

LEGISLATIVE COUNCIL.

Tuesday, October 4, 1960.

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

DEATH OF MR. M. R. O'HALLORAN.

The Hon. Sir LYELL MCEWIN (Chief Secretary)—I move—

That the Legislative Council expresses its deep regret at the death of Mr. M. R. O'Halloran, M.P., former member for Frome and Leader of the Opposition in the House of Assembly; and that it places on record its appreciation of his public services, and as a mark of respect to the memory of the late Leader the sitting of the Council be suspended until the ringing of the bells.

The late Leader of the Opposition had a long association with the political life of both the Commonwealth and the State of South Australia. He first entered Parliament in the State sphere in 1918 as one of the members for Burra-Burra and served until 1921; and again from 1924 to 1927. He then entered Federal politics in 1928 and served until 1935 as a member of the Senate, a term of approximately seven years. He returned to the State Legislature in 1938 as member for Frome and served until his passing in 1960. He was Leader of the Opposition in the House of Assembly from 1949 until his death.

Mr. O'Halloran had quite a distinguished career in politics. In the Senate he was temporary Chairman of Committees from 1929 to 1935, Vice-Chairman of the Joint Committee on Public Accounts from 1929 to 1931, and a member of the Joint Select Committee on Public Accounts in 1932. He was also Deputy Leader of the Opposition in the Senate from 1932 to 1935. Honourable members will remember that he represented the Australian State Branches of the Commonwealth Parliamentary Association at the Coronation meeting held in London in 1953. Mr. O'Halloran was very familiarly known to all honourable members of both Houses. His personality and integrity were such that he endeared himself to all members of both Houses, irrespective of their politics. He was a hard-hitter and a zealous advocate for the politics he represented, but his nature and integrity were such that he was respected by all members regardless of their politics. So we have lost from our State political sphere a very able Leader of the Opposition and an outstanding personality. I am sure that all honourable members join with me in expressing sympathy to his widow.

The Hon. F. J. CONDON (Leader of the Opposition)—It is with deep regret that I rise to second the motion and in doing so support the remarks of the Chief Secretary; and it is also with deep regret that the South Australian Parliamentary Labor Party records the sudden and lamented death of Mr. O'Halloran on September 22. During his Parliamentary career he gave distinguished and untiring service to the Australian Labor Party and to the people of South Australia as a Senator, member for Frome, and Leader of the Opposition in the House of Assembly for the past 11 years. His sterling qualities as a gentleman and his display of wisdom and forthrightness as a Leader won for him the admiration and respect of all sections of the community. To his bereaved widow and relatives, we offer our sincere condolence and share with them the grief occasioned by the passing of a truly great South Australian.

No greater tribute could be paid to any man than that paid to Michael Raphael O'Halloran at his funeral on September 23. I had known him before he entered Parliament. He was a man of Christian principles and a man whose advice was always sound and helpful. A day or two before he left for his home he asked me to place a wreath on the National War Memorial on the occasion of the anniversary of the Battle of Britain. Little did I think that that would be the last occasion when I would have the pleasure of his company. Mr. O'Halloran was a member of the Public Works Standing Committee for many years. In my close association with him I never heard him say a bad word against anyone. He was always very tolerant and gave the other fellow the opportunity to express his opinion. He served in the South Australian and Commonwealth Parliaments, and represented all State Parliaments at an overseas meeting. It can be a consolation to Mrs. O'Halloran and relatives to know that he had the respect of members of this Parliament, and was loved by them all.

The Hon. Sir FRANK PERRY (Central No. 2)—On behalf of the members of the Liberal and Country Party in this place I express my concurrence in the remarks of the two previous speakers. When a man has served 28 years in a Parliamentary position in Australia he must have been idealistic and devoted to his work, and Mr. O'Halloran was just that. I always enjoyed listening to his speeches, particularly his after-dinner speeches. He had the human touch which, regrettably, is getting out of

fashion in these days. He had a power of appeal that was strong indeed. Members have lost a friend who was a strong advocate of our Parliamentary system.

I was pleased to hear the Hon. F. J. Condon's remarks about the worth of the late honourable member, who was a shining light in the political life of this State. For 11 years he was Leader of the Opposition in another place. That could not have been very satisfactory for him, for it meant that he could not carry his Party to victory in a State election during all that time. I think he served a record period as Leader of the Opposition in South Australia. It was unfortunate for him that the Liberal and Country Party had, during those years, such a popular Leader in the Hon. Sir Thomas Playford. Members of this Council and the other place, and the people of South Australia generally, regret the passing of a man of the character of Mr. O'Halloran. Unless a man has the human touch he misses a lot and does not do his best for the community. I very much regret the passing of Mr. O'Halloran and I express my sympathy to the Party that has lost its Leader and to the family that has lost its head.

The PRESIDENT—Before putting the motion I want to add my personal tribute to the memory of the late Mr. O'Halloran. He and I entered politics on the same day. We had many disagreements on political matters but always remained the best of friends throughout the long period. Mr. O'Halloran took his politics seriously and always gave the other fellow credit for doing likewise. He was a man who could agree to differ on political matters, but he always adhered to his views without having rows or disagreements with other members. All over South Australia he was held in the highest possible regard, particularly in the back country, where he was always welcomed irrespective of the politics of the people whom he visited. If all other Parliamentarians could leave politics with the reputation that he had South Australia would be a better place than it is today.

Motion carried by members standing in their places in silence.

[*Sitting suspended from 2.32 to 3.40 p.m.*]

MILE END OVERWAY BRIDGE ACT AMENDMENT ACT.

His Excellency the Lieutenant-Governor, by message, intimated his assent to the Act.

QUESTIONS.

IMPROVED ROAD CONSTRUCTION METHODS.

The Hon. F. J. CONDON—Can the Minister of Roads say what methods will be introduced to improve the State's roads and highways as a result of the experience gained by him overseas?

The Hon. N. L. JUDE—The opportunities I had to gain information were greatly increased by the assistance of my colleagues in this House in my absence and also of all honourable members, who did not have the immediate use of my services while the House was sitting. Without doubt I absorbed a tremendous amount of information with regard to both roads and railways and I hope that I shall be able to disseminate it for the benefit of honourable members and the people of the State from time to time.

LEGAL PRACTITIONERS.

The Hon. F. J. CONDON—Press reports indicate that there is a shortage of members in the legal profession. Can the Attorney-General tell me whether there is any difficulty in securing legal representation for persons in distressed circumstances and, if so, is the Government able to assist in any way?

The Hon. C. D. ROWE—It is true that there is a shortage of legal practitioners in South Australia at the present time and, whilst the number of practitioners has remained almost constant over the last few years, the population has increased considerably. However, the number of students in the law school at the University has increased considerably in the last few years and the number practising in the profession will improve in the next few years.

With regard to people in necessitous circumstances, the Law Society of South Australia administers a scheme for assistance to people of small means and, as far as I know, anyone needing assistance is able to get it from the Law Society. That scheme is working satisfactorily and I am pleased to say that I know of no member of the profession who is not happy to co-operate in that scheme, which ensures adequate assistance for people who are not able to pay for legal services.

TREATMENT OF ALCOHOLICS.

The Hon. F. J. CONDON—Has the Government given any consideration to the question I asked on August 16 regarding the treatment of alcoholics at Government hospitals, mental

hospitals or special institutions, as I consider that gaol is not the answer?

The Hon. Sir LYELL McEWIN—The honourable member has answered his question with an opinion, but I may have to give an opinion, too, because some consideration has been given to the problem. There was an inebriates retreat at Eden Hills, but the institution proved not very successful and it was closed some years ago. When he says that gaol is not the answer the honourable member is probably referring to people being required to undergo compulsory treatment. No difficulty is experienced in voluntary treatment, which is one of the essentials for the successful treatment of inebriates. There must be a desire for a cure on the part of the patient before any effort can be completely successful. The Government had in mind a suitable place to which magistrates could commit people for treatment under the Act, but that building is now being considered for another purpose. I can give no answer to the question other than that the matter is under consideration.

TAXATION BY STATES.

The Hon. F. J. CONDON (on notice)—

1. Is the Chief Secretary aware that the Prime Minister is reported to have said that Victoria is the only State interested in resuming the power to levy income tax?

2. What is the Government's policy in this matter?

The Hon. Sir LYELL McEWIN—The replies are:—

1. The statement by the Prime Minister, as reported in the local press under a Melbourne date-line of September 16, is reported as "Except in one State, Victoria, I have seen no evidence of a real desire to re-create two independent direct taxing authorities". While this statement may give the impression that only Victoria is interested in resuming the power to levy income tax, and may have been designed to give that impression, that is not what the Prime Minister would appear to have said. I would point out that immediately before this State ceased to levy income tax there were not "two independent direct taxing authorities", but only one department which carried out the taxation assessments for both the Commonwealth and the State on the basis of one composite return for each taxpayer. Judging from reports of Premiers' Conferences relating to financial arrangements I should think it a fair conclusion that all States, except perhaps Western Australia and Tasmania, are clearly interested in resuming the power to

levy income tax, providing the resumption is facilitated by the Commonwealth upon satisfactory terms and includes an arrangement for joint use of the existing taxation offices.

2. The Government policy is that it is still prepared to negotiate with the Commonwealth for a resumption of State income taxation upon a basis that neither the State finances nor the taxpayer shall be prejudiced, and that there should be an arrangement for joint use of the taxation department officers and facilities.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the following final reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:—

Booloroo Centre Water Supply.

Iron Knob Water Supply.

Mallala and Kimba Area Schools.

TOWN PLANNING ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Town Planning Act, 1929-1957. Read a first time.

CORONERS ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave to introduce a Bill for an Act to amend the Coroners Act, 1935-1952.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 20. Page 998.)

The Hon. Sir FRANK PERRY (Central No. 2)—This Bill has been considered by the House on two or three occasions, has been fully explained by the Attorney-General and the Hon. Mr. Potter, and seeks to make matters easier for the Public Trustee. Alterations of the law are necessary from time to time and I understand there is not a great deal of opposition to this Bill. One point on which I should like further information is the collection by the Public Trustee of £77,000, which does not belong to him but to others. I understand it is difficult to ascertain who those people are, and as the Attorney-General did not mention the period of time which elapsed—

The Hon. C. D. Rowe—I have that information now.

The Hon. Sir FRANK PERRY—I shall be glad to have it as it has a bearing on the

matter. Apart from their legitimate fees, trustee companies do not make a profit from or take advantage of any trust which they control. The Public Trustee over a period has collected £77,000, which is to be handed over to the Treasury and will disappear into the funds of the State. I think the procedure is so important and the principle so vital that we should have some explanation on this point. The Public Trustee handles many small estates and must invest in a common fund because it would be difficult if he had a separate fund for each estate. Subject to that explanation I feel that the Bill as presented will facilitate the work of the Public Trustee's office and give some relief to the trustee companies in this State. Anything on those lines is good if it does not jeopardize anyone's interests. I support the Bill, but should like an explanation regarding the £77,000.

The Hon. C. D. ROWE (Attorney-General)—It may be more appropriate for me to answer the question raised by the Hon. Sir Frank Perry at this stage rather than in Committee. Speaking on clause 11 when moving the second reading I said:—

Clause 11 deals with what is known as the common fund reserve account. Section 102 of the principal Act provides that all moneys belonging to estates received by the Public Trustee are to form a common fund, which is invested as a single fund at interest, each estate being credited annually with an amount of interest at a rate to be approved by a judge. The difference between the total interest received by this common fund and the interest credited to the various estates is retained by the Public Trustee and kept in the common fund reserve account, which in turn becomes invested as part of the common fund. Moneys in this common fund reserve account can be applied only towards making good losses incurred in connection with that fund and not otherwise. The fund at present stands at over £77,000. It is proposed to make different provision in respect of this common fund reserve account. Instead of leaving these moneys in an account kept by the Public Trustee, it is proposed that the whole fund, together with future credits, should be kept in the Treasury and not invested as part of the common fund or carrying interest.

The moneys which the Public Trustee has received in the various estates are placed in one common fund, and as a result they can be invested at a rate of interest which is sometimes in excess of the rate which could be obtained if invested for only a short period. The rate of interest which must be paid on moneys belonging to any particular estate is determined by a judge of the Supreme Court.

That is the only safe way of meeting the situation. It is the difference between what is earned by the common fund and what is approved by the judge which accounts for the accumulation of this fund. The common fund and the common fund reserve account were created in 1932. The common fund is the fund into which is paid moneys of estates and trusts not directed to be invested in specific securities. Each year such estates and trusts are credited with interest at the rate approved for that year by a judge of the Supreme Court. As at June 30, 1960, the common fund amounted to £3,860,000 and was invested in the following authorized securities:—

	£
Australian Commonwealth Inscribed Stock	2,690,000
Electricity Trust Debentures	360,000
South Australian Gas Company Bonds	349,000
Mortgages	301,000
Advances to estates	21,000
Cash at Bankers	139,000

£3,860,000

The common fund reserve account is invested in the common fund and each year the reserve account is credited with the surplus income of the common fund and the interest on the amount of the reserve account. During the year ended June 30, 1960, the common fund reserve account grew as under:—

	£
Balance as at 30/6/59	77,328
Interest thereon	3,289
Surplus income of common fund	1,352

£81,969

The purpose of the Bill is to authorize this amount of £81,969 to be withdrawn from the common fund and deposited with the Treasury.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Amendment of principal Act, section 102."

The Hon. Sir FRANK PERRY—I thank the Attorney-General for his further explanation of the clause. It is quite satisfactory to me.

Clause passed.

Remaining clauses (12 to 17) and title passed.

Bill reported without amendment and Committee's report adopted.

ADJOURNMENT.

At 4.07 p.m. the Council adjourned until Wednesday, October 5, at 2.15 p.m.