneys-General.

The Attorney has to act as the clearing house for each body and each measure that comes from one of these bodies is referred to the other bodies for comment. That has been the procedure since the present Government took office. Concerning this measure, as the recommendations were made by Their Honours and by the Law Society, it was natural that I should refer to the initiating body, Their Honours, proposals for alteration of the legislation which they proposed and to which the Law Society had given assent. That advice is respectfully tendered in this case. They did not presume to tell Parliament what it should do, but I

should think that in matters of this kind, concerning which Their Honours are so experienced, their opinion would carry great weight with members. However, it is still for us to decide. I should have thought that anything that Their Honours could say to us on a matter of this kind (which is, after all, a matter that they have originally raised with the Government) would be helpful to members. I do not think it is in any way disrespectful to the Committee or unconstitutional that I should give to the Committee the opinion of Their Honours on the measures that have been proposed and put on the file.

The Hon. Sir THOMAS PLAYFORD: I appreciate what the Attorney-General has said. I have the highest respect for the integrity of the courts in South Australia. I agree with the Attorney that it is competent for the judges, in their own courts, to draw public attention to a deficiency that they may believe exists in the law, something that would come to their knowledge. If such a matter is stated publicly then it is available to all members of Parliament under all circumstances. I have known members to get up and draw the Government's attention to a judge's stating some deficiency in the law. That is entirely proper and desirable. However, I have some reservations with regard to the submission of amendments to judges by individual members of Parliament. If it is good for one member of Parliament to ask for a judge's opinion on an amendment then it is good for another. I do not know where this would finish, and it could be embarrassing. Several members may ask Their Honours for opinions on amendments.

The Hon. D. N. Brookman: In writing.

The Hon. Sir THOMAS PLAYFORD: Yes. If it were to be the exclusive right of one member to get opinions in respect of Bills he had introduced then I do not think honourable members of either Party would agree to it. The Parliament should have all the support it can obtain from the knowledge, experience and wisdom of the judges. If these matters are dealt with publicly then these opinions are available to all members. Opinions should come voluntarily from the judges rather than be requested from them. If we are to ask for the opinions of judges on these matters then, to a certain extent, we are pre-judging issues that may come before the court, and this should not be done. I suggest that the Attorney-General examine the procedure with which he is becoming involved. Earlier in the day we had some question about another Act in connection with which there had been a public statement that the Chief Justice approved of the Act. I accept the explanation that there was a mix-up in that matter and that the statement that had been made by the Attorney-General had not been fully understood. However, I maintain that the judges themselves should publicly state their opinions if they believe that those opinions should come before this Chamber. If the judges thought that any matters requiring legislative attention were not getting it, I would have no objection to their forwarding a report to the Speaker, for it would then be a public document available to all members.

I believe that the procedure adopted in this case, if it is indulged in to any extent in the future, could ultimately get us into some difficulty. I have always believed that Parliament should not interfere with the courts and that the courts should not seek to impose their will upon Parliament or direct Parliament in any way. I suggest to the Attorney that he should ensure that any statements made in the future are made as public statements and not as answers to questions that are under immediate debate in this place. While we may get some good answers on some questions, we may ultimately finish up with some embarrassing procedure that no-one would like.

The Hon. D. A. DUNSTAN: I appreciate the difficulty which the Leader sees. When I presented my commission to Their Honours, I undertook that on matters of law reform Their Honours would be informed of the intentions of the Government, that they would be consulted on measures which they considered necessary for law reform, and that they would have the right to make comments so that the Government would be apprised of their views. I intend to adhere to that. I believe it is very helpful to the Government to have the opinions of Their Honours. Sometimes of course, Their Honours may differ between themselves on various matters. However, I think the position which the Leader puts to the Committee could possibly be overcome by my undertaking to him that in cases where a measure has been proposed by Their Honours and they are subsequently asked by the Attorney-General to comment on amendments which are put forward to a measure which basically was their proposition, then as soon as I have a report from them I will make it available to the Opposition so that all members may be fully apprised of the comments

which Their Honours make on suggested amendments to provisions which they have proposed.

Mr. SHANNON: The Attorney-General is endeavouring to clear this matter up. I must admit frankly that I am not a bit embarrassed at the report which the Attorney has read. I am a little inclined to criticize the Supreme Court bench for entering (if I understood the Attorney correctly) the field of policy. That is one field which this House must be jealous of at all times, and we as members of Parliament are the arbiters and should legislate on the lines of policy which the State will pursue. It is not part or parcel of the judiciary to enter into any controversy with respect to policy. I have not been able to study the transcript which, I think, I should have been able to do. In this matter I am trying to alter the policy of the Bill so that it will limit the scope of those who may appeal to the court for a share of a deceased person's estate to those legally or morally entitled to do so.

Under this Bill, there need be no morality at all entering into it. Because of an anti-social action by one of the parties, the other may be denied benefits under the will, because the former person can apply to the court and hold up the legal beneficiary's claim on the estate for a considerable time. A person may be divorced once, twice, or thrice, and at each stage she qualifies to apply to the first husband for relief. That does not seem to me to be fair. I am inclined to think that the legal profession in its approach to this Bill has no objection to widening the field of those who may apply to the court for a share of a deceased person's estate.

The Hon. G. G. PEARSON: I notice that in the report the Attorney-General said that Their Honours considered that no proposed amendments were acceptable to them. I accept without equivocation that it would be an unfettered function of Their Honours to comment on any matter dealing with the mechanics of the law, but I cannot see that the matter before us is one that is peculiarly and wholly within the special knowledge of Their Honours. We are considering what scope the Bill should have. In other words, who should have the right to make an application to the court for consideration in respect of the estate of the deceased?

Mr. Shannon: Bearing in mind that such people are now to receive 12 months to do that.

The Hon. G. G. PEARSON: The Committee is considering who should have the right of access to the court, and that is a matter in which the mechanics of the law are not involved. It is a matter for the good, sound common sense of any person, and certainly no more difficult for the Committee to decide than for a person empanelled on a jury who is considering the fate of a prisoner before the Supreme Court.

The Hon. D. A. Dunstan: If you had been involved in any testator's family maintenance cases you would realize that that was not so.

The Hon. G. G. PEARSON: The Attorney-General has had experience in such cases, but I cannot see that it is beyond the capacity of the Committee to decide which categories of persons should have the right of appeal to the court in this matter. The Attorney-General referred to cases where, because somebody has not provided in his will for a certain person, that person becomes a charge on the State. Are we to be guided in this matter purely because of that circumstance? Is an estate to be saddled with the maintenance of a person who was almost completely unknown to the deceased? I do not think the State can unload its responsibilities on to the estate of a deceased, in respect of a person who may have had no blood relationship with the deceased. The member for Onkaparinga seeks to define exactly who is a *bona fide* dependant of the deceased, and he intends to apply that definition, if he is successful on this point, to other clauses of the Bill at a later stage. I agree entirely with what has been said regarding the ability, integrity and good intention of the judges of our Supreme Court. Indeed, as one who knows them all fairly well, I should be the last person to suggest that we lightly dismiss any comment that they, in their wisdom, feel inclined to make. However, I cannot see that the matter now before the Committee, where a particular knowledge of the law (which Their Honours undoubtedly possess and exercise) is of any benefit to them in deciding this issue.

Mr. Shannon: It's purely a matter of policy.

The Hon. G. G. PEARSON: Yes, and of plain common sense, which I think every honourable member possesses in good measure. I believe that the honourable member's amendment contains much merit; I am happy to support it, and I hope the Committee will fully consider it. I believe Their Honours

would be the last people to expect the Committee to be unduly swayed by the opinion they have expressed. The opinion has been asked of them, and I am sure they would be reluctant to think that the Committee had waived its better judgment because of a comment they had made on this matter at the Government's request.

Amendment negatived; clause passed.

Clause 4 passed.

Clause 5—"Persons entitled to claim under this Act."

Mr. SHANNON: I think it is obvious that the vote on my previous amendment was a test vote and that it is useless for me to proceed with further amendments.

The Hon. G. G. PEARSON: I move:

In paragraph (*b*) after "person" second occurring to insert "provided such person has not remarried, or has not ceased to be maintained by him."

As the amendment moved by the member for Onkaparinga to clause 3 has been defeated, I think this amendment is all the more important. I cannot see how a person who has ceased to be a part of the life of the deceased, has re-married and has been maintained by her new husband or his new wife (as the case may be) should properly be a charge on the estate of a person from whom all relationship has been severed. I do not see why a person who has been married twice, three times or four times should be able to claim against the estate of a former spouse. This is putting a premium on re-marriage. If one claim fails, another can be made in these circumstances. I know the Attorney-General will say that this clause provides only a right to claim and that the matter is decided by a court, but I do not think we should pile all these obligations on courts or that the final winding up of an estate should be delayed. I ask the Committee to accept the amendment.

The Hon. D. A. DUNSTAN: I ask the Committee not to accept this amendment. With respect, it will exclude a number of people who are entitled in some circumstances to maintenance under the provisions of the existing Act and of the Bill. I have some comments on the matter that were drafted by His Honour the Chief Justice and Mr. Justice Hogarth, and I understand that the remainder of the bench has now concurred in them. These comments are offered to the Committee simply as comments, as the view of Their Honours after their experience of cases that have come before the courts, and for the guidance of the Committee. They are as follows:

Remarriage of a divorced person should not necessarily disqualify that person from applying for the benefit of the Act. The test should be whether the applicant was at the date of death of the deceased receiving or entitled to receive maintenance from the deceased pursuant to the order of any court or otherwise. A right to maintenance does not necessarily cease upon remarriage; remarriage may be a ground for suspending an order for maintenance instead of discharging it, and the order may be revived upon the death of the new spouse or the inability of that spouse to support the applicant. If the applicant has the right to receive maintenance from the deceased, the fact that the deceased has, at the date of death, ceased to maintain should not preclude the applicant from seeking relief.

With great respect, I agree entirely with those views, which are vital. Experience in the divorce courts shows how a position such as that outlined by Their Honours can occur.

Mr. SHANNON: There may be cases where a divorcee has remarried, made a bad choice the second time and then decides, when her first husband dies, to have a bite at his estate, having given him away as a bad lot and walked out on him. We are going to give that type of person the best of both worlds.

Mr. Hudson: They have to show a basis for their application.

Mr. SHANNON: The basis will be need. The Attorney-General read out Their Honours' opinions on "dependent", in which it is pointed out that, if estates have to take the responsibility for certain cases of hardship, they are, in effect, called upon to lighten the burden on our social services. So a deceased person's estate is to be put in that embarrassing position. I shall read tomorrow morning the full report of what Their Honours said in their recommendation on this matter, but the same thing appears to me to apply in this case. If a divorcee walks out on a man and remarries (maybe two or three times), is she to have recourse to the estate of each of her successive husbands as they pass on, if she happens to outlive them all?

Mr. Hudson: The courts decide that; she can only have a claim.

Mr. SHANNON: But these claims take time and money. Of course, that is what they are intended to do; that is why the lawyers want them. The wording is "person who has been divorced whether before or after the passing of this Act by or from the deaceased person". Almost any interpretation can be placed on those words in respect of the various marital relationships between two people.

Mr. Hudson: Let us take the case where a woman is divorced; she remarries, her second husband dies, and she still requires

maintenance from her first husband. Does she have any claim against him?

Mr. SHANNON: Almost certainly she would qualify for a maintenance order. On her remarriage the maintenance order would be suspended until it was known whether that marriage was a success. If she married a wealthy man, I have no doubt that the court would disregard the maintenance order.

Mr. Hudson: She is still entitled to maintenance from the first husband. What about when the second husband dies? Under the proposed amendment, she would have no claim.

Mr. SHANNON: When the divorcee remarries, she quits all responsibilities from her first husband.

Mr. Hudson: You would prevent her from having a claim in this case.

Mr. SHANNON: The honourable member for Flinders does not want to force a spouse who is in affluent circumstances to pursue a claim against the divorced husband. However, the Attorney-General has support from the Supreme Court bench on this matter. I think the Supreme Court bench would be well advised to stick to the law and allow policy to be laid down and put into shape. I hope that Their Honours will take that approach.

The Hon. G. G. PEARSON: I understand that the Attorney-General intends to reject my amendment. His first ground is that remarriage necessarily debars it. My reply to that is that the amendment does not debar such a claim, because I have included the words, "or has not ceased to be maintained by him." The Attorney's second point is that a second spouse may have a claim that becomes unjustified because of circumstances, but it may be a claim that can be revived. I concede that there is some point in this objection and to assist the Attorney to overcome that objection, I could easily add several words to my amendment. I have discussed this matter with the Attorney but I have not the proposed words typed out. However, the words I propose to add, if I have permission to do so, are, after the word "him", "or who does not have a prior claim which is revivable." If those words are added, the words inserted by my amendment will be:

Provided such person has not remarried, or has not ceased to be maintained by him or who does not have a prior claim which is revivable.

The Hon. D. A. DUNSTAN: I am sorry, but I cannot accept the amendment as amended. In the first place it just does not make plain English.

The CHAIRMAN: The honourable member for Flinders must ask leave to amend his amendment. It would be better if the honourable member would do that before discussion ensues.

The Hon. G. G. PEARSON: I ask leave of the Committee to amend my amendment but I have not had an opportunity to discuss with the Parliamentary Draftsman whether my added words are good drafting. I think the intention of my amendment is perfectly clear. I do not know whether the Draftsman commented on my drafting to the Attorney-General.

The Hon. D. A. Dunstan: I cannot quote the opinions of the Draftsman in this place.

The Hon. G. G. PEARSON: I have not had an opportunity to discuss the matter with the Draftsman so I will have to content myself with my own words. I have given to the Committee the words I shall add to my amendment and I ask leave to amend my amendment accordingly.

Leave granted.

The Hon. D. A. DUNSTAN: I cannot accept the amendment. It would provide us with grave difficulties in interpretation, and we are in difficulty even with the honourable member's original amendment. If honourable members will examine the provisions of the Bill, clause 5 provides:

The following persons are, in respect of the estate of a deceased person, entitled to claim the benefit of this Act:

(*b*) A person who has been divorced (whether before or after the commencement of this Act) by or from the deceased person.

The honourable member's amendment adds to that:

Provided such person has not . . . ceased to be maintained by him.

That is the deceased person. If the deceased person is dead, where is he?

The CHAIRMAN: It all depends on who he was and what he did.

The Hon. D. A. DUNSTAN: How can a divorced person be maintained? This provision has been carefully taken from Acts in other parts of the Commonwealth that have been tested by legal decision. The objections that honourable members opposite have raised have been coped with quite adequately under the Testator's Family Maintenance Act provisions elsewhere. In no case are the people who have no moral claim (which is the situation which honourable members opposite have outlined) given a right to get maintenance from the court. Nobody can manage to make a

case under the Testator's Family Maintenance provision without reference to a legal practitioner because it has to be before the Supreme Court, and the procedure is not easy for a layman to initiate. No lawyer would tell a person to put in a claim of that kind because if he did he would be in a position where a court could well order him to pay the cost of the application. Courts do this if solicitors advise clients to put in applications that are not appropriate, lawful or soundly based. The body of case law is obvious. It would put us in a hopeless position to write in these provisos that the honourable member proposes, for they would be almost impossible of adequate interpretation by the courts in the circumstances with which they would be faced.

Amendment as amended negatived.

The Hon. G. G. PEARSON: I move:

To strike out paragraphs (*g*) and (*h*).

The purpose of the amendment is to remove from the list of those eligible to claim people who have no blood relationship whatever with a deceased person. A child of a spouse of a deceased person by any former marriage of such spouse is a person who obviously is no responsibility of the deceased person. Earlier in this debate the Attorney-General mentioned that a claim should be considered by the court in any case where the parent was responsible for bringing the child into the world, and with that principle, in general terms, I cannot disagree, nor do I desire to do so. However, I think it is taking it a bit far when children of a former parent are eligible to make a claim. Here again we have these particular children living in circumstances of peculiar advantage to them. The children of the normal home have a common father and a common mother, and therefore they only have claims upon the parents whom they know and whose children they are; but here we are taking it out of this concept and we are proposing that children that are not of the home and not the responsibility of the deceased person at all should become eligible for a claim. I think this is wrong in principle. I know that the Attorney-General will say that there is a big body of case law which guides the courts, and all that sort of thing, but why do we admit that right to claim to people of no relationship at all?

The Hon. D. A. Dunstan: Because there are cases where quite clearly there is a moral and proper claim.

The Hon. G. G. PEARSON: Well, I should like to know about them. The same applies to paragraph (*h*), where we get a most unfortunate situation. We provide there for the case of a child or a legally adopted child of any child or legally adopted child of the deceased person. This is taking it to the second generation, to the grandparent stages. How far do we go, and where do we finish?

Mr. Shannon: You are pointing out a grave difficulty that will arise.

The Hon. G. G. PEARSON: Yes, but the Attorney-General is not in the mood to accept amendments, and he has more on his side than I have. This matter is of such moment that I do not apologize for taking up the Committee's time. I think many members agree with me, and I submit the amendments in the hope that they will receive the consideration they deserve.

The Hon. D. A. DUNSTAN: I hope the Committee will not accept these amendments. Clause 5 (*g*) puts into our provisions a provision which exists in the Queensland and Tasmania Statutes, and which has worked well to cope with situations with which we have not been able to cope under our existing legislation, and for which provisions should be made. We believe provisions should be made for an application by a stepchild. Circumstances could arise where the stepchild, for all practical purposes, had been given permanently into the care of the deceased or has helped to build up or serve the estate of the deceased. In such circumstances there could be a moral obligation in respect of that child that would justify an application. We believe that provision should be made for an application by a grandchild, and that includes anyone who has been adopted and, in effect, is a grandchild.

The Hon. G. G. Pearson: What about great grandchildren? Where do you stop?

The Hon. D. A. DUNSTAN: The place at which you stop is where someone is likely to have been directly involved in creating some moral nexus of some kind. There are a few great grandchildren unless the great grandparents and their descendants have been precocious enough to provide for a situation of this kind. Provision should be made for an application of the grandchild, particularly as the new Statute will enable relief if sought in the case of intestacy. This provision exists in the New Zealand and New South Wales Statutes, and has been found to work well.

Mr. SHANNON: The aim of the member for Flinders is to prevent a number of people

claiming who have no possible blood relationship with the deceased person. We should ensure (and this clause does not), first, that the claimant on the estate was in some part maintained by the deceased and, secondly, that he was not an adult person. I do not know whether anyone is aware that grandparents live to an age when their grandchildren have families. I am proud to admit that I am one of them. The point made by the member for Flinders was that in this case this could be an adult person who was reasonably cared for in life, but because Grandma had a large estate, he would like a bite of it, despite the fact that he is a grandchild by legal adoption and has no blood relationship to the deceased whatsoever. If it is to be so attenuated that the Bill should specifically provide for people who may apply to the court for a share in a deceased person's estate, I could think of no provision that would broaden the Bill more than this would. I do not subscribe to that particular policy, for I think that there should be a qualification that the person who makes a claim on the estate has a real claim, having at least been maintained in part by the deceased and not being of an adult age when he might be expected to look after himself.

Mr. HALL: I can see no need to delete the paragraphs concerned. I believe the amendment of the member for Onkaparinga to be the correct one, and I cannot support the present amendment. Indeed, I see no reason why an injustice may be caused if the paragraphs are not deleted. I believe that some specific reference to maintenance should be made, but if that cannot be included in the Bill, I cannot support the amendment of the member for Flinders.

The Hon. G. G. PEARSON: I do not think the Attorney-General was courteous in dismissing my comments about the dependency of a great grandchild by referring to the precocity of some grandparents. My mother is a great grandmother, and I see no reason for his making that comment.

Amendment negatived; clause passed.

Clause 6—"Spouse or children may obtain order for maintenance, etc., out of estate of deceased person."

The Hon. G. G. PEARSON: I move:

In subclause (3) after "conduct" to insert "or both, or his behaviour toward the deceased during his lifetime".

I believe it should be provided that, where a person has so behaved towards the deceased previously as to completely destroy their relationship, he should not at the time of the deceased person's death seek to come back into the fold to make a claim against the estate of a person for whom he has obviously held no respect, when his previous behaviour towards the deceased cannot justify that claim. I want to tighten up the provisions because I think behaviour towards the deceased should have some bearing. I do not accept that there is any difficulty about the matter, although the Attorney-General seems to think there is. Apparently there is always a difficulty in anything I compose. All I seek to do is indicate the wishes of honourable members to the court, which will decide the matter. I ask the Committee to accept the amendment.

The Hon. D. A. DUNSTAN: I regret that I cannot accept this amendment, and I assure the honourable member that I am not doing this out of any sense of feeling. I assure him that, when he moves amendments that I think are satisfactory, I will be happy to accept them, as I have already done during this Parliament on other measures. However, I cannot agree that it is necessary to do what he proposes, as this is already adequately covered in the language of the Bill. A further reason for not changing the wording is that the provision in the Bill is common to all testator's family maintenance legislation in Australia. Every situation that the honourable member wishes to cope with is provided for in this language, and it has been administered by courts in all States and New Zealand. I think it is unwise to depart from the uniform language, which gives a discretion to the court.

Mr. SHANNON: It may be difficult for a court to decide on a man's character or conduct.

The Hon. G. G. Pearson: He may have no relationship to the deceased person.

Mr. SHANNON: That is so and, although his conduct may be reprehensible to some people, the deceased may have no fault to find with it.

The Hon. D. A. Dunstan: The member for Flinders does not propose to alter that.

Mr. SHANNON: He does; his amendment will broaden the matter, and wisely so. In this matter he has picked on a vital point that I am sure the court will correctly interpret. I see no harm in this; in fact, I see good reason why this amendment should be accepted.

Amendment negatived; clause passed.

Clause 7—"Time within which application to be made."

The Hon. G. G. PEARSON: I move:

In subclause (1) to strike out "twelve" and insert "six".

This is a simple amendment involving no ethical or moral problem. It seeks to restore the time for making an application to the time provided for in the present Act. I see no valid reason for this alteration. We have been told that this Bill is based on the Act, which has worked well. The courts interpreted these things equitably. I see no reason why, after such long experience, we should find it necessary to increase the time for making an application to the court. Any person who is close enough to the deceased to justify his having any claim at all before the court must surely be cognizant of the death of the person in whose estate he proposes to establish an interest. Surely six months is ample time for a claim to be lodged. The objection to the length of time is obvious: it means that the estate is in a state of indecision, the trustees are unable to wind it up, and the beneficiaries are unable to apply the proceeds of the estate for their personal purposes in the certain knowledge that they will not later be disturbed. It means that the winding up of an estate drags on, with consequent added cost.

I have known of the winding up of some estates being delayed for various reasons. The costs of the executors and trustees travelling around the country have mounted, and people who cannot afford to lose the value of the estate in which they are beneficiaries have had to bear these extra costs. There is a strong case for bringing some pressure to bear on people whose responsibility it is to handle other people's affairs to come to a swift conclusion and avoid being accused of making a handsome profit from administering such estates. I do not desire that executors or trustees should have any further excuse for delaying the winding up of estates. This extended period of time would give them a reason for lingering on the job. Any person who is even remotely justified in having a legal or moral claim on an estate ought to be able to lodge it within six months.

The Hon D. A. DUNSTAN: I hope that the Committee will not accept this amendment. The original proposals for alteration of the legislation dealing with the Testator's Family Maintenance Act arose from the fact that it was found by the courts that in some cases the six months' limitation had worked a signal injustice. The particular case to which I refer honourable members is *In re Tiller deceased*: *Gum* v. *Tiller*, reported in *South Australian State Reports*, 1963, at page 117. In that case, there was an application under the Testator's Family Maintenance Act by a married woman who was entitled to make an application. The application was made shortly before the expiration of the six months' period. Probate had previously been granted to the sole devisee and legatee under the will and, as the application was made, in due course, after the six months expired, the matter was referred to the Master for the making of an Order for Direction as to who should be the parties to the application. When the matter was before the Master, it was found that two other people ought to be involved. One was a minor and the other was an inmate of Parkside Mental Hospital, and both had to be represented by the Public Trustee. It was found that as they had not made an application within the relevant time and as no-one had done so on their behalf, they could not be before the court. So, even though an application relevant to the estate had been made within the time limit, the court could not bring in the other people who should be concerned in the discussion as to the maintenance provisions under the will. Those people were under a disability. As a result, prior to the decision of the Full Court, a minute was sent from the Master to my predecessor concerning this very matter, and that is where the whole thing originated. Part of the minute read:

> However, in the next two or three months it is probable that the Full Court will be asked to consider a point of law, arising under the Testator's Family Maintenance Act, 1918-1943, which will involve the limitation of time for making an application under the Act. It could be that when the point of law has been determind, a proposal might be made for amendment of the Statute.

It went on to discuss the fact that in most other States where testator's family maintenance was provided, the same strict limitation as to time that exised in this State did not exist. My predecessor considered the matter at some length and, in due course, authorized preparation of a draft Bill upon this basis and he approved this provision. That is why it came before the court. It has been shown that the strict limitation of six months does work hardships and, therefore, it has been decided to provide an extended period of limitation so that where an application comes before the court, there will be time to bring in all persons concerned who may be suffering disability.

The Hon. G. G. PEARSON: I am not impressed by the Attorney's reply, because whether the period is six months, 12 months, 18 months or two years is not relevant. The facts on which he has based his case are simply that six months was the time limit

prescribed for making an application, and this brought an application before the court. If 12 months had been the time, the application probably would have been received a few days prior to the expiration of 12 months.

Mr. Millhouse: Oh, why?

The Hon. G. G. PEARSON: Obviously the person concerned realized that time was running out, got busy, and made an application. If the time was 12 months then the applicant might have been away overseas or somewhere else, and goodness knows why the application was made within six months. We were not told that. It was made almost at the end of six months but when the Master looked at it he was told that other people were involved. I suggest to the Attorney that the other two people involved in this case would not have come forward to make their application in time unless they had been alerted by the Master and made application just before the end of six months.

I cannot see that making the time 12 months overcomes this problem because the mere fact that there is a deadline does not necessarily bring the rights of people to their knowledge. If it had not been for the circumstance of somebody realizing that the deadline was approaching and making an application then the two other people to whom the Attorney referred would probably never have been discovered. The Attorney's reply to this proposal is not convincing because I do not think it is a matter of time but of circumstance. I repeat that it was probably fortunate in this case that the time limit was six months, because if the court were to have any subequent consideration of the matter at all it would have been far better for it to come before it six months rather than 12 or 13 months after probate had been granted.

Mr. SHANNON: The member for Flinders quite rightly pointed out that whatever time factor is set there are bound to be cases that miss the bus. Some people need financial help and look to a deceased estate for that finance. The Committee has agreed to certain categories of possible claimants upon estates, the identity of which it would be a physical impossibility for any administrator to discern. I would like ny member to try to make an assessment in the interests of cleaning up an estate under paragraphs (*g*), (*h*), (*i*) and (*j*) of clause 5. How could anyone make certain that there would be no possible claimants? It would be impossible for a trustee to take the risk of distributing an state before he was sure that there would be no further claims upon it. We have made the field so wide that there will be great reluctance among trustees to take that risk. It is easier to pass it out than it is to get it back again. I see plenty of problems for people who have to administer estates if we make the time limit 12 months rather than six months, which latter time has proved quite satisfactory. As the member for Flinders pointed out, in the case the Attorney-General quoted exactly the same set of circumstances could have arisen had the time limit been 12 months.

Mr. McANANEY: I support previous speakers on this matter. We are entering an era now where there is more and more interference with the acts of individuals. We must not let things drag on too long. Decisions are taking longer and longer, and things are being held up. I can see no practical reason why the time limit should be 12 months. The case quoted by the Attorney-General concerned an inmate of a mental home. I assume that in that case the Public Trustee was administering the estate, and surely he and his officers should have been alert enough to see that the claim was lodged within a reasonable time. The member for Flinders said that if anybody was close enough to the deceased person and he was being maintained by him or was in some close relationship, the period of six months would be ample in which to lodge the claim. Extending it to 12 months is just not practicable. As stated by the member for Onkaparinga, the winding up of estates takes too long now, and this is creating difficulties for many people of limited means. I know of several instances where people cannot carry on; they cannot even get a draw against the estate, even though there are substantial assets there. This is slowing things down, and there is no justification for it.

Mr. MILLHOUSE: I was pricked into speaking by what the member for Stirling said. I cannot agree with him. I am no longer practising as a solicitor, but I still have vivid memories of how time ticks by.

The Hon. G. G. Pearson: It does when you are paying for it.

Mr. MILLHOUSE: Well, I have often said that solicitors are over-worked and under-paid, and in this connection they are certainly over-worked. Time goes very quickly indeed, and in my view 12 months is not a long time to allow for claims of this nature. I point out to the member for Stirling that under the old Act there is power to extend the time. From my

own previous experience of amalgamated practice, I consider that this amendment is abundantly justified, and knowing something of the facts of the Tiller case I can assure the member for Flinders that had the limit been 12 months there would have been no further delay at all.

The Hon. G. G. Pearson: Why?

Mr. MILLHOUSE: I will tell the honourable member all about it afterwards if he would like me to do so.

Mr. Shannon: You don't agree that a limit of 12 months might cut somebody else out?

Mr. MILLHOUSE: Of course it could, but certainly it is a matter of common sense that it would cut fewer people out than would six months. I do not think the matter needs to be carried any further than that.

The Hon. Sir THOMAS PLAYFORD: I support the amendment. The present provision is for six months and the court still has the right to extend that period if an application is made and there is a valid reason for so doing. The Bill provides that no application need be made for 12 months but the court can still extend the time. The case stated by the Attorney-General proved that hard cases make bad laws. The main portion of estates usually go not to wealthy people but to people with slender means, so that if the settlement of the estate is delayed indefinitely, they may be affected, as the trustee cannot proceed.

The Hon. G. G. Pearson: He takes a grave risk if he does.

The Hon. Sir THOMAS PLAYFORD: Of course. Does this mean that every estate will be delayed against a claim that may be made? We have now widened the scope of people who can claim and we have extended the time. Any attempt to meet extreme cases seems to be a bad provision. If a court found circumstances where the claim had not been made within six months it could still allow an extension, and that would be reasonable. However, to provide for 12 months means that, as under Parkinson's law, one does not do today what one can put off doing till tomorrow. That is not a reason for extending the time, and I support the reasonable amendment of the member for Flinders as one that the Government should accept.

Mr. SHANNON: Under the Trustee Act any estate for administration for which some revenue is receivable can be charged 5 per cent per annum by the trustee. Such estates may be simple estates, but because the trustee does not know whether some of the people in the various categories may apply, he must decide whether he will distribute the estate. Many estates are wound up within a couple of months, at which time the beneficiaries have the money in their pockets, but I believe that that would be impossible here, and that no trustee would accept the risk. A person has 12 months in which to make a claim. The court hears the case in its own time and if, having heard the case, the court believes an injustice has been caused in respect of somebody whose time should have been extended, it may well extend the time.

The Committee divided on the amendment:

Ayes (15).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Nankivell, and Pearson (teller), Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, and Mrs. Steele.

Noes (20).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, Millhouse, Ryan, and Walsh.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed. Remaining clauses (8 to 16) and title passed. Bill read a third time and passed.

ADJOURNMENT.

At 11.19 p.m. the House adjourned until Wednesday, October 27, at 2 p.m.