LEGISLATIVE COUNCIL

Wednesday, November 3, 1965.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

GRASSHOPPERS.

The Hon. Sir LYELL McEWIN: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir LYELL McEWIN: Although my question is addressed to the Minister of Local Government, it really concerns the Minister of Agriculture. Reports have been prevalent about grasshoppers in the district council areas of Orroroo, Carrieton and Hawker and in the hundred of Erskine. We know that, whenever a grasshopper nuisance threatens the State, it starts in certain areas where the grasshoppers breed. Much work has been done by local citizens trying out different sprays. I understand that some success has been obtained with dieldrin, but I realize it is too late to do much good this year. Will the Minister of Local Government ascertain whether the Agriculture Department has any reports about clearing these areas of grasshoppers, and whether, in view of the possibility of this problem recurring in future years, the Government is prepared to consider rendering some assistance to landholders in those areas to help prevent the spreading of this plague to other parts of the State? I should be glad if the Minister would get some information for me on this matter.

The Hon. S. C. BEVAN: The Hon. Mr. Geddes asked a question about this some little time ago and I have already informed him this afternoon that I now have an answer to his question. I believe it will also answer the question of the Hon. Sir Lyell McEwin. However, if the information in the answer is not sufficient, I am prepared to take up this matter again with the Minister of Agriculture.

The Hon. R. A. GEDDES: Has the Minister representing the Minister of Agriculture a reply to my question of October 26 about grasshoppers?

The Hon. S. C. BEVAN: Yes. My colleague the Minister of Agriculture has informed me that the general breeding grounds of *Austroicetes cruciata*, the plague grasshopper in the Hawker to Peterborough districts, are well known in general terms but in each outbreak year a detailed survey of actual egg beds and hopper bands would have to be undertaken to enable spraying of the young hoppers before they reach the flying stage. Although it is not anticipated that egglaying will be extensive this year because of the hot dry spring weather, the suggested course of action has been noted, and the district councils concerned will be approached with a view to discussing action that can be taken in future years.

UNDERGROUND WATER.

The Hon. H. K. KEMP: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. H. K. KEMP: In Southern district there are huge and very valuable water beds below the Pinnaroo to Geranium district stretching southward from Willalooka and westward to the coast and below much of the Lower South-East. On this side of the River Bremer and elsewhere between the Adelaide hills and the lakes much development is going on. This is to be encouraged, for the water is valueless unless it is used. Nevertheless, the future of all these districts rests in large part on these water beds, and over-pumping could be tragic. Thanks to the work of the Mines Department we know where these water beds are, but we do not know precisely where the water comes from and how it is quickly replenished.

Even in the Lower South-East it is apparent that the supply is not inexhaustible. The springs at Eight Mile Creek have fallen in their yield from about 70,000,000 gallons to 20,000,000 or 30,000,000 gallons. In the drier areas where the water is proportionately more valuable, particularly in the Mallee district and the Upper South-East, it is not clear whether the very large withdrawals made in irrigation can be sustained permanently.

It is very important that these beds and the water flow from them be kept under constant watch. For the Mines Department to do this from scratch would be very costly. However, statistics are already collected from every farmer in these areas. It would be simple for an item to be added to the statistical record sheets each year calling for details of water pumped from underground. This would automatically provide all the information required at very small cost. Will the Minister of Mines arrange for the collection of this data and for its publication, and also call for an annual review of the position in each district to be published by the Director of Mines?

The Hon. S. C. BEVAN: I will refer the honourable member's question to the Minister of Agriculture and to the Director of Mines for a report and will advise the honourable member as soon as possible.

WAR SERVICE RENTALS.

The Hon. R. C. DeGARIS: On October 26 I asked the Minister representing the Minister of Lands a question concerning war service land settlement rentals. Has he a reply?

The Hon. S. C. BEVAN: Yes. My colleague, the Minister of Lands, states:

At present rentals in Zone 5 are the subject of action before the courts. Consequently, no further information can be provided at this stage. The South-Eastern Drainage Board is giving consideration to the question of betterment assessments as related to Zone 5 settlers following the recent judgment of the Full Supreme Court.

RAILWAY CARRIAGES.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. A. GEDDES: I notice that all new rolling stock used by the Railways Department has dark coloured roofs, and I understand that black or colours closely associated with black are the greatest absorbers of heat. I realize that many of these new carriages are air-conditioned but, as this State is normally a hot State, can the Minister of Transport say why these dark colours are used in preference to a silver or a light colour?

The Hon. A. F. KNEEBONE: No doubt there is some sound reason why these colours are used, but I will endeavour to obtain a reply for the honourable member and inform him as soon as it is available.

ABORIGINAL AND HISTORIC RELICS PRESERVATION BILL.

Consideration in Committee of the House of Assembly's amendments.

(For amendments see page 2399.)

(Continued from October 27. Page 2400.)

Amendment No. 1 agreed to.

Amendment No. 2.

The Hon. H. K. KEMP: This amendment relates to clause 26 and merely substitutes for "cave drawings or carvings" a wider definition. I do not think there is any doubt that this is an improvement, and I recommend that it be accepted.

Amendment agreed to.

Amendment No. 3.

The Hon. H. K. KEMP: This is exactly the same alteration to clause 28 as that made to clause 26 by the previous amendment. It duplicates the direction, and I ask that it be agreed to.

Amendment agreed to.

VETERINARY SURGEONS ACT AMENDMENT BILL.

Read a third time and passed.

PUBLIC SERVICE ACT AMENDMENT BILL.

Read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (MINISTERS).

Adjourned debate on second reading.

(Continued from November 2. Page 2446.)

The Hon. C. D. ROWE (Midland): This Bill seeks to provide for the appointment of a ninth Minister and that is something with which I believe we all agree. It also seeks to provide that the Minister shall be appointed in the House of Assembly, and I do not necessarily agree with that. I think that the Minister should be appointed from either this Council or the other House, wherever the best talent is available. I think that the best man should be given the job and that the Constitution should so provide. I am certain that we should then have another Minister in this Chamber before we were much older. I am opposed to writing anything into the Constitution that prevents us from doing the best that is possible in making Ministerial appointments. Therefore, I do not necessarily agree with the provision that states that the number of Ministers in the House of Assembly shall be increased from five to six.

The Hon. C. R. Story: We would give a lot of assistance, too.

The Hon. C. D. ROWE: As we have always done. While we are considering the appointment of an additional Minister, I wish to refer to the present allocation of portfolios. I am not satisfied that the allocation at the present time is satisfactory, nor am I satisfied that it is in the best interests of the State. Further, I am not satisfied that, with the proposed allocation between himself and another Minister of the portfolios held by the present Minister of Lands, Minister of Irrigation, Minister of Agriculture, Minister of Forests and Minister of the other things of which he is Minister, we shall get a desirable

division of portfolios in the interests of the development of the State.

I start my remarks by considering the portfolios held at present by the Premier, Treasurer, Minister of Immigration and Minister of Housing. My view is that, with the development of this State and the increasingly important part that the Treasury plays in the management of this State, it is desirable that the portfolios of Premier and Treasurer be held by two different people. I have mentioned earlier that this year we did not get anything like the amount of money we should have had from the Commonwealth, either by way of grants or by way of loans. If we had had a separate portfolio of Treasurer, who could have concentrated on this matter and put up a really hard fight, certainly a much harder fight than was put up at the last Loan Council and Premiers' Conference, we should have been out of our difficulties and not scraping the bottom of the barrel to find all sorts of restrictive legislation to enable us to balance our Budget.

Another matter that perturbs me is the State's future industrial development. At present, it appears that no Minister is giving anything like adequate attention to the question of attracting new industries to this State, expanding existing industries and looking after the housing requirements in that connection. We said when we were in Government that, if we appointed an additional Minister, one of his responsibilities would be the attracting of new industries to this State: in other words, making sure that the economic development of the State, the expansion of its economy and the provision of more jobs for young people leaving school would receive constant attention. As far as I know, no new industry has been announced in the last six months. The Premier has not said whether he is making any progress in regard to the development of new industries in South Australia. Apparently, his hands are full of other matters, as is to be expected. It is a matter for regret that in the allocation of the portfolios no adequate provision has been made for Ministerial responsibility for attracting new industries to South Australia. The Premier also, amongst his other multifarious duties, is Minister of Housing, a matter constantly before us that received urgent consideration by the previous Government; but it seems to have been relegated to a minor position with the present Premier. That, too, is a matter for regret. So the portfolios held by the Premier need investigating, and there needs to be some lightening of the load on his shoulders, with particular emphasis on industrial development and housing.

The Chief Secretary, who was relieved of some of the responsibilities held by the former Chief Secretary, is also the Minister of Health. I want to couple his portfolios with those given to the Attorney-General, who holds the portfolio not only of Attorney-General but also of Minister of Aboriginal Affairs and Minister of Social Welfare. It is not a satisfactory arrangement to have the portfolios of Attorney-General and Social Welfare held by the same Minister. On the one hand, as Attorney-General, he is launching prosecutions against people for breaches of the law; on the other hand, as Minister of Social Welfare, he is looking after the affairs of people after they have been prosecuted. I think the proper Minister to look after the portfolio of Social Welfare is the Chief Secretary. That portfolio should have been brought back under his control. Similarly, I would agree that the portfolio of Aboriginal Affairs should be brought under the control of the Chief Secretary. If that happened, we would avoid some of the unfortunate incidents that have occurred recently.

The Hon. Sir Norman Jude: What about town planning?

The Hon. C. D. ROWE: I was coming to that in a minute. When statements are made today by the Minister, the press has to come back tomorrow and make corrections, either that his statement was incorrect or (as appears to be the usual thing) that he was incorrectly reported. With regard to the portfolios of Minister of Local Government, Minister of Roads and Minister of Mines, I cannot myself discover the relationship between Minister of Roads and Minister of Mines. I can understand the Minister of Roads and the Minister of Local Government being the one Minister and I entirely agree with it, but it seems that Mines is a portfolio not related to either of the other two.

The Hon. D. H. L. Banfield: Perhaps it is because there were potholes the size of mines in the roads when he took over!

The Hon. C. D. ROWE: Previously, I said that, if we had a fourth Minister in this Chamber, there was some ability about the place to fill that position—but I now retract that remark. The honourable member is confusing this State with New South Wales.

The Hon. S. C. Bevan: You should consider not the portfolios but the person holding them.

The Hon. C. D. ROWE: Taking into consideration the person holding them, I perceive that an excellent job is being done by him in regard to local government and roads. I think he has abilities in these directions and it is unfortunate that he should be sidetracked because he has to look after the Mines Department. The appropriate person to look after that department is either the Chief Secretary or the Minister of Lands. I should like to see some alteration there.

With regard to the allocation of portfolios between the two Houses, in days gone by the Attorney-General's portfolio and the portfolio of Minister of Education have been held in this Council, and I think that some consideration should be given to bringing back one or the other of those portfolios to this Chamber, because this is an important House, playing an equally important part in the development of the State as the other House. I am concerned that the development of the State, which has gone on so rapidly over the last 10 to 12 years, should be continued. That can happen only (*a*) if we get sufficient funds from the Commonwealth to enable it to take place (and it has not happened so far because we are not getting what we should or are entitled to get from the Commonwealth); and (*b*) if it is somebody's responsibility to see that every avenue is explored to attract new industries to this State. That is becoming increasingly important with the possible development of gas and atomic energy as sources of power. That matter needs constant attention by a Minister but, under the existing allocation of portfolios, that attention is not being given. I wish to say nothing further at this stage, but I do raise these matters because, when the ninth Minister is appointed, it will give the Government an opportunity to see whether the decision it made earlier this year in regard to its allocation of the portfolios was correct or not; and it will give it an opportunity to make adjustments that I think are necessary and that it feels are necessary, consequent upon its experience over these last eight or nine months.

In saying all this, I also get back to something new that has been emphasized since the coming into power of the new Government: the matter of Ministerial responsibility. I shall have an opportunity of saying something about that on another Bill at a later stage but, if Ministers are to have responsibility, if boards are to be done away with and responsibility is to rest with Ministers, it is obvious that the work load on them will in some instances be heavier than they can carry and heavier than they should be expected to carry if they are to give the time and attention to matters that they should. That aspect should be considered when the Government is considering the allocation of new portfolios.

I also want to say (and I think it is sufficiently relevant) that I consider that the new Ministry has set out on a legislative programme that is far too ambitious. It is attempting to deal with too many matters in too short a time. That puts a tremendous work load on the Ministers themselves and on their officers and, in some instances, it tends to lead to hasty legislation. I consider that the success of a democratic Legislature depends on following the proper procedures of Parliament, and adequate time should be given not only for Parliament to consider proposed legislation but also for people outside to have a proper opportunity of considering it before it is passed.

If I may say so, it appears to me that some of the legislation that is coming before us could well have been postponed. Unfortunately, it would be better if some of it were not placed on the Statute Books at all, as I hope it will not. We could have approached the volume of legislation that the Government has been putting before us much more slowly in order to give everybody a better opportunity to consider it. That also would have been of advantage to the Government, for some of the greatest criticism will accrue to the Government because it has not considered all the ramifications of legislation it is bringing down.

The Hon. S. C. Bevan: We shall have plenty of opportunities in this place.

The Hon. C. D. ROWE: I am happy to await the opportunities and to take them when they come. There is always another day tomorrow, and I think we could have done better by not trying to achieve so much in such a short time. Of course, if the Government's philosophy is that it will not be here for long, the logical thing is to make hay while the sun shines and get its legislation through. However, if it thinks its term will be extended, there is no need for haste and it can take its time about legislation. I do not know which is the Government's philosophy.

I have heard a rumour that one major piece of legislation that is causing some concern and comment at present will be completely dropped by the Government. That will be a complete about-face as far as policy is concerned and will justify my contention that it should have

considered legislation for a longer period before introducing it. However, what I have heard by way of rumour may be the best thing that could happen to that legislation. I repeat with sincerity that, in this amendment of the Constitution, provision should be made for a new Minister to be appointed from either House, depending on where the person with most ability is available.

The Hon. M. B. DAWKINS (Midland): I support this Bill, which, as the Leader of the Opposition has said, is a glorious example of the inconsistency of the Labor Party. The members of the Labor Party should have red faces over the introduction of this Bill, but perhaps they are case-hardened and are not worrying about such things. This measure should have become law about three years ago and is only because of the inconsistency of the Party that now finds itself in Government that that did not happen. I consider that we should have had at least one extra Minister three or four years ago.

Doubtless, the burden upon members of Cabinet has been too heavy and too many portfolios have been given to one man to enable us to have good government and to be fair to the Ministers concerned. I am pleased to know that, in terms of this Bill, the Ministry of Lands will be divorced from the Ministry of Agriculture and I presume that in future we shall not see as many as five portfolios held by one Minister. My colleague, the Hon. Mr. Rowe, suggested pertinently that the offices of Premier and Treasurer could well be divided. If that is not possible, a Minister assisting the Treasurer should be appointed. I am sure that the Treasurer needs assistance. I also think that there ought to be, as has been suggested by my colleague, a Minister of Development and that there should be a greater concentration upon the development of this State.

Unfortunately, development has been sadly lacking in the last nine months or so. Therefore, while I deplore the inconsistency of the Government for having opposed such legislation as this when it was in Opposition and for postponing its implementation for about three years, I am in full accord with the objects of the Bill. I found by looking up records in regard to the numbers in the Cabinets in the other States that New South Wales has 16, Victoria has 14 and Queensland has 13. All of those States are considerably bigger than South Australia and perhaps a comparison is not so relevant because of that. However, in South Australia we have eight Ministers of the Crown at present and, until recently, there were 10 Ministers in Western Australia.

Honourable members will know that although the area of Western Australia is bigger than that of our State, in terms of population, revenue and resources it is only about four-fifths of the size of South Australia. It was my privilege a couple of years ago to be in Western Australia and to have a short discussion with the Deputy Premier of that State. On that occasion he said to me, "I don't know how you manage in South Australia with eight Ministers. We have 10 and will shortly be going to 12." About nine months ago, when I was in Tasmania attending a Parliamentary conference, the two delegates from Western Australia were called home at the end of the conference because they had both been appointed Ministers, and Western Australia now has 12 Ministers.

I am not in favour of an overdose of Ministerial control; however, I am also not in favour of Ministers having too much to do and having too many departments under their control to be able to handle them properly. That is not fair to the health of the men concerned and the demands made upon them. I think we could well have made provision for an increase in the number in the Ministry beyond nine. The ninth Minister was required three or four years ago and we have probably got to the stage now when we should have more than nine Ministers. Even Tasmania, which has only about one-third of the population and resources of this State, has had nine Ministers for several years. To save the need for introducing Bills from time to time for additional Ministers, this Bill, instead of altering the relevant section in the principal Act by substituting "nine" for "eight", could well have inserted the words "not less than nine nor more than 11, of whom not less than three nor more than four shall be members of the Legislative Council." This will overcome the need, which I think will exist before long, regardless of the Party in power, for the Government to come back to Parliament with amending legislation because another Minister will be needed. I deplore the fact that, through the tactics of the Party now in Government, we have had to wait for probably three years longer than we should to get the additional Minister. I believe that members opposite, now they are in office, have realized the responsibility and strain on Ministers and the necessity for adequate Ministerial control.

The PRESIDENT: This Bill being an amendment to the Constitution of the Council,

it is required by Standing Order 282 to be passed at its second reading by an absolute majority of the whole number of members of the Council. I have counted the House, and there being present an absolute majority I shall now put the question: "That this Bill be now read a second time".

Bill read a second time and taken through Committee without amendment.

The Hon. A. J. SHARD (Chief Secretary): I move:

That the report be adopted.

I thank honourable members for enabling the Bill to be dealt with early and for their complete co-operation in passing it.

Committee's report adopted.

INHERITANCE (FAMILY PROVISION) BILL.

Adjourned debate on second reading.

(Continued from October 27. Page 2386.)

The Hon. F. J. POTTER (Central No. 2): This Bill is designed to replace the Testator's Family Maintenance Act, and its early clauses provide for such repeal. I think it is not insignificant that the title has been changed in this manner. It suggests a subtle shift from the rights to maintenance by members of a deceased person's family to rights of inheritance of the family of a deceased person's property. The Bill provoked little debate in another place, and it is in many ways a completely novel measure. Although it has not received very much publicity, it is what can be called pioneering legislation in this field. It is couched in the widest possible terms, and in a very real sense it can be described as a kind of social legislation. Because it is in this particular category, I think it deserves the strict attention of all honourable members in this Chamber. It is a Bill in which there should not be any political attitudes but it is also a Bill in which there can be some shades of political opinion.

I have some grave doubts about the wisdom of many of its provisions, and I am not deterred by the statement made by the Chief Secretary in introducing the Bill that it has the support of the Legislative Committee of the Law Society and of the judges of the Supreme Court. I have spoken to several leading legal practitioners in this State about its provisions and have shown them the Bill. These people have had lengthy and wide experience under the existing Act, and all of them have expressed the opinion that this measure goes too far. Also, I think it is deficient in one very important respect that I shall mention later.

To enable honourable members to appreciate the nature and purpose of this Bill, I think it is necessary for some explanation to be given of why we need the legislation at all and of the way in which the courts have interpreted their duties and functions. A large number of cases has been dealt with by the Supreme Courts of the various States and the High Court of Australia arising out of litigation under the Testator's Family Maintenance Act, which exists in all States. One of the fairly recent leading cases that came before the High Court was that known in professional circles as Scales's case, which is reported in 107 *Commonwealth Law Reports* at page 9. I think it would be interesting to honourable members if I read a short passage from the judgment of His Honour Sir Owen Dixon, the former Chief Justice of the High Court of Australia, in this case, because I think it sets out in a clear fashion some of the principles that guide the interpretation of this particular legislation. In his judgment, His Honour said:

Much has been written about the principles which should guide the court in administering the provisions of the Testator's Family Maintenance legislation. But I do not think any of the chief expositions give any foundation for applying the provisions to a case like this. It has often been pointed out that very important words in the statute are "adequate provision for the proper maintenance and support" and that each of these words must be given its value. "Adequate" and "proper" in particular must be considered as words which must always be relative. The "proper" maintenance and support of a son claiming a statutory provision must be relative to his age, sex, condition and mode of life and situation generally. What is "adequate" must be relative not only to his needs but to his own capacity and resources for meeting them. There is then a relation to be considered between these matters on the one hand, and on the other the nature, extent and character of the estate and the other demands upon it, and also what the testator regarded as superior claims or preferable dispositions. The words "proper maintenance and support", although they must be treated as elastic, cannot be pressed beyond their fair meaning. The court is given not only a discretion as to the nature and amount of the provision it directs but, what is even more important, a discretion as to making a provision at all.

I pause here to say that in my opinion this is one major fault or defect in the Bill, because, as I see it, the court will not have such discretion. That was strongly pointed out as being essential by the Chief Justice of the High Court in dealing with this legislation. I will deal with

that matter later. An interesting comment by His Honour reads:

All authorities agree that it was never meant that the court should rewrite the will of the testator . . . An observer of the course of development in administration in Australia of such statutory provisions might be tempted to think that, unchecked, that is likely to become the practical result.

He means that courts are tending to rewrite the wills of testators. His Honour set out briefly the method of approach that should be made by the court in dealing with claims under this legislation. He said, first of all, that it had been clearly laid down, and he referred to a number of decisions that:

The decision which the court may properly make in default of testamentary provision is that which a just and wise father would have thought it his moral duty to make in the interests of his widow and children had he been fully aware of all the relevant circumstances.

His Honour pointed out that the Privy Council subsequently said that the court was required to put itself in the position of the testator, not requiring it to assume him to be a just and wise man fully aware of all the circumstances. He went on to say that the difficulty was that the court itself could not be sure that it knew all the circumstances. More often than not one may be sure that the court knows very few of them. I read those extracts because I think they are important and I think they show the method of attack in dealing with the problems which arise.

Members should be clear that before a person has a claim to be considered by the courts he must get to first base, as it were, and this first base is set out in section 6 of the Act. He must satisfy the court in the first instance that at the date of the testator's death he was a person who had been left without adequate provision for his proper maintenance, education or advancement in life. It has been frequently pointed out in cases that come before the court that these words, particularly the words "advancement in life", are words of wide meaning, and it is interesting to note that the latter exist only in the New South Wales, Western Australian and South Australian legislation. It must not be thought that the application of this Act has been interpreted by the courts as limited to providing for members of a testator's family who are in need or in some grave financial plight. For instance, in the case I quoted, there was an application for a share and interest in a father's estate by an adult son who at the time of the application was himself earning £2,000 a year and whose wife had a separate income of a further £800 a year. The applicant had not lived with his father since the age of four years. The Queensland Supreme Court judge awarded the applicant £3,000 out of his father's estate, plus another £10,000 on the death of his mother. It is true that in this case the High Court judgment upset that of the Supreme Court, and it was dismissed. However, it is interesting to note that this was only by a majority or three judges to two, and, in fact, if we look at that case, and another case that I will refer to in a moment, members will see that there is a considerable difference of opinion amongst eminent judges on the meaning of the words in section 6.

In the case of Blore and Lang, which is reported in the *Commonwealth Law Reports* Volume 104, at page 124, here was an application by a married daughter aged 41 years whose husband was receiving a salary of £1,500 a year in 1960. This lady was awarded £5,000 out of her father's estate. This was a case in the Supreme Court of New South Wales and it also went on to the High Court, but on this occasion the High Court did not upset the verdict. Again it was a three to two majority. It is important to realize that in actual fact under the existing Act—and I am talking now about the Testator's Family Maintenance Act which is to be repealed—nearly every legal practitioner who handles this type of case has had many that never come before a court at all. I can remember some from my own experience, and it is not uncommon to find that members of a family who have been left out of a will for one reason or another threaten to use their rights under this Testator's Family Maintenance Act. In doing this they bring a polite, subtle but very real form of blackmail to bear upon the actual beneficiaries. There are many instances where a family does not wish to have made public its family history in disputes and disagreements. Consequently, there is a strong inclination on the part of beneficiaries under a will to satisfy out of court the claims of disgruntled members of the family rather than have a public disclosure in a court case of various matters in connection with the disposition of the estate. As a matter of fact, a practitioner to whom I was talking referred me to a recent case that he had which, he told me, was settled without going to court. In that case two daughters were left out of their father's will, he having left the bulk of his estate, which was valuable farming property,

to his sons who had assisted him during his life-time. He had in fact made provision for his daughters during his life-time and, when he died, they each owned assets worth £63,000; but, in spite of this, they came and threatened to make a claim through their having been left out of the will, and the sons agreed to pay to each of their sisters an additional £4,000 or £5,000 out of the estate rather than have a court case about the whole matter. That is perhaps an extreme example but it does show the extent to which pressure can be brought to bear, and this threat of pressure exists in cases involving assets sometimes much smaller in value.

In his second reading explanation the Minister said that this Bill would bring our law into line with that of England, New Zealand and New South Wales. If by this he meant only that this Act would extend the jurisdiction of the court to cases of intestacy, then that is a correct statement and I do not think there can be any doubt that such a move is desirable; but, if the statement was intended to suggest that in other respects the law was being brought into conformity with that of these other States, this is simply not so.

The Hon. C. D. Rowe: In conformity with regard to the intestacy provisions.

The Hon. F. J. POTTER: That is what I think the Minister meant. I do not want to twist his words. If that is what he meant, I agree, but, if there was any suggestion that this whole Bill would bring our law into conformity with that of the other States, it is simply not so. In fact, this Bill does not resemble the law in those other places. I think I said earlier that it is in many ways a completely novel Bill. Briefly, I should like to mention the present situation in the other States. First, in New South Wales there is an Act known as the Testator's Family Maintenance and Guardianship of Infants Act, section 3 of which provides:

> If any person disposes of property either wholly or partly by will in such a manner that the widow, husband or children of such person are left without provision for their proper maintenance, education and advancement in life, as the case may be, the court may—

and I emphasize these next words—

> in its discretion and taking into consideration all the circumstances of the case . . . order such provision for maintenance, education and advancement . . .

In New South Wales only it is "the widow, husband or children", and in the exercise of discretion.

The Hon. C. D. Rowe: That is a fairly late Act, is it not—1963?

The Hon. F. J. POTTER: I do not know. It is the only Act of which I have not the actual year, because I copied it out in longhand. If we look at the existing position in Queensland, we observe that they have a Testator's Family Maintenance Act, originally enacted in 1914 and reprinted in 1936. Section 3 states:

> If any person . . . dies leaving a will, and without making therein adequate provision for the proper maintenance and support of the testator's wife, husband or children, the court may—

and again I emphasize these words—

> in its discretion make provision out of the estate.

The actual order of the court to be made in Queensland is in a slightly different form from ours, but substantially this is it. This word "child" was defined and was extended to cover a legitimate or legitimized child or a stepchild or an adopted child. It does not matter whether they were 21 or under 21. The term also includes "a child of the testator, born out of lawful wedlock"—in other words, an illegitimate child—"and under the age of 21 years" or "a child (if it was illegitimate) of or over the age of 21 years at the date of death of the testator, and being a person who, during the lifetime of the testator, has helped to build up and/or conserve the estate of the testator". Again, by a further amendment in 1952, the term "wife" was extended to "include a woman who has been divorced . . . by or from her husband", but these words were added:

> if she has not remarried before the time of his death and if she is at the time of his death receiving or entitled to receive maintenance from him.

In Western Australia there is the Testator's Family Maintenance Act, with provision for the widow, widower or children of the testator left without adequate and proper provision. Again, we find the words "in the court's discretion an order may be made". "Widow" has been defined to include:

> any woman who has been divorced by or from her husband and who at the date of death of such husband was receiving or entitled to receive permanent maintenance from such husband by order of the court.

In Tasmania section 3 of the Testator's Family Maintenance Act provides for provision to be made for certain people, again "in the discretion of the court or judge". I emphasize that. The legislation in that State covers

the widow, the children, "the parents of the deceased person, if the deceased person dies without leaving a widow or any children". It applies only in those limited circumstances. The wording is:

A divorced wife of the deceased person . . . if she has not remarried and if she is receiving, or is entitled to receive, maintenance from him under or by virtue of any order of the court or under or by virtue of any agreement in writing entered into between the divorced wife and the deceased person before his death.

Now I come to Victoria, where it is limited, in section 5 of the Administration and Probate (Family Provision) Act, to a widow, widower or children of the testator and the word "widow" includes any former wife of the deceased who, at the date of his death, was in receipt of or entitled to receive payments of alimony or maintenance, whether pursuant to an order of any court or otherwise, and "children" includes illegitimate children totally or partially dependent on or supported by the deceased immediately before his death or in respect of whom there was then in force against the deceased any order for the payment of maintenance.

We have covered Australia and perhaps we should go back to the Mother of Parliaments, England, and see what is the position there. In England these people are covered: the wife or husband, a daughter who has not married or who is, by reason of some mental or physical disability, incapable of maintaining herself, and an infant son or a son who, again by reason of some mental or physical disability, is incapable of maintaining himself. The relevant section goes on to say that the court may order reasonable provision as it thinks fit for the particular claimant.

The Hon. C. D. Rowe: That is a very restricted Act.

The Hon. F. J. POTTER: It is, and it is more restricted because subsection (2) of that particular section goes on to say that the provision for maintenance made shall cease if there is a remarriage of the wife or husband or if the disabilities under which the daughter or the son may suffer are ended or, if there is an infant son, when he attains the age of 21 years. New Zealand has always been regarded as a place where there has been pioneering legislation and I think we must look at the legislation of that country, because undoubtedly the provisions there would have had some effect on the way this Bill was drafted. We can expect to find wide provisions in that country and I find that the relevant Act is the Family Protection Act of 1955. The people covered are the wife or husband of the deceased, the children of the deceased (whether legitimate or illegitimate) and the grandchildren of the deceased (whether legitimate or illegitimate).

However, this particular claim of grandchildren is limited, because the grandchild of the deceased has no claim unless the parent through whom he is related to the deceased has died or the parent has deserted or failed to maintain the grandchild, or the grandchild and the persons who have the custody of the granchild do not know the whereabouts of the parent, or the parent is an undischarged bankrupt or a mentally defective person. The Act goes on to cover stepchildren of the deceased, but these must be people who are being maintained wholly or partly or legally entitled to be maintained by the deceased immediately before his death.

Again, the next subsection provides for parents of the deceased to make a claim but they have no claim unless the parent was being maintained wholly or partly or was legally entitled to be maintained wholly or partly by the deceased immediately before his death and, at the date of the claim, there was no wife or husband or legitimate child of the deceased living. So, even in New Zealand, where we certainly have a wide coverage, there are these restrictive provisions that do much to take away some of the difficulties involved. I have dealt at some length with the various Statutes because I consider it important to do so and I think that these provisions should be on record.

I now turn to the Bill and the individual clauses. Clause 3 is an interpretation clause and defines administration to mean and include the administration of an estate left by will, or, where the deceased has died intestate, a disposition of the law under intestacy. I do not think that there is any real quarrel with the extension of the Testator's Family Maintenance Act to cover cases of intestacy. This exists in England and in New South Wales and I am sure all honourable members support it. If this particular Bill did only that, there would not be much to question. However, I point out that "child" is not defined in any way in this definition clause, whereas "children" is defined in the Act. I invite honourable members to look at the Testator's Family Maintenance Act, which is in the 1943 amendment volume, and see that definition of "children" there. However, the word "child" is not defined in this Bill and, of course, it

means anybody, whether under or over the age of 21 years.

The Hon. R. A. Geddes: Or over?

The Hon. F. J. POTTER: Under or over. I am my father's and mother's child. I am pointing that out so that honourable members will not think that "child" means somebody under the age of 21 years. It does not, in this particular Bill. Clause 5 gives me most difficulty, because it sets out the persons who are entitled to claim benefits. The court has given a wide meaning to the term "proper maintenance, education or advancement in life", so one must be extremely careful that the categories of those entitled to make a claim are also not widened.

The first basis of making a claim is set out in clause 6, and clause 5 sets out the persons who have the right to claim. I suggest that these two clauses should not be considered separately: their joint effect must be looked at. Where the right to make a claim is wide, it may be that the categories of persons entitled to claim should be comparatively narrow. Conversely, if the categories of persons entitled to make a claim are wide, then the actual rights to claim should be fairly narrow. I think it can be said fairly that both the categories and the basis of right are, by this Bill, very wide indeed. I think it could be properly said that a feature of the pattern displayed in all the other Acts to which I have referred, including the New Zealand and English Acts, is that if the categories are narrow the basis is wide, and *vice versa*. I shall now deal with the categories of persons in clause 5. The first that gives me difficulty is the category mentioned in paragraph (*b*), which provides that a person who has been divorced by or from the deceased person either before or after the commencement of the legislation may make a claim.

The Hon. C. D. Rowe: That person can be the guilty party.

The Hon. F. J. POTTER: It can be either. It is possible for the guilty party to have the right.

The Hon. C. D. Rowe: It would be the guilty party, wouldn't it?

The Hon. F. J. POTTER: This paragraph uses the words, "by or from", so the person could be in either category. It seems to me that this has no counterpart anywhere else. The other provisions to which I have referred give a right to the divorced wife only with certain restrictions, and it is interesting to note that the divorced wife has a right under our existing Act but only if at the time of the husband's death she had been receiving or was entitled to receive maintenance from him. In other words, our own existing Act is more or less in line with the other provisions that exist elsewhere. I remind honourable members that in Queensland and Western Australia the wife must not have been remarried and must have been entitled to receive or been receiving from the deceased at the time of his death permanent maintenance, or maintenance ordered by a court.

I have said that in some respects this is a kind of social legislation, and I question whether this particular provision, which leaves it wide open to the spouse, guilty or otherwise, to make a claim, is a good social provision. I can picture, for instance, a claim by a wife who has been divorced on the ground of desertion. She could claim in giving evidence to the court that she was forced to leave her husband because of his conduct and that she did not defend the action because she wanted her freedom. The husband, of course, will be dead, so we will not be able to get any evidence from him before the court to deny such a statement. One can think of many similar instances; I give this as just one example of how difficulties can arise.

The next matter that I shall deal with is contained in clause 5 (*f*), which deals with illegitimate children. This provision is in the same form as that in the existing Act, under which it is possible for a person to be adjudged by a court to be the father of an illegitimate child and, where the testator is ordered or has agreed in writing to maintain the illegitimate child, or has in his lifetime lived with or has maintained the illegitimate child, the child has the right to claim. It may be thought that there is no harm in repeating in this Bill what we already have, but I query whether the right should not be limited to the period during which the child would have been supported by the testator. Incidentally, I should like to mention a drafting matter; I do not see the necessity in clause 5 (*f*) (*i*) to use the words "was the mother or", because an illegitimate child is the child of a mother and is covered by paragraph (*c*). However, that is a minor drafting matter to which I need not give much attention. Paragraph (*f*) (i) means that a man who has been adjudged by a court of summary jurisdiction to be the father of the child cannot thereafter deny parentage of that illegitimate child, notwithstanding that he is convinced that he is not

the father. The child would almost certainly have been brought up a complete stranger to him and he would know nothing about the child's behaviour or financial position, yet this Bill supposes that the person when sitting down to make his will shall make some provision for or consider the claims of that child whom he has never seen. How can a man be expected to make any provision (perhaps 25 years after an indiscretion which he may or may not have committed) for someone whom he has never seen or known anything about?

The Hon. R. A. Geddes: He may not even know the child was born.

The Hon. F. J. POTTER: He would know that he was adjudged the father, which is a requirement in this provision, but he might always have believed that he was not the father, although the evidence might have weighed against him. This means that the illegitimate child can make a claim against the estate of the deceased, and how can an administrator or anyone else possibly oppose that claim on the ground of conduct? I shall refer later to the grounds set out in clause 6 (3). It seems to me that this is one provision where there could be one-way traffic, because the person would apply and there could be nobody who could persist in any opposition. A well-known practitioner in Adelaide has told me that in his experience, omitting the cases of illegitimate children who live with mother and father (as sometimes happens), the father of an illegitimate child never sees or knows anything about the child. Incidentally, by law the father has no right of access to an illegitimate child, and accordingly has no chance of knowing anything about such child.

The Hon. C. D. Rowe: Would the honourable member refer to clause 5 (*f*) (iii)? Does that mean a *de facto* wife?

The Hon. F. J. POTTER: That refers to an illegitimate child. I move on to paragraph (*g*), which makes it possible for the child of a spouse of the deceased person by any former marriage of such spouse to make a claim. In other words, this could also be a child that the testator had never known or seen. The child might be 40 years of age, as indeed was the applicant in one of the cases I referred to. Why should he, if he had no rights against the deceased during his life-time, be given rights after death? Can the Minister give an answer to that question?

The Hon. C. D. Rowe: I take it that there was no blood relationship at all?

The Hon. F. J. POTTER: None at all. I pointed out that the New Zealand Act gave the right to a child who was being maintained, or who was legally entitled to be maintained, by the deceased to make a claim and in Queensland the court has a similar provision. However, in Queensland the court is given a wide discretion.

Paragraph (*h*) refers to a child or a legally adopted child of any child or legally adopted child of the deceased person. In other words, it refers to grandchildren. I repeat that the only place where grandchildren are provided for is New Zealand and the rights in that country exist only when the parents of the child are deceased or that parent has failed or deserted the child or failed to maintain the child, and the grandchildren or the guardians of the grandchildren do not know the whereabouts of the parents or parent. Such a parent may be an undischarged bankrupt, or even a mental defective, and it can be seen that the New Zealand provision is not similar to this one, which is completely unfettered. In New South Wales grandchildren are included only if they are under 21 years of age and the parents are dead. I would like to raise a query. Does the word "child" appearing in this section include an illegitimate child referred to in clause 5 (*f*)? Perhaps the Hon. Mr. Rowe might think about that one. If it does include such a child it can be seen how far-reaching this section could be.

The Hon. C. R. Story: Where does this legislation come from?

The Hon. F. J. POTTER: It seems to have come out of the blue sky; it seems to have surprised most members.

The Hon. C. D. Rowe: I think there was an opinion that some amendment should be made to the Act but not a rewriting of it in these terms.

The Hon. F. J. POTTER: I have no doubt that that was the case and that bringing in the provisions about intestacy is a good thing, but this Bill is a complete rewriting. Clause 5 (i) states that where the deceased person was an illegitimate child the parents of the deceased person may make a claim. Again I refer honourable members to the provisions in New Zealand where there are limited rights to parents making a claim. However, I point out that in this Bill there is no restriction on parents and if it could be shown that a parent was left without adequate provision for proper maintenance, education, or advancement in life, such a parent could make a claim.

As the Bill reads at present, the only ground for not allowing that claim is the ground set out in clause 6 (3), namely, that the person applying should not get an order in his favour because of his character or conduct, which might disentitle him to the benefit of the Act. Let us consider an example. The deceased may have a parent or parents who are old age pensioners—and I think there are many people in such a position today—and it could quite easily be shown that the parents on their old age pension did not have proper maintenance or adequate provision for proper maintenance. Why should those parents, who had no legal claim against their son during his life-time, have a right against his estate in these circumstances? How could it possibly be said that the parents were guilty of any conduct or that their character was such as to disentitle them? I think all of these questions would have to be considered and they would all provide fruitful ground for litigation in certain circumstances. Clause (5) (*j*) reads:

> Where the deceased person was an illegitimate child—
>
> (i) the mother of the deceased person; and
>
> (ii) a person adjudged by an affiliation order to be the father of the deceased person.

Why should the father of an illegitimate child have any rights in the matter at all? It may be, as I previously said, that the father had denied parentage of the child and he may have been paying maintenance during his life-time, but paying it under sufferance. He probably would not have had any interest in the upbringing of the child, yet this section states that he can claim against the child's estate. It seems extraordinary that that should be the position. One can think of many examples that could arise under this section, and some of them are rather strange.

Clause 6 of the Bill has two aspects on which I wish to speak. I compare it with the existing Act because it is the vital clause that establishes the right to claim in subclause (1) (*b*), and it reads:

> . . . by reason of his testamentary dispositions or the operation of the laws of intestacy or both, a person entitled to claim the benefit of this Act is left without adequate provision for his proper maintenance, education or advancement in life.

I point out that in our existing Act these matters are referred to in section 3, which reads:

> If any person (in this Act called "the testator") disposes of or has disposed of his property by will in such a manner that the wife, husband, or children of the testator, or any of them, are left without adequate provision for their proper maintenance, education, or advancement in life, the court may at its discretion, on application by or on behalf of the said wife, husband, or children, or any of them, order . . .

Where are the words "at its discretion" in this Bill? These words exist in the other Statutes but why have they been cut out of this? It is the court's discretion that is vital in this Bill. If one looks at certain statements that were made in connection with this Bill it can be seen that argument was put forward, to justify this Bill, that the court had a wide discretion. Why cut out these vital words?

The Hon. C. D. Rowe: Don't the words "as the court thinks fit" take the place of the words "in its discretion"? What is the difference?

The Hon. F. J. POTTER: I do not know but these are exactly the same words as are used in our existing Act—"as the court thinks fit". The word "discretion" is there also, and in other Acts. This is something that the Chief Justice of the High Court stressed greatly in his judgment.

The Hon. R. C. DeGaris: Does not the Act use both phrases?

The Hon. F. J. POTTER: Yes; it uses "in its discretion" and "as it thinks fit". This discretionary power is important. It has been stressed time and time again by the High Court that the court is acting in the exercise of its wide discretion. The Bill is deficient in this and I think these words should certainly be inserted.

I pointed out earlier that the section enables the court to provide for advancement in life—again, something that exists only in South Australia, Western Australia, and New South Wales. Mr. Justice Taylor says it has a wide implication and connotation. Section 6 (3) sets out the ground on which the court can decide that the person applying is not entitled, the ground being that the character or conduct of the applicant is such as to disentitle him to the benefit of the Act. It seems to me that this is the only ground in this Act that the court can use against an applicant. Under our existing Act the court can refuse an order on the ground that the character or conduct of the applicant is such as to disentitle him to the benefit of the order, or on any other ground that the court thinks sufficient.

The Hon. C. D. Rowe: Which section is that?

The Hon. F. J. POTTER: Section 6 (3) of the existing Act. Those words do not appear in this measure. The effect of leaving them out is to limit the court's right to refuse an order. Coupled with the omission of the words "in its discretion", it limits the right of the court to refuse an applicant only on the grounds of his character and conduct. In most cases it would be almost impossible to say that the applicant was of poor character or that his conduct was such as to disentitle him. I think I have said enough about this Bill to make honourable members realize that we must consider it carefully, for it could have a wide import. In many ways it is novel and goes a long way. Far be it from me to suggest that we should toss this legislation out of the window. We should not, because it has a distinct value in our society but, when an attempt is being made to widen it to this extent, we should carefully look at all the implications involved. Although I am prepared to support the second reading, I indicate that in the Committee stage I shall submit some amendments.

The Hon. C. D. ROWE secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 27. Page 2385.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): This legislation is made necessary by the extravagant promises made by the present Government prior to its election, some of which have already been given effect to. Consequently, we can accept the opening remarks of the Minister, that the Government found it necessary to adjust the revenue to reduce the gap between revenue and proposed expenditure. So this Bill is presented to raise another £425,000, not in a general way from land tax but from a selective portion of the land tax field: that is, it is a tax that will apply only above a certain taxable value, which in this case is £5,000; it has remained at £5,000 for many years. I am prepared to accept the fact that this is a Bill that we have to support because it is a money Bill and the Government has to get it through. I have pointed out previously that there is a limited field in which this State can collect additional revenue. Most fields have already been exploited—stamp duties, water charges, transport, and now finally land tax.

The Hon. C. D. Rowe: It is not quite final: succession duties are yet to come.

The Hon. Sir LYELL McEWIN: Yes; we shall get that on the last leg. These increases are severe and represent a 25 to 30 per cent increase in the tax. The existing land tax is severe and vicious because, regardless of whether one makes a profit or a loss, he will still be involved in heavy taxes for the ownership of land. The Bill sets out the various ratios: for instance, £100,000 in value attracts a tax of £2,281 5s. The tax starts to increase at £5,000 taxable value, which amount has operated for many years. In my lifetime I can remember it representing a living unit. A one-unit farm with a taxable value of £5,000 years ago represented a livable unit. Today's money values would represent at least four times that amount, which means that by comparsion with taxes paid years ago the exemption level of £5,000 is only about one quarter of what it should be, if a truly comparable tax basis is taken. I think this was recognized by certain people who gave evidence before the Ligertwood committee of inquiry on assessments for land tax, council rates, water rates and probate in 1964. Chapter 7 of the report of that committee refers to submissions outside the terms of reference, and paragraph 72 on page 30 of the report, which deals with modification of scales of taxation, stated:

A number of submissions, both written and oral, complained that the scales and rates of taxation and rating were too high. The committee had to explain that this was a matter for the taxation authority and was not included in the terms of reference.

There was one interesting submission on the effect of the progressive scale of rates of land tax when it is applied to an increase in land values. With the steady increase in land values, there has been a steady increase in the amount of tax which each taxpayer has to pay. But under the progressive system there is an additional factor in that the amount of tax may increase not only because of the higher land value but also because the rate of tax may increase. There are successive increases in the rate when the total value of all land owned exceeds £5,000, £10,000, £20,000 and so on up to £100,000. As the value of land has increased at least threefold since these steps were last fixed, it was submitted that the critical land value for an increased step should also be increased threefold. Thus £5,000 would become £15,000, £10,000 would become £30,000 and so on. The argument was developed by examples and calculations and was an interesting exercise. The committee, however, came to the conclusion that the submission was outside the terms of

reference, which were concerned with the valuation of land and not with scales or rates of tax or rating.

I read into that that the committee was, perhaps, at least impressed sufficiently to call it an interesting exercise, and it made the point that this exemption has remained. While we are making all sorts of adjustments because of the value of money and the difference in assessments, no adjustment is made here and so we proceed to collect (I think rather unjustly) from people who find themselves the victims of this system of taxation. Perhaps it affects the city areas more than the country areas, but the increase provided for here will have a heavy impact on the primary producing section of the community in a year such as the present. I find some difficulty in following the Chief Secretary's comparison of the taxation rate in South Australia with the rates in other States. He said:

It should give this State barely £2 15s. per head in land tax compared with £2 17s. for the other five States together last year.

I was unable to obtain up-to-date figures to enable me to make a comparison. However, I have the Commonwealth Statistician's statement dated May 27, 1965, in which some figures for 1963-64 are quoted and the weighted average given for taxation in the various States does not indicate the difference suggested by the figures that the Chief Secretary gave. The 1964 report of the Grants Commission quotes the Commonwealth Statistician's figures as at April 1, 1964. The rates for the various States are as follows:

	£	s.	d.
New South Wales	2	10	6
Victoria	2	16	7
Queensland	1	1	4
South Australia	2	9	2
Western Australia	1	13	4
Tasmania	1	14	8

The weighted average of the States is given as £2 6s. 1d., or 3s. 1d. less than the South Australian rate. The figures for 1963-64 given in the 1965 report of the Grants Commission were:

	£	s.	d.
New South Wales	2	19	0
Victoria	2	19	1
Queensland	1	3	0
South Australia	2	8	0
Western Australia	1	14	6
Tasmania	2	2	5

The weighted average for the States was £2 10s. 6d., against the South Australian figure of £2 8s. Therefore, the figures used by the Grants Commission do not indicate that we are far behind other States and, surely, in the interest of South Australia's future, we do not want to be a highly taxed State, because that would make it difficult for us to hold our own in competition with other States in commerce and manufacturing. The effects of high taxation will not prove good for the economy of the State in the long run.

What concerns me more than anything I have said regarding comparisons is that we do not know what will be the result of the quinquennial assessment next year, and we are being asked now to agree to something that will operate in future years, whereas the position might be completely different when the results of that assessment are known. I consider it unfair that we are being asked to consider a measure that gives authority for something when we do not know what the extent of that authority will be. I know the extent to which I am supporting taxation at present but I do not know what the position regarding taxation will be when the assessment has been made. When this State was collecting income tax, the practice was for a taxation measure to come before Parliament in the year in which the rates were to operate and, because a new set of values will come into operation next year, I think the same procedure should be adopted regarding this legislation. At that time, we could legislate for a longer period and the Bill now before us ought to apply only to the period for which we have figures and for which we know the position. To that extent, I support the second reading.

The Hon. G. J. GILFILLAN (Northern): I support the Bill, with some reservation because of the severity of the measure and the effect it can have on our economy generally. I am afraid that this effect may more than offset any financial advantage that may be gained by the Government in increasing the rates of tax. In the months that this Parliament has been sitting much legislation has been introduced, much of which has been of a minor nature, and it is only latterly that we have come to this type of legislation, which is rather severe. There has been a lack of constructive legislation in relation to the development of this State and our bread and butter issues. This measure proposes the greatest increase in taxation that we have seen during this session, although other similar measures have been forecast and will be dealt with soon. I am concerned because there seems to be a disregard of the effects of these measures on costs and of the dampening effect they will have on production and development in both primary and secondary industries. There is a big risk that ultimately there will be an effect on

the employment opportunities of young people leaving school, as there seems to be a singular lack of new industries, as was mentioned by the Hon. Mr. Rowe today. The increased cost structure will undermine the confidence of people in the future.

Land tax and perhaps succession duties are two of the most unfair taxes a person has to pay. Land tax is, in most instances, a tax on the capital from which people make their living. The taxing of income and other things is a recognized principle, but capital taxation is applied only to land; it is not applied to business undertakings or to people whose main asset may be the knowledge gained from taking a degree or a diploma. Land tax is imposed on land on which income tax (and, if it is inherited land, succession duties) has been paid. I think the most insidious thing in this Bill is that the increase may be much greater than has been mentioned in the second reading explanation. The Minister mentioned 20 per cent, but a detailed examination of the increases shows that it could be considerably more. For instance, whereas values between £10,000 and £20,000 were previously taxed at the same rate, the Bill provides for one rate for values between £10,000 and £15,000 and another for values between £15,000 and £20,000 and this adjustment applies throughout the scale. At this stage I ask leave to have the 1961 scale and the scale in this Bill inserted in *Hansard* without my reading them.

Leave granted.

AMOUNT OF LAND TAX—1961 ACT.

Taxable Value.	Amount of Tax.
Not exceeding £5,000	¾d. for each £1.
Exceeding £5,000 but not exceeding £10,000	£15 12s. 6d. plus 1d. for each £1 over £5,000
Exceeding £10,000 but not exceeding £20,000	£36 9s. 2d. plus 2d. for each £1 over £10,000
Exceeding £20,000 but not exceeding £35,000	£119 15s. 10d. plus 3d. for each £1 over £20,000
Exceeding £35,000 but not exceeding £50,000	£307 5s. 10d. plus 4d. for each £1 over £35,000
Exceeding £50,000 but not exceeding £65,000	£557 5s. 10d. plus 5d. for each £1 over £50,000
Exceeding £65,000 but not exceeding £80,000	£869 15s. 10d. plus 6d. for each £1 over £65,000
Exceeding £80,000 but not exceeding £100,000	£1,244 15s. 10d. plus 7d. for each £1 over £80,000
Exceeding £100,000	£1,828 2s. 6d. plus 7½d. for each £1 over £100,000

AMOUNT OF LAND TAX—1965 BILL.

Taxable Value.	Amount of Tax.
Not exceeding £5,000	¾d. for each £1
Exceeding £5,000 but not exceeding £10,000	£15 12s. 6d. plus 1½d. for each £1 over £5,000
Exceeding £10,000 but not exceeding £15,000	£46 17s. 6d. plus 2¼d. for each £1 over £10,000
Exceeding £15,000 but not exceeding £20,000	£93 15s. 0d. plus 3d. for each £1 over £15,000
Exceeding £20,000 but not exceeding £30,000	£156 5s. 0d. plus 3¾d. for each £1 over £20,000
Exceeding £30,000 but not exceeding £40,000	£312 10s. 0d. plus 4½d. for each £1 over £30,000
Exceeding £40,000 but not exceeding £50,000	£500 0s. 0d. plus 5¼d. for each £1 over £40,000
Exceeding £50,000 but not exceeding £60,000	£718 15s. 0d. plus 6d. for each £1 over £50,000
Exceeding £60,000 but not exceeding £70,000	£968 15s. 0d. plus 6¾d. for each £1 over £60,000
Exceeding £70,000 but not exceeding £80,000	£1,250 0s. 0d. plus 7½d. for each £1 over £70,000
Exceeding £80,000 but not exceeding £90,000	£1,562 10s. 0d. plus 8¼d. for each £1 over £80,000
Exceeding £90,000	£1,906 5s. 0d. plus 9d. for each £1 over £90,000

The Hon. G. J. GILFILLAN: When the new assessment is published next year, we could find that fairly modest properties with an unimproved assessed value of £12,000—should they be assessed at only 25 per cent more—will be brought into the £15,000 scale, and the tax will be increased from £53 2s. 6d. to £93 15s. If the increase in assessment is greater than 25 per cent, the tax will be further increased. Although the second reading explanation suggested that the increase is not severe (20 per cent is not a mild increase; on any tax it is a sharp increase) the increase in assessments next year, combined with the altered scale, will mean that the measure will have a greater effect than has been indicated. This increase will come at a time when land values are increasing without there being any increase in productive values. The increase in values in country areas particularly is due not to an increase in productive values but to an increase in demand brought about by a shortage of good land in this low-rainfall State. This imposition will come at a time when most people will be trying to get by on a reduced income caused by adverse seasonal conditions. As well as having some effect on the development of primary and secondary industries, this tax may have a serious effect on the economy of commerce in country towns. For every extra amount taken away from people who are producing, particularly in a year such as this, there will be less money to be spent in local shops. This has an effect far beyond the people who are affected by this direct taxation. I support Sir Lyell McEwin in his remarks on this measure and the need to review it as soon as the new assessment comes out so that we shall know what the overall effect will be. At the present time it is more or less like signing a blank cheque to pass the Bill, as we do not know its ultimate effect. I will support any move to have it accepted only until such time as the new assessment is received.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

COUNTRY FACTORIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 27. Page 2389.)

The Hon. C. D. ROWE (Midland): I want to support this Bill but for a reason that I will mention I do not think that I will support the second reading, which is a peculiar situation. I know something of the history of the amendments to the Country Factories Act to bring it into line with amendments to the Industrial Code made in 1963. It is something that had my attention before I left the Ministerial office but we had not reached the stage of drawing up the second reading speech. In general, these are matters on which all members can agree, and they are in line with Labor Party policy. I imagine that the Bill has had the careful consideration not only of the Minister of Transport who, I think, would have perused it. There is no doubt that, when he had approved it, it would be sent to Cabinet and considered by all members of Cabinet. From there I presume that in the ordinary course of events it would be referred to the Chief Secretary and the Minister of Health because, according to clause 19, where an inspector finds a condition that offends against the Health Act that inspector has to report that fact to the Central Board of Health. Therefore, the Bill would be referred to the Minister of Health for consideration to make sure that his department would be prepared to undertake the additional responsibility that it imposed. Having been seen by the Minister it would be handed to the Minister of Labour and Industry and from there I presume it would be sent to the Minister of Local Government for his consideration, because the Bill defines the areas where the Act is to apply.

After that Minister had examined the Bill it would be returned to the Minister of Transport for his further consideration. Finally, it would be returned by him with the second reading speech to Cabinet for its approval of both the Bill and the speech. Unfortunately, it appears that notwithstanding the fact that it went before all of the Ministers mentioned, several mistakes have occurred with regard to references in the second reading speech. Some Governments will always deem it not possible for Ministers to give minute attention to all matters under their control. However, the present Government rests on a principle of Ministerial responsibility and Ministers accept responsibility for these errors. I do not want to pursue this matter any further with regard to this Bill except to say that here is an instance where a Bill would obviously have been brought to the careful attention of at least five Ministers, yet not one of them has seen several errors in important references in the second reading speech.

I am not raising that by way of criticism of the Ministers nor am I suggesting that there has been any dereliction of duty. All I

say is that this demonstrates that however conscientious they are—and I have never reflected in any way on the conscientiousness of the present Ministry—it is completely impossible for Ministers to be personally responsible for such matters. There is a limit to which Ministerial responsibility can go and I issue that warning at this stage because another Bill may involve the issue of permits as to where transports can travel, and a mistake may be made. A man may be picked up at Millicent and there asked to produce his permit and on producing it he may be told that a mistake has occurred and that he is holding a permit to go to Alice Springs. The consequences of such an action may be unfortunate, so the question of Ministerial responsibilities must be looked at in a practical and sensible way. It is fortunate perhaps that this has cropped up because it gives me a cast iron illustration of what I have been trying to say in the past regarding Ministerial responsibility.

With regard to the Bill itself (and I propose to speak to the Bill and not to the second reading speech) I do not propose to go into detail. There is a new definition of crane and hoist inserted into the Bill, which clarifies it. Section 3 (3) states:

"Factory" means any premises or place other than premises of the Municipal Tramways Trust where electricity is generated for the supply of light, power, etc.

In the Bill before us the words "other than the premises of the Municipal Tramways Trust" are deleted, which means that those premises will now apparently be regarded as a factory where they were not so regarded previously. I take it that there is a reason for that alteration, but I would like an explanation from the Minister. I now refer to subclause (*d*) of clause 5, which strikes out the word "solely" in paragraph (ii) of the definition of "factory". That clause deals with "any premises or place occupied by any farmer, pastoralist, viticulturist, dairy farmer, horticulturist, poultry farmer or apiarist." The Act uses the words "solely for the purposes of the occupier", and so on.

This means that if a farmer has a workshop and happens to use it for some minor activity outside his farming interests it will not be regarded as a factory and so would not have to be registered under the provisions of the Country Factories Act. The mere fact that he may do one odd job for somebody else in that particular workshop does not make it a factory and does not bring him under the provisions of the Act. It is an improvement on the drafting and I commend the Government for it.

The Hon. C. R. Story: What is the position if he puts his permanent hand in it?

The Hon. C. D. ROWE: If it is a workshop on his farm or orchard and it is used for work principally in connection with the farm or orchard, even if that person comes in to assist him, he is not liable under the provisions of this Act. The test is whether it is used principally for the farm or whether it is used for some other activity. If it is used principally for the farm, he would not need to register under this legislation. There are new definitions of "machinery" and "mill-gearing". These definitions are brought up to date and I agree with them. Clause 6 amends section 4 of the principal Act to make it read as follows:

Except as provided by subsection (7) of section 5 of this Act, any person who occupies or uses a factory which is not duly registered as required by the Act shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds for every day during which the unregistered factory is occupied or used.

There is an alteration there. Previously he was liable to a penalty of £5 for every day that he carried on at an unregistered factory. I cannot imagine a court imposing a fine of £100 a day for a factory not being registered. Now there is a maximum fine of £100 for not being registered. That is more in line with common sense. There is also an amendment to section 5 of the principal Act, which at present reads:

(2) The registration of a factory shall be renewed every five years.

The Bill striks out "five years" and inserts in lieu thereof "year"; so in future every factory must be registered every year. I presume there will be a registration fee, which will mean considerably more work for the department. As I mentioned previously, there is a new subsection (7). This deals with the registration of a building or a factory that has not been used for some considerable time but is brought into use again. It reads:

(7) Upon an application for registration of a building or place which becomes for the first time or after a period of disuse again becomes a factory, the chief inspector may, pending inspection and registration thereof, issue a provisional permit for the occupation and use of such factory upon and subject to such conditions as are contained in the permit.

That is a reasonable provision, to which I do not think I can raise any objection. Section 13 of the principal Act requires the occupier of

a factory to keep the passageways, and so on, clear. There is a penalty at present of £20: that is increased to £50, which I do not think we can complain about.

There are fairly considerable alterations to the provisions relating to the notification of accidents that occur in factories. These go to the extent of repealing entirely sections 18 and 19 of the Act, which deal with the notification of accidents. In their place there is to be inserted a new section 18, which reads:

18. (1) This section shall apply to every accident which occurs in any factory and—

(*a*) which causes loss of life to an employee; or

(*b*) incapacitates an employee for work for more than twenty-four hours.

It is in that section that an alteration occurs. Previously, the incapacity for work had to be for a period of at least three days before the accident had to be reported. If a man is kept away from his work for more than one day, a report should be made. Certain other provisions tighten up the reporting of accidents. I do not criticize them—they are justified. While on this, may I compliment the Minister on the safety convention that he and his officers have organized in connection with accidents occurring in industry. While I was Minister, I took the firm view that education was more likely to achieve greater benefits than legislation and compulsion in protecting people from accidents. Although people generally do not realize the cost to industry involved in time lost by accidents, nevertheless it is heavy—certainly greater than the cost involved in losses from industrial unrest, strikes and other upheavals. If as much publicity was given to the cost to industry of accidents at work as was given sometimes to minor industrial disturbances, we would appreciate that by being more careful and cautious we could help ourselves considerably. I commend the Minister for arranging that convention. I wish it every success. You can lead a horse to water much better than you can drive it. We can reduce this accident rate by educating people about safety: that goes for both management and employees. We can progress further along the road to safety that way than by other means.

There are one or two other matters that I may mention when we get into Committee but I do not think it is necessary for me to refer to them now. I may, however, mention that clause 18 of the Bill strikes out section 25 of the principal Act, which deals with the provision of sanitary conveniences in factories. Whereas the present section 25 sets out the exact requirements for sanitary arrangements, the new section 25 states, in subsection (2):

Regulations may be made determining what is sufficient and suitable provision for the purposes of this section.

Those regulations have to go through the appropriate channels and be subject to consideration by the Subordinate Legislation Committee. However, I do not think we are doing anything that we should not be doing in that respect. These provisions in the present section 25 may be somewhat outmoded today when in some factories there is a preponderance of male employees while in others there is a preponderance of female employees, and in some factories there is a fairly even percentage of each. I take it that the sanitary arrangements would need to be adjusted according to the composition of the personnel of the factory. That can probably be dealt with by regulation.

Clause 19 amends section 26 of the principal Act by striking out paragraphs (*b*), (*c*) and (*d*) thereof. The new provisions give the inspectors who go into the factories the power not only to inspect in regard to matters relating to the Country Factories Act but also, if they think it is necessary, to report to the Central Board of Health any breaches of the health laws. I agree with that provision. I mentioned before that the Chief Secretary would have seen and considered this clause, but he did not check it with the second reading explanation.

The Hon. A. J. Shard: I didn't look at it.

The Hon. C. D. ROWE: If the Chief Secretary has not looked at the second reading explanation, that is a grave admission by a Minister who accepts Ministerial responsibility.

The Hon. A. J. Shard: Whom are you trying to kid?

The Hon. C. D. ROWE: I am not the one who has been talking about Ministerial responsibility; somebody else has been talking about that, and the chickens will come home to roost if one waits long enough. However, they have generally lost their feathers by the time they get home. I support the second reading of the Bill.

The Hon. R. A. GEDDES (Northern): I support the Bill, with the corrections that have been handed to us. I found it difficult to reconcile the clause numbers given in the second reading explanation with the Bill itself, but the fault has now been rectified and I do not complain further. In 1945, some 272 factories

came under the provisions of the Country Factories Act, and in 1965 some 980 factories were registered. Thus, over a period of 20 years, we have had an average of 35 additional factories a year. That is a remarkable achievement for the State and I hope that it will continue for the benefit and betterment of South Australia.

Clause 5 (*b*) inserts after the definition of "chief inspector" the words "'crane' or 'hoist' means a crane or hoist within the meaning of the Lifts Act, 1960". In the Lifts Act the words "crane" and "hoist" are defined and section 4 of that Act provides:

This Act shall apply to and in respect of all cranes, hoists and lifts in this State except—

Section 4 (*d*) says:

Any crane or hoist in any factory registered under the Industrial Code, 1920-1958 or the Country Factories Act, 1945;

I raise this matter by way of inquiry. In some of our industrial towns, such as Whyalla, and possibly Port Pirie and Port Lincoln, lifts are being installed in modern buildings; the new hospital at Whyalla will most certainly have a lift. As I read the definition in the Lifts Act, all lifts are exempt and I bring this matter to the notice of the Minister for an explanation later.

The Hon. A. F. Kneebone: They are exempt from the provisions of the Lifts Act, but not from the provisions of this Bill.

The Hon. R. A. GEDDES: I shall come to that in a moment. Clause 7 (8) (*a*) says:

Notwithstanding anything contained in this section the following provisions shall apply in any case where any person goes into occupation of, or occupies, a factory in the same building as a shop of which he is the occupier:—

> If the majority of the persons employed therein are employed in the shop the factory shall be deemed to be registered for the purposes of this Act if, and during such time as, the shop is registered for the purposes of Part IV of the Early Closing Act, 1926-1960;

My inquiries about the meaning of this paragraph cause me to wonder whether further consideration should be given to it. A place that makes joinery, supplies the timber or cuts it for the prefabricating of houses or shops and uses electric saws, planes and other necessary appliances possibly will have heavy crane trucks for handling the timber. Further, there could be at the same place cement, galvanized iron, masonite or any other house-building supplies, such as we find in the advertisements of timbertoriums. As I understand the Early Closing Act, such a place could be considered to be a shop, because although the goods are not actually displayed for sale, they are at the shop to be picked up by a customer. I find the matter complicated when we consider that the main purpose of this Bill is to achieve safety in factories. I cannot find safety factors mentioned in the Early Closing Act and that is another matter that I ask the Minister to look at later.

Clause 11 deals with lifts. I have pointed out that lifts, cranes and hoists are exempt from the Lifts Act and the word "lift" is being deleted from the Country Factories Act. I may be confusing the issue, but I think this could be further looked at. Clause 13 amends the principal Act by striking out "grindstone" in section 17 and inserting "grinding wheel", so that the section will read:

An inspector shall serve on the occupier of a factory a notice in writing requiring him to replace or to properly fix any grinding wheel worked by mechanical power, which is so faulty or so fixed as to be dangerous.

From my limited knowledge of grinding wheels I wonder whether some quicker action could be taken than giving notice in writing if an inspector notices that any grinding wheel is getting to a dangerous size.

The Hon. A. F. Kneebone: The inspector is on the spot and writes out a notice immediately.

The Hon. R. A. GEDDES: Is it essential that the employer abide by it immediately without being given seven days' notice?

The Hon. A. F. Kneebone: I do not know about that, but this is safely covered.

The Hon. R. A. GEDDES: Section 14, which deals with notification of accidents, is a worthy clause. I understand that every employer must have workmen's compensation and that whenever any problems arise the insurance company must be informed. This clause provides that records shall be kept so that safety provisions will be improved. I was most interested to hear the remarks of the Hon. Mr. Rowe about clause 18, which relates to sanitary conveniences. Previously I had a query to raise on this clause, but this has been resolved by the honourable member's comment, and the regulations may determine what is a sufficient and suitable provision according to the individual factory. I have pleasure in supporting the second reading.

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

ROAD TRAFFIC ACT AMENDMENT BILL.

In Committee.

(Continued from November 2. Page 2471.)

Clause 4—"Signs near schools and playgrounds"—reconsidered.

The Hon. S. C. BEVAN (Minister of Roads): Some confusion about this clause was perhaps created by some remarks I made in which I used examples to try to clarify the position. I said it was extremely difficult, where a school crossing was away from a school, for a prosecution to succeed if a motorist passed over the crossing at more than 15 miles an hour. Some honourable members immediately gained the impression that what was being attempted was something to ensure successful prosecutions, but the opposite was the case. Some honourable members have suggested that I am attempting to amend the wrong section, but that is not so; the correct section to amend is section 21.

During the debate I suggested to the Hon. Mr. Potter that if he checked this matter he would find that section 21 was the correct section to amend. He did this, and on returning to the Chamber said that a police officer had said that these words should remain in section 21 but should be removed from section 49, which deals with speed. The object of this clause is to make it more of an obligation for school crossings to be in the proper position adjacent to schools. I have checked the matter with the Commissioner of Police and have been informed that it is from section 21 that these words should be removed. This is a permissive section only that enables a council or the Commissioner of Highways to erect "school" or "playground" signs on roads with the approval of the Road Traffic Board. As motorists cannot tell whether children on a road away from a school are proceeding to or from the school or are merely visiting friends or going to a shop, "school" signs on that road impose unnecessary speed restrictions on them. The board, therefore, does not favour the erection of "school" signs on roads that do not abut schools. The board wishes to modify this permissive section so that it will apply only to roads that abut schools or playgrounds.

If children need protection while crossing a road away from a playground, the board recommends "playground" signs, which are purely warning signs that have no legal significance. The purpose is to have "school" signs abutting schools, not some distance away in a position that makes it difficult for a motorist to know there is a school in the vicinity. So that the board can have the power to say that a school crossing with an adequate sign shall be adjacent to or abutting a school, this clause is desirable. It will eliminate the need to have a "school" crossing a considerable distance from the school. It will mean that a "playground" crossing will be near the playground. I believe that near a school is the proper place for a "school" sign, and the board agrees. It is desirable that the words in the principal Act at present "or a portion of a road used by children going to or coming from school" at the end of subsection (1) should be removed for the reasons that I have given.

The Hon. F. J. POTTER: I thank the Minister for his explanation and I am sure that if he had made it in such precise terms earlier honourable members would not have been as confused as they were the other day. When I took up the Minister's challenge in a hurry it may well be that I confused Superintendent Brebner to whom I eventually spoke on this matter. I was confused by the red herrings that the Minister drew when he spoke of difficulty in obtaining prosecutions in connection with children going to or coming from school. I was aware of that difficulty and on one occasion I successfully defended a client on a charge under this section, as the police were unable to prove that children were going to or coming from a school. Because of the confusion I consider that nobody is to blame but myself. The Minister has now explained the matter clearly and I appreciate his reasons for wanting this amendment. Unless there are other reservations, the clause will have my support.

The Hon. Sir NORMAN JUDE: I regret the almost interminable time taken over this clause. I have again studied the Minister's second reading speech carefully and I realize that members were sidetracked by the reply the Minister gave to an interjection where he unfortunately gave the impression that this amendment was necessary in order to obtain convictions. Other members of the Committee then moved over to section 49 dealing with prosecutions in connection with speeds past schools, and so on. The second reading explanation showed that all the Minister stressed was that the addition of crossing signs away from schools would be confusing, and that was why he wanted to strike it from the clause. I am perfectly satisfied with the Minister's explanation and it is my intention to support the clause.

The Hon. G. J. GILFILLAN: I also appreciate the Minister's explanation, but it still does not answer my objection to the clause. Possibly the Minister in quoting problems associated with the existing clause had in mind the metropolitan area where conditions are different from hundreds of country areas that have schools near quiet roads, but when the children are going home they often have to cross roads carrying heavy traffic. This is where the children need the most protection, and not on the quiet roads near schools. These "school" signs have been placed on roads and have worked well over the years. Although there may be some doubt as to whether the children are going to or coming from a school, many law-abiding motorists give the children consideration and reduce their speed to 15 miles an hour. On other occasions children crossing a road to go shopping do not get the same protection. The Minister referred to the placing of "children" signs, which he has now admitted have no legal significance. He also mentioned pedestrian crossings. In many country districts blinking lights and pedestrian crossings are not practicable, as it is impossible to paint a crossing on a metal road and electricity may not be available for blinking lights. I consider that "school" signs have served a valuable purpose in protecting children. I will oppose this clause unless the Minister inserts another clause to give children crossing these roads positive protection equal at least to "school" signs.

The Committee divided on the clause:

Ayes (12).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), Jessie Cooper, L. R. Hart, Sir Norman Jude, H. K. Kemp, A. F. Kneebone, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, A. J. Shard, and C. R. Story.

Noes (6).—The Hons. M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan (teller), Sir Lyell McEwin, and C. C. D. Octoman.

Majority of 6 for the Ayes.

Clause thus passed.

Clause 8—"Speed zones"—reconsidered.

The Hon. S. C. BEVAN (Minister of Roads): When we were last discussing this clause it was suggested by various honourable members that speed zones should be under the control of Parliament and governed by regulations. I attempted to point out the difficulties about regulations for speed zones. There are occasions when temporary speed zone regulations are required, but much work has to be done to prepare a regulation and have it gazetted. As it would then be only temporary, it would be necessary later to have it cancelled after it had served its purpose. We should not have to go through that procedure. Further to my submissions already made, let me say that cases have arisen where speed zones were required either at short notice or for a temporary period. To cite an example, it was necessary to restrict the speed along a section of the Main North Road where a detour of a quarter of a mile long had been formed at the site of some roadworks. The detour was needed for about three months. The speed limit on that section of the road was 60 m.p.h. The Act allows only a 15 m.p.h. speed limit near roadworks, but the detour was designed for a speed limit of 35 m.p.h. A limit of 15 m.p.h. on a high speed section of road would be difficult to observe and would be too restrictive. The board was asked, at short notice, to fix a 35 m.p.h. speed zone. Under present conditions, it would take up to two weeks before a regulation could be presented, and the minimum delay would be one month. If the proposed amendment was passed, it would be possible to erect the speed zone signs on the afternoon of the day on which the board met. This is a further illustration of the reason why the board is asking for this amendment to the principal Act.

It has been said that too many powers have been given to the board. I cannot see that it is obtaining too many powers under this clause. Its members have the full confidence of all members of both Houses. It does not act capriciously: it reaches its decisions on a sound basis. In this case, the board could define speed zones. Therefore, it desires the power to fix the various speed zones required on our roads. I have on the file an amendment, the phraseology of which is identical to that used in a previous amendment in regard to an appeal to the Minister.

The Hon. Sir Arthur Rymill: And the one thrown out yesterday afternoon.

The Hon. S. C. BEVAN: That was a different clause altogether. In view of what honourable members have said on these matters, I now move:

After subsection (3) to insert the following new subsections:

(3a) Where the board has fixed a speed limit for any zone under this section any person who is aggrieved by the decision of the board may request the board to give reasons for its decision in fixing such a speed limit in that zone and the board shall comply with any such request.

(3b) The said person may within twenty-eight days after receipt of the board's reasons apply to the board to vary or remove the

speed limit in that zone. Upon such a request the board—

(*a*) shall give the person an opportunity of submitting information and arguments; and

(*b*) may obtain further relevant information; and

(*c*) shall reconsider its previous decision; and

(*d*) shall report to the Minister who may affirm vary or reverse that decision.

(3c) Before affirming varying or reversing a decision of the board under this section the Minister shall give the board and such person an opportunity of making representations to him thereon.

The Hon. Sir NORMAN JUDE: In 1961 we redrafted and re-enacted the Road Traffic Act almost in its entirety, and established the Road Traffic Board, to which full powers to make ordinances in regard to such things as traffic devices were given. At that time, this council was somewhat similarly constituted and honourable members then insisted that there be a right of appeal direct to the Minister if a party disagreed with a decision given by the board. The Council followed that up by saying that the board must not crush local government by dictatorial powers and supported the insertion of a clause similar to clause 28 of the present Bill.

We have exactly the same basis here and, as the Minister has said, temporary requirements, such as may be necessary in the Christmas holidays when the Subordinate Legislation Committee is not sitting, can be dealt with at short notice. It is not satisfactory to disallow a regulation three months after the need for it has passed. I am satisfied that this is consistent with the intention of the Road Traffic Act and that it does what honourable members have requested. I suggest that honourable members support the amendment. I add that the time spent in this discussion has been somewhat wasted, because it becomes a straight-out vote on whether members consider that it should be dealt with by regulation or by appeal to the Minister. I suggest that we put it to the vote.

The Hon. Sir LYELL McEWIN: The Minister is fortunate in having such a stalwart to support him on this occasion. However, I like to consider a Bill properly before I vote on it. I have not heard any objection in this Chamber regarding the temporary powers. We are being inconsistent. Parliament has been jealous of its powers, and that is why we have the Subordinate Legislation Committee and surely we can retain the present provision as far as permanent signs are concerned. If the Minister wants to make provision to meet a temporary requirement, I am happy about that, but why use that as an excuse to put a principle on the skids?

I have some appreciation of the need for consistency and of the position of Parliament and these have always been taken seriously in this Chamber. However, when I look for consistency in others, I find some difficulty in discovering it. We have been told that it is the Government's policy to dispense with boards and to have more matters dealt with by Ministers. However, now we have a suggested power for a board, which can be questioned only by a Minister. If we are deprived of all power of revision we may as well do away with Parliament. If the Minister submits an amendment to deal with special cases I shall support him, but I shall not support the elimination of the regulation-making powers provided in the normal way.

The Committee divided on the amendment:

Ayes (6).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), Sir Norman Jude, A. F. Kneebone, Sir Arthur Rymill, and A. J. Shard.

Noes (12).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe (teller), and C. R. Story.

Majority of 6 for the Noes.

Amendment thus negatived; clause negatived.

Clause 13—"Speed of heavy vehicles."

The Hon. S. C. BEVAN: I ask honourable members to pass the clause as printed.

The Hon. F. J. POTTER: Since yesterday I have had a chance to consider the clause further, weigh up the amendment I moved yesterday and look at the definition of "motor vehicle". In all the circumstances I think it better not to attempt to amend the clause.

The Hon. C. R. STORY: I started the discussion on this matter, and as a result of the discussion I think it is obvious that it is difficult for anyone, particularly a layman, to interpret the clause. I do not know how all these things are grouped with tractors.

The Hon. R. C. DeGaris: Don't you think "tractor" should be struck out of the principal Act?

The Hon. C. R. STORY: That would only be adding to the confusion. Although I think what I said yesterday was right, I do not think the amendment moved yesterday would have improved the clause. However, it is confusing, as tractors are grouped with motor vehicles. I cannot work out an amendment to improve it, however, and I hope that the Minister's assurance that it is legal is correct.

The Hon. R. C. DeGARIS: I, too, am somewhat confused. If this clause is passed, a mobile crane with a boom attached and not exceeding three tons can exceed the speed limit yet if the boom is taken off it becomes a tractor and cannot exceed the speed limit. I ask the Minister to consider that aspect.

The Hon. S. C. BEVAN: "Tractor" has been in this Act since its inception, and it has never created any difficulty.

The Hon. R. C. DeGaris: But the clause will.

The Hon. S. C. BEVAN: I cannot see that. All we are doing is adding to the definition of "commercial motor vehicle". The "three tons" referred to by the honourable member is already there, and so is "tractor".

The Hon. R. A. GEDDES: I cannot see how the Hon. Mr. Story and the Hon. Mr. DeGaris can substantiate their argument. If a tractor has a crane on it and it is over three tons in weight, some restrictions are placed on it. If the boom is taken off, and if the weight becomes less than three tons, it must travel at less than 30 miles an hour through a town, but not many tractors will do that speed.

The Hon. R. C. DeGaris: Many will.

The Hon. R. A. GEDDES: I do not think many tractors suitable for carrying a boom will do 30 miles an hour with the boom removed. These tractors are designed to carry cranes, not forklifts or overloaders.

The Hon. Sir ARTHUR RYMILL: Can the Minister assure me that no motor car will exceed three tons? I point out that section 53 (3) states:

For the purposes of this section the weight of a vehicle or of a trailer drawn thereby shall be the weight of the vehicle or trailer together with the weight of the load (if any), including passengers, fuel, and equipment, carried thereon.

I am not an expert on weights of motor vehicles, but I have the idea that a Rolls Royce weighs about 2½ tons. With half a dozen people of my weight, such a car would be over the limit. I hope that the Minister has examined this matter because I know that some motor cars used to weigh up to about 2½ tons.

The Hon. Sir Norman Jude: They would be over that weight with a trailer behind them.

The Hon. Sir ARTHUR RYMILL: It seems to me that if a person is unfortunate enough to own a Rolls Royce his speed will be limited to 40 miles an hour. I would like to hear the Minister on this.

The Hon. S. C. BEVAN: I do not know whether the honourable member is sincere or merely being facetious. I think that he appreciates that a motor car would not be brought under this section as a commercial vehicle even if it should be pulling a boat with possibly the combined weight exceeding 3 tons. That has never been the intention of the amendment.

The Hon. Sir Norman Jude: But it is laid down here.

The Hon. S. C. BEVAN: Sir Arthur Rymill has formed an opinion and he asks me to give him an assurance. I am attempting to do so and I state that there is no intention of bringing a motor car within the ramifications of this clause.

The Hon. C. R. STORY: Up to the present time I would agree with what the Minister has said because the words "motor vehicle" have been included in the definition in section 53. A commercial motor vehicle is defined in the principal Act as—

(*a*) a motor vehicle constructed or adapted solely or mainly for the carriage of goods; or

(*b*) a motor vehicle of the type commonly called a utility.

Now there is a new clause inserted called "motor vehicle", which bring the Rolls Royce into the dragnet.

The Hon. Sir ARTHUR RYMILL: I should like to paraphrase the argument of Mr. Story. Under the Road Traffic Act a commercial vehicle is defined as a motor vehicle constructed for the carriage of goods. For the purpose of this particular section it includes a tractor as mentioned in subsection (4) of the Act, but this amendment alters the definition of commercial motor vehicle in subsection (4) and says that for the purposes of this section a commercial motor vehicle includes a motor vehicle the weight of which exceeds 3 tons. Therefore, any motor car which with its passengers and/or trailer would exceed 3 tons in weight becomes for the purpose of this section a commercial motor vehicle and may not exceed 40 miles an hour.

The Hon. F. J. POTTER: The more I listen to honourable members and the arguments that have been put forward, the more I am convinced that I should not withdraw my amendment. Although my amendment may not be finely drawn, at least it overcomes the difficulty raised by Sir Arthur Rymill.

[*Sitting suspended from 5.35 to 7.45 p.m.*]

The Hon. S. C. BEVAN: Some honourable members have said that the Bill could mean that a motor car would be brought within the definition of a commercial motor vehicle.

The Hon. Sir Arthur Rymill: No—it was felt that it did mean that.

The Hon. S. C. BEVAN: I disagree with the honourable member. It is not and never was the intention that a motor car should be brought within the meaning of "commercial vehicle".

The Hon. Sir Arthur Rymill: That was not the intention but that is what it says.

The Hon. S. C. BEVAN: I hope that I have now clarified the position and removed all objections to this clause. I now move:

After "amended—" to strike out paragraphs (*a*) and (*b*) and insert "by inserting after the word 'tractor' in subsection (4) thereof 'mobile crane and such motor vehicles or class of motor vehicles as may be prescribed by regulation',"

This amendment enables any vehicle that it is desired to bring within the provisions of this Act to be brought within it for the purpose of speed regulation where speed restrictions may not apply to it. There are too many different types of vehicle to mention by name in this legislation. This amendment makes it possible to prescribe speed limits by regulation.

The Hon. C. R. STORY: As one who was not happy about the original amendment, I think the Minister has found a suitable amendment, because it does a better job than the original one. I shall not use Sir Arthur Rymill's illustration of a gold-plated Cadillac or a yellow Rolls Royce. However, many vehicles that are fully loaded and pulling a caravan or trailer can be ensnared in the amendment and I think that the Minister has now presented something that is acceptable to this Chamber. I do not think that a mobile crane over three tons in weight should be ensnared; I think all mobile cranes ought to be covered. I also think that the categories of motor vehicles should be looked at. I have complete confidence in the Hon. Sir Norman Jude, the Hon. Mr. Potter and the Hon. Mr. Gilfillan, who are our representatives on the Subordinate Legislation Committee. They will look after our interests when other classes of vehicles are dealt with by regulation. I support the Minister's amendment, which is a compromise, and I hope the Committee will accept it. The alternative to it is to take out the clause completely and refer the matter back to the Road Traffic Board for further consideration. If we do this, these vehicles will be on the road in the meantime.

The Hon. Sir NORMAN JUDE: I am pleased that the Minister reported progress this afternoon so that he could look at this clause. He was obviously in some doubt and, as a result of his fair-minded approach to the matter, a solution has been reached. I should not like the occasion to pass without my saying that I and other members appreciate the Minister's attitude in his approach to the clause. The amendment is satisfactory to me and I shall support it.

The Hon. R. A. GEDDES: Apparently I am a little off beat on this amendment. Should not the truck, as a commercial vehicle, be included in section 53 (4)?

The Hon. C. R. Story: That is in the earlier definition, in the front of the Bill.

The Hon. Sir ARTHUR RYMILL: I am now in agreement with this amendment. I think this is a warning to all of us. A legal friend of mine once said to me, "Never get out of the dragnet unless you have to." Here, the dragnet was spread to catch every motor vehicle weighing over three tons, including fuel, trailers and loads. Then, when the council examined it, it was found that it could include things that it was not intended to include. In my experience of the law, I have found that it is far worse to include things that should not be included than to leave out things that ought to be included, because things that ought to be included can be caught next time, whereas if things that were not intended to be included are put in, all sorts of injustices can be done. I am happy with this amendment. If we disagree with a regulation that comes down, it can be dealt with then. What is aimed at is specified in the amendment and the Government is given power to provide for other things if, on examination, it finds that that is necessary. I support the amendment.

The Hon. G. J. GILFILLAN: I rise to ask a question of members who have more legal knowledge than I. In this section, "commercial motor vehicle" includes a tractor, mobile crane and such motor vehicle or class of motor vehicle as may be prescribed by regulation. Does this mean that the tractor, mobile crane, etc., are also to be prescribed by regulation?

The Hon. F. J. Potter: No.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

MARKETING OF EGGS ACT AMENDMENT BILL.

In Committee.

(Continued from November 2. Page 2444.)

Clause 6—"Producer companies."

The Hon. S. C. BEVAN (Minister of Local Government): When we were dealing with this clause previously, the Hon. Mr. Hart asked for clarification about the voting rights of a partnership, whether a partnership would be considered a company. The opinion of the Crown Law Office is that a company is entitled to one vote. In a registered partnership each partner is entitled to a vote. If a partnership is not registered, the partners are not recognized for voting purposes. Evidence that it is a legally registered partnership has to be produced.

The Hon. L. R. HART: I am still not clear about the position of partners in an unregistered partnership. Do two partners in such a partnership have any vote at all? Are they denied a vote completely? I appreciate that each partner in a registered partnership gets a vote.

The Hon. S. C. BEVAN: My understanding is that in those circumstances the number of hens will be taken into account; the number of hens will determine the voting rights.

The Hon. L. R. HART: I realize that, but would the same conditions apply in the case of an unregistered partnership? With a registered partnership of three partners, I take it they would need over 750 hens between them to entitle each to a vote?

The Hon. S. C. BEVAN: That is my understanding.

The Hon. L. R. HART: Would the same conditions apply in the case of an unregistered partnership, that if they had 250 hens one partner would be entitled to vote, that with 500 hens two would be able to vote, and that with more than 750 hens three would be entitled to vote? At that rate, it is the same for both types of partnership.

The Hon. Sir ARTHUR RYMILL: I think the honourable member overlooks the fact that a partnership has to be registered. There is no such thing as an unregistered partnership in this regard. Under the Registration of Firms Act a partnership has to be registered.

The Hon. L. R. HART: I am still not entirely clear about this. Cannot three people running hens, under three different names, trade without being registered?

The Hon. S. C. BEVAN: If the partnership is unregistered, the number of hens affects the position of the individual. It has to be a registered partnership in accordance with this Act, and the onus of proof is on the individuals to prove that they are a registered partnership.

Clause passed.

Remaining clauses (7 and 8) and title passed.

Bill reported without amendment. Committee's report adopted.

FOOT AND MOUTH DISEASE ERADICATION FUND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 2442.)

The Hon. H. K. KEMP (Southern): This Bill has my wholehearted support. It affords an opportunity to open up the question of the biggest menace to our livestock industry in Australia. Much has already been said about this but I do not think the public quite realizes the danger we are in, both in South Australia and in Australia, from this disease. The Bill sets out, purely and simply, to widen the definition of "foot and mouth disease". There is an enormous amount of technical complication in the positive identification of these virus diseases that affect cattle, sheep, and every cloven-footed animal. The difficulty is similar to that faced in identifying and keeping check on the virus diseases that affect human beings.

The eradication of foot and mouth disease in Canada cost millions of dollars and those of us who have had dealings with the quarantine service know that hundreds of cattle have been placed in pits and shot in order to stop the spread of the disease. Fortunately, the action taken has been successful. One of the diseases became established in Western Australia and the area within a radius of 10 miles of Fremantle was completely cleared of any animal carrier. The need to take that action caused much unhappiness to people who had been keeping pets and it was also an unhappy period for animal husbandry in Australia.

The Hon. Sir Arthur Rymill: How long ago was that?

The Hon. H. K. KEMP: That was early in this century. If foot and mouth disease became established in Australia, eradication would be costly. We must remember that many changes are occurring as a result of increased technological knowledge. In other countries foot and mouth disease has got a hold as a result of infected fodder having been brought in; a simple straw can start the disease. When

it becomes established the disease reaches huge proportions and it has been found necessary to isolate complete districts in Great Britain and to slaughter all animals in the area. The disease can be spread by persons carrying manure, soil, or any animal excreta, and we know that animals that were previously clean have been infected in a few days.

It is only through good fortune that foot and mouth disease has not become established in Adelaide but we must remember that migratory birds travel from here, through the tropics to Siberia. These birds travel through heavily infected country and quarantine officers are aware that the risk, while not great, is nevertheless present. Those birds could land in Eastern Asia, in Indonesia or in other countries where the disease has been established and in that way bring it back here and contaminate our stock. Although these birds have been migrating for many centuries and have not yet established the disease here, we must remember that it is only since the cessation of the quarantine system in countries that were previously Dutch-controlled that diseases have become wide-spread in our immediate north.

After all, these countries are a short distance from our shores and we do not know how long it will be before cattle in South Australia tread on something that has been contaminated by infected birds. If the disease becomes established every animal within an area of 15 square miles may have to be slaughtered. There is the further serious aspect that research work indicates that many of our native animals can carry foot and mouth disease, so it will not only be necessary to slaughter the tame stock if the disease becomes established; action will have to be taken to ensure that nothing escapes from the contaminated area, because it would spread the disease.

Human beings can carry contaminated material on their boots, their hands or their clothes. Of course, humans do not carry it as an infected organism, but the kangaroo, the wallaby and many of our marsupials could become infected and spread the disease across the country. I would not care to have the responsibility of devising practical measures to eradicate foot and mouth disease if it became a problem. However, I think the problem can be well realized when we remember that one of the principal spreading agencies in Great Britain has been the seagull. One of the things that is terribly dangerous to us in Australia is that most of us would not know foot and mouth disease if we saw it. Probably if one of our cattle were infected by a visiting snipe in the cattle country near Oodnadatta, or further north, and died, something else would be blamed. This is terribly important. I think in the whole of our veterinary science in South Australia we have few people who would recognize foot and mouth disease, because although this disease, like others, is immediately unmistakable in an outbreak it is very easily incorrectly diagnosed when it first appears. We have had instances in the past of other diseases with which technical people have not been conversant. I cannot say much about the veterinary side but I know much about plant quarantine. In some cases we have for years had a disease recognized as being dangerous but nobody has known what it is. This is not likely to obtain for a long time with foot and mouth disease, but it is so contagious and quickly spread that the only way for us to keep ourselves free of it is to contain the first outbreak. If we do not do so, within days or possibly hours a high proportion of stock in this State will be infected.

When a subject of this nature comes before this Chamber we must consider whether we have enough protection from the inevitable hazards facing us today because of the quick transport of diseases by air travel and by birds. That is only one side of the problem; we must have many people capable of recognizing these troubles in the early stages and of giving us the chance to stop them before they get out of control. If there were foot and mouth disease on a remote dam in, say, the Oodnadatta area for three or four weeks we should have a terrifically difficult problem to control, and I do not think there would be one person north of Adelaide who could go to a town and say that it did not have foot and mouth disease present.

Foot and mouth disease is only one of the problems; there is also a very great need to ventilate other problems while this matter is before us. One thing that is very dangerously in front of our pig industry in this State is the bootlegging of wild pigs caught on the Darling and Murrumbidgee Rivers and brought to this State. I know that our quarantine authorities have had several instances where pigs have had to be impounded and destroyed. I mention this as an illustration of the complete public ignorance of the dangers of breaking quarantine, which the principal Act is designed to sustain. I do not think there is any doubt that most people on the land know of the terrific losses that have been sustained in the pig

industry in New South Wales over the last two or three years since swine fever has gained a hold. I sincerely hope that this is now more or less under control in the area that was so badly devastated. However, the pigs that have been bootlegged into South Australia are likely to carry with them one of the most dangerous diseases on the face of the earth—anthrax. That disease is rife in New South Wales, and it is one of the most terrible diseases that mankind has faced when it has got out of control. This thoughtless breaking of quarantine is a menace to every human being in South Australia and is a danger to our livestock. I do not think we can do anything but give the strongest possible backing to this Bill and to everything of this nature that the Government introduces, as I am sure the Government will not find such measures controversial.

The Hon. R. C. DeGARIS (Southern): I think we are all very grateful to the Hon. Mr. Kemp for his erudite address on this serious matter. I support the Bill, which inserts in the principal Act after the definition of "animal" a definition providing that foot and mouth disease shall include vesicular exanthema and vesicular stomatitis. I am still not sure exactly what these terms mean, but no doubt Mr. Kemp will give me a full explanation outside the Chamber. I realize that any outbreak of foot and mouth disease in Australia will spell economic disaster for our main primary-producing industry. As Mr. Kemp has said, there was an outbreak of this disease in Western Australia in the early part of the century but, through the extremely quick action of the authorities there in slaughtering, liming and burying every animal that carried the disease in an area of, I think, 100 square miles, a major outbreak in Australia was saved. The main way in which this disease may reach Australia is through foodstuffs that are imported, or it may be carried on the clothing or bodies of human beings. I believe there is now a far greater danger of the introduction of foot and mouth disease into Australia. This was mentioned by the Hon. Mr. Kemp and I consider that this aspect should be closely watched.

While the Dutch were in control of Indonesia there was a close check kept on foot and mouth disease there. It must be realized that the north of Australia is adjacent to areas heavily contaminated by foot and mouth disease. After the Dutch left Indonesia the restrictions were broken down and there has been a rapid spread of the disease in that country. It must be agreed that the disease could, and perhaps already has, spread into West Irian. From there it could spread quickly into New Guinea and Papua. In that case Australia would be hard pushed to prevent foot and mouth disease from spreading into this country. The means of spreading the disease to Australia would be mainly by migratory birds. If this disease does come to Australia our livestock industries will be faced with economic ruin. I consider that we must approach the problem along the lines that it is certain that foot and mouth disease will come into Australia in the foreseeable future, though I am not saying that it will. However, should an outbreak occur it must be contained and eradicated as quickly as possible, as speed is the essence of the contract. That is why I say that we must approach the problem with the belief that foot and mouth disease will establish itself in Australia. I recommend that members give much thought to the comments of the Hon. Mr. Kemp that we should have veterinary surgeons or veterinary scientists who are highly trained in the diagnosis of foot and mouth disease.

The Hon. L. R. Hart: Does the honourable member consider that we send sufficient people overseas to obtain firsthand experience along these lines?

The Hon. R. C. DeGARIS: No, I do not. We should be constantly sending veterinary scientists and surgeons overseas to gain knowledge of the latest developments in this field of veterinary science because the rapid diagnosis of the disease will be most important if an outbreak occurs.

The Hon. C. R. Story: I think you have convinced us.

The Hon. R. C. DeGARIS: I thank the honourable member. I support the Hon. Mr. Kemp in the view that he takes that we should have more veterinary surgeons and scientists with oversea experience to be able to diagnose the disease as soon as it should break out in Australia. I consider that the Bill is drafted along the proper lines and I support the second reading.

The Hon. R. A. GEDDES (Northern): I support the Bill, and wish to sound a note of warning to the Government or Governments of Australia if my small and humble voice will be heard and, I hope, remembered. On September 1 at page 1376 of *Hansard* I addressed the Council with these words:

There is one problem that should be aired at this moment in relation to Port Pirie. Under the quarantine laws of the land all scrap that comes off ships from overseas must be burned, but at the moment there is no incinerator

in Port Pirie capable of doing the job. I understand a contractor there, who has disposed of refuse from ships for many years, applied for a grant of £250 for the building of an incinerator at Port Pirie so that all ships' refuse could be burned and correctly disposed of, but the money was not granted. So ships' refuse, which cannot be landed in Australia unless it is burned, is stored on board for 10 or more days and then taken out to sea when the ship sails again.

I then spoke on the problem of foot and mouth disease. At 2 o'clock this afternoon the Clerk of the Corporation of Port Pirie rang and advised me that at present there is no contract for the disposal of garbage from oversea ships that call at Port Pirie. Therefore, the possibility of foot and mouth disease entering this State (and I refer particularly to this portion of rich agricultural country in the north of the State) is extremely real. All those circumstances would allow the disease to spread rapidly. One knows well the problem that exists with the fruit fly and the excellent way in which this State has tackled the control of the fly. One is also aware of the sad history of poliomyelitis and how by the spread of its virus it has crippled thousands of people. This Council has heard from many knowledgeable members during the debate on this Bill. We have been told of what happened in Canada when foot and mouth disease got a hold. I think the figure of $200,000,000 was the estimated loss in production in one section of Canada. Ships come to this State from all ports of the world, including India, which exports cornsacks to Australia. In addition, wool packs are imported for the wool industry. Ships arrive in Australian ports with Lascar crews to load lead.

We have no satisfactory means of getting rid of the waste materials from these ships. This matter has been brought to the notice of the Commonwealth and State authorities, but there seems to be much passing of responsibility from one to the other. I rang the Commonwealth quarantine authorities this morning and they said, "It is nothing to do with us; you should contact the Department of Agriculture." The person whom I spoke to at the Department of Agriculture said, "The man in charge of this is away sick and nobody else knows anything about it." It appears that we must either cry in the wilderness or look closely at this problem. The Minister of Agriculture should examine the problem with a view to getting rid of ships' waste at Port Pirie.

The Hon. C. C. D. Octoman: Does that apply to other ports?

The Hon. R. A. GEDDES: Other ports are fairly well catered for. Port Lincoln has an excellent incineration works. The contractor is given the job of getting rid of all ships' waste; the waste is put into 44 gallon drums and collected by the contractor, who burns it. He also does a certain amount of spraying and gathering up under quarantine requirements. Port Lincoln has a service that, apparently, at the moment is adequate. I understand that Port Adelaide has an excellent contractor and incineration arrangement, that the State is building a further incinerator in Port Adelaide and that it has been agreed that the quarantine contractor may use this new incinerator when it is built. It is expected to be finished by the end of this year. It is thought that Port Adelaide is well under control. With regard to the other smaller outports, it is felt that ships' garbage must be held on board if the risk is considered by law to be not sufficient to justify incineration. So we have three ports—Port Adelaide, Port Pirie and Port Lincoln—two of which are under control as regards the health of the State's livestock, and one of which is not. I do not blame the Government for not taking much notice of me when I spoke on September 1, but now it has introduced a Bill recognizing the fact that there are other things in foot and mouth disease to be observed. I appeal to the Minister representing the Minister of Agriculture to make the disposal of ships' waste at Port Pirie a matter of urgency. The speeches made about foot and mouth disease have put on record in *Hansard* fairly accurately the problem of the cost of eradication should an outbreak occur. I do not wish to weary the Council further in this regard. I support the second reading.

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

STATUTES AMENDMENT (PUBLIC SALARIES) BILL.

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

PRIVATE PARKING AREAS BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 2447.)

The Hon. JESSIE COOPER (Central No. 2): I support this Bill. I have considered its provisions and believe they will protect the owners of private land who have given the public access to parking areas, rights of ways,

etc. However, I draw the attention of honourable members to clause 9, which seems to nullify that section of common law whereby owners of land normally open to the public have to make arrangements to close that land once a year in order to retain all their rights over the said land.

Honourable members will notice also in clause 9 the use of the word "user". This is a legal word which, according to the Oxford dictionary, means (1) a continued use, exercise or enjoyment of a right, and (2) a presumptive right arising from use. As a certain enthusiasm has been shown recently for modernizing our laws, it seems to me that the use of clear modern English would make a good jumping-off point and that words of archaic flavour that are unknown to the general public should not be employed as an affectation, or, if I may say so, a gimmick. However, I see no reason to delay the passage of this Bill, which I support.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Removal of vehicles, etc."

The Hon. Sir NORMAN JUDE: During the second reading debate I said that it would appear to be an anomaly that people could park until requested to move their vehicles and that after removing them could do the same again next day. Has the Minister considered this point?

The Hon. A. J. SHARD (Chief Secretary): Yes. The same person could commit an offence each day. I ask that consideration of this clause be postponed until after the consideration of clause 11.

Consideration of clause 6 deferred.

Clause 7—"Roller skating."

The Hon. H. K. KEMP: What concerns me about this clause and some preceding clauses is that a person can be found guilty of an offence on the complaint of the owner or an employee, who are essentially private persons. Who will be laying complaints for prosecutions under this Act is a matter that should be looked at closely. Large areas of land in Adelaide and its suburbs are now devoted to private parking, and the launching of prosecutions for violations cannot be left to private people. Has the Government considered who will lay the complaints?

The Hon. A. J. SHARD: Although I stand to be corrected, I think it is obvious that the owners will lodge complaints with the police and that prosecutions will be made by the police. There is no law at present under which even the police can take action, but this Bill gives police the authority, at the request of the owners, to take action. That is as I understand the matter.

The Hon. Sir ARTHUR RYMILL: Doesn't the Minister consider the penalty rather excessive?

The Hon. A. J. SHARD: No, in this case I think it is rather light. If the honourable member were walking in one of these areas and was struck by a lad on roller skates, I think he would agree. I think the only complaint is that the penalty may be too light.

The Hon. Sir ARTHUR RYMILL: The Minister has persuaded me. I move:

To strike out "Ten shillings" and insert "Two pounds".

The Hon. F. J. POTTER: I am not unsympathetic with the honourable member's motives but I think this penalty has probably been put at 10s. because it is most likely that the persons who will be fined will be children. I do not think that many adults would be rollerskating in parking areas and what I have said may well be the specific reason why the penalty was put at such a low figure. I am not against the amendment, but I point out this matter to honourable members.

The Hon. D. H. L. BANFIELD: My sentiments are similar to those of the Hon. Mr. Potter. It will be children who will be skating on private roads and if the penalty is increased to £2 the parents will have to pay that penalty as well as administering punishment to the children. I think a penalty of 10s. is sufficient.

The Hon. Sir ARTHUR RYMILL: I was persuaded by the Chief Secretary to move this amendment because he said the penalty may be too light. I point out to Mr. Potter that when a penalty is fixed it is the maximum. Therefore, if a penalty is 10s. it will be the maximum. The court would not impose the maximum penalty, so if the maximum were 10s. the court would probably convict without penalty or impose a penalty of 2s. or 3s. The imposition of a penalty of 10s. would appear to be trifling with the Act.

The Hon. R. C. DeGaris: Is the honourable member aware whether it is an offence to rollerskate on a footpath at present?

The Hon. Sir ARTHUR RYMILL: I suggest that the honourable member refer his question to the Minister in charge of the Bill, as it is nothing to do with me. I merely point out what I consider to be the thought underlying the clause.

The Hon. R. A. GEDDES: The Minister said that in the new method of having shops with private walkways and private parking areas there would be only one means of charging people who rode bicycles or roller-skates in such areas and that would be under the law of trespass. However, there should be control of children on skates or bicycles. There could be notices saying, "Children who rollerskate in this area are liable to a fine up to a maximum of 10s." We have notices near the city bridge saying that birds on the River Torrens are protected and that anybody who molests them is liable to a fine. It may not be that children are at present guilty of rollerskating, but it is a provision to be used when necessary. I oppose the amendment.

The Hon. H. K. KEMP: A serious matter that should be brought to the attention of the Minister is that the legislation is out of date. Children no longer rollerskate; they use dry surf boards.

The Hon Sir ARTHUR RYMILL: I do not think there is any hurry about this Bill and I suggest that the Minister report progress.

Amendment negatived; clause passed.

Clauses 8, 9 and 10 passed.

Progress reported; Committee to sit again.

ELECTRICITY (COUNTRY AREAS) SUBSIDY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 2448.)

The Hon. R. C. DeGARIS (Southern): I support this Bill. In 1962 the previous Government introduced leglisation providing for payments of subsidies to undertakings generating and distributing electricity in country areas. Up to that time the Electricity Trust had been reducing country tariffs over the years and it had expected that this policy would eventually lead to parity being reached with Zone 1 tariffs. In 1962 the Government decided to hasten this process and give immediate relief to the users of electricity outside the metropolitan area.

The Hon. S. C. Bevan: That was an election year.

The Hon. R. C. DeGARIS: I do not think the Minister is quite correct in this, because the Bill was passed in September, 1962, about six months after the election. It is interesting to note that this was not an election promise—rather different from the attitude of the present Government. In the Act of 1962 the Government gave a subsidy to the Electricity Trust to reduce immediately to 10 per cent above the rates of Zone 1 the price that was being paid by country consumers on E.T.S.A. power. The Government felt that the trust should not be required to do this from within its own resources immediately. The trust had been pursuing a policy of gradually bringing country consumers towards parity with the metropolitan area. This Act assisted that policy by bringing country rates immediately within 10 per cent of Zone 1 tariffs.

In addition to the country consumers of Electricity Trust power, there were others in country areas receiving power from private undertakings or undertakings run by local government. Then the number of consumers on trust mains in country areas was about 45,000, and the number on private or local government consumption was about 3,600. The trust's plan to gradually reduce tariffs in country areas to Zone 1 prices would not have assisted these 3,600 consumers who were drawing their supplies from local government or private enterprise with a franchise from local government. Under the 1962 Act the Government saw to it that these consumers also received some benefits. The Government plan in 1962 for country consumers was to offer the same subsidy in total money to the consumers of private or local government undertakings as applied to the people on trust mains. The trust was to credit to its own revenue and pay to other country suppliers such amounts as were approved by the Treasurer.

The total amount to be paid to the trust over a period of five years was £300,000. (The total was actually £600,000, as a like amount had to go to subsidize those on private or local government supplies.) The cost in the first year of this scheme was £160,000, of which the trust was to meet £60,000 and the Government £100,000. In the remaining four years the trust's contribution each year would rise, and the Government's contribution would gradually fall. Other country consumers supplied by private or council undertakings were to receive reductions pursuant to arrangements that would be made between the Government and each of the 25 eligible undertakings. It was, of course, impossible to subsidize immediately all consumers supplied by local government or private undertakings until each undertaking had been examined and the subsidy arrangements agreed to. In 1964 the Electricity Trust was able from its own resources not only to stand the full cost of reducing the rate to country consumers to

within 10 per cent of Zone 1 but also to provide single meter tariffs at metropolitan rates. This meant that a large sum of money was undrawn by the trust for the original purpose of the 1962 Act. As I read the second reading explanation of this Bill by the Chief Secretary, the Government intends to use this undrawn amount provided by a previous Government to further reduce the price paid by country consumers drawing their supplies from a private or local government supplier. It is interesting to note that increased subsidies were already being paid to country consumers from private or local government suppliers from January, 1965.

This Bill allows the Electricity Trust to use this undrawn amount of money (which I think amounts to about £90,000) for the purpose of reducing the cost to these other country consumers not on the trust's mains. The Bill also extends the period of the 1962 Act beyond 1967. The original Act of 1962 had a five-year period. This was a limiting factor in the original Bill. The Government will be required to find any further moneys needed to subsidize these private undertakings, other than those that were proposed in the 1962 Act. There may be a slight increase in the amount of money required, since there will be greater consumption as prices fall in the local government and private undertakings. I support the Bill. I consider it a logical continuation of constructive legislation put forward by the Government in 1962.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

COMPANIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 2474.)

The Hon. C. R. STORY (Midland): I am completely in support of portion of this Bill and I agree with the second reading explanation given by the Minister. I agree with the Bill right to the point of clause 3 (*c*), which I oppose. The proposal is that the amount to be paid by a company in lodging an annual return be increased from £2 to £3. According to the Minister's second reading explanation, the fee is being raised to enable a fund to be created for the investigation of various companies which, by their actions, have warranted investigation. I am not happy about this. Let me say at the outset that I favour giving powers to investigate companies that are not functioning as the Companies Act lays down that they should function. I want to be clear about that and to have it on record. We have had a number of such companies in South Australia, but perhaps there have been more in the Eastern States. Companies have defaulted, set up on wrong premises and set out to defraud the public in the matter of shares. They did not operate as one would have expected them to operate. However, I do not see why all the decent companies in South Australia should have to pay £1 every time they lodge their returns to enable the bad companies to be investigated.

The Hon. A. J. Shard: You mean an extra £1, do you?

The Hon. C. R. STORY: Yes. I do not see why all the decent companies should have to pay 50 per cent more to enable the bad ones to be investigated.

The Hon. S. C. Bevan: It will safeguard their own interests.

The Hon. C. R. STORY: The honest ones do not have to safeguard their interests. I referred to the previous Attorney-General complaints made to me by people about the practices of certain companies and he instituted an investigation into a co-operative company that I understand had been bringing all the other co-operative companies in the State into ill-repute. However, the funds for that investigation were supplied by the Treasury and the investigation was carried out with the assistance of the Auditor-General. As I see the position, under this Bill an extra £1 will be contributed by every company that lodges a return and this will create a pool directly under the control of the Minister.

The Hon. R. A. Geddes: A nest egg!

The Hon. C. R. STORY: Yes. The fund would be under the direct control of the Minister, who would decide whether a particular company ought to be investigated. He would say, "Yes, we will investigate it." I do not know whether the Minister would engage an outside consultant to carry out the investigation or whether he would use the good offices of the Auditor-General's Department. That is not stated. I am not happy about the creation of a fund. There are many dishonest people and they could prevail on the Minister to investigate another company simply because the people complaining wanted information.

I consider that when companies are investigated, the money ought to come from the Treasury, because in that way there is the control of the Treasurer, of Cabinet, and of the Government, and I think that is a safeguard. I should be concerned if a person were able to convince someone to investigate

a company simply because it was an opposition company and there was £50,000 or £60,000 in the fund. I think that the principle of investigating certain companies is good and at present I know one or two such companies. Nefarious practices should be looked into but I do not think every honest company in South Australia ought to have to pay an extra £1 every time it lodges an annual return in order to create this fund. At present, a company pays £2 when the annual return is lodged. Now, each company will be asked to contribute an extra £1. Thus, companies will have to contribute an extra £50 per cent. We are not talking about the Broken Hill Proprietary Company Limited or the Broken Hill Associated Smelters Proprietary Limited.

The Hon. A. J. Shard: They cannot afford it, I suppose.

The Hon. C. R. STORY: They can very well afford it. I believe I can read the Minister's mind, as I think he is agreeing with me that this measure will hit the small operator or a family company. It is not safe for any man to have all his eggs in one basket because if he is killed his estate is liable to pay heavy succession and probate duties. As a result, many men form small companies, with holding companies connected with them. Every one of these people in such companies will have to pay an extra £1 into a fund to investigate spielers. It is a bad practice to set up a fund to investigate the affairs of someone else. Cabinet would be better served if it decided to use Government revenue for this purpose, as Cabinet and not just one Minister would then be in charge of this matter. The Minister responsible for this would be, I think, the Attorney-General. I do not reflect on him, but I prefer to see Cabinet responsible for instigating these investigations. Because of this, I will oppose clause 3 (*c*), as I do not think it is a good thing to take £1 extra from each company to set up a fund under the control of one Minister. Otherwise, I support the Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ADJOURNMENT.

At 9.29 p.m. the Council adjourned until Thursday, November 4, at 2.15 p.m.