LEGISLATIVE COUNCIL

Tuesday, November 9, 1965.

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

QUESTIONS

LOTTERY.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. M. B. DAWKINS: My question concerns the possibility that a Government-run lottery will be established in this State. Although this State has been extremely prosperous and forward-looking in recent years, it is still a relatively small State. I understand that the Tasmanian lottery is run at a loss, and I presume the Government has considered this matter not merely in relation to its social implications but also in relation to its financial implications. Can the Chief Secretary say whether the Government has any idea of the cost of establishing a lottery (if the referendum is carried), how much money would have to be diverted from general revenue to promote it (I think the Act provides that the lottery shall be promoted for the benefit of the State), and whether in a small State, such as this, there is any prospect of a lottery becoming profitable or whether it will run at the expense of the taxpayers?

The Hon. A. J. SHARD: I should love to reply to those questions but, as I think they involve policy, with great respect I ask the honourable member to put them on notice.

COPPER.

The Hon. R. A. GEDDES: Has the Minister of Mines a reply to a question I asked on November 2 about copper at Paratoo?

The Hon. S. C. BEVAN: Yes. The answer is as follows:

Drilling at the Paratoo copper mine has been undertaken by an exploration company holding a purchase option from the claim holders. Five holes have been completed, but no samples have yet been assayed. The references to grade and quantity of ore have no foundation.

MOONTA FORESHORE.

The Hon. C. D. ROWE: Has the Minister of Transport a reply to questions I have asked about repairs to the foreshore at Moonta?

The Hon. A. F. KNEEBONE: In regard to the honourable member's question concerning damage to the retaining wall and portion of the foreshore at Moonta just north of the jetty, the General Manager of the Harbors Board states that this land is a recreation reserve dedicated to the Corporation of the Town of Moonta (Section 1368). The corporation derives various incomes from this reserve and the adjoining reserve (Section 1741) by way of rents for kiosks, shops, etc., and has financed the existing sea protection works along the foreshore. The Harbors Board cannot expend its own moneys on repairing corporation property. However, I find that the corporation had already taken this matter up with the Director of the Tourist Bureau, who visited Moonta and made an inspection of this and other local projects. The Director subsequently discussed the question of the Moonta foreshore repairs with the Premier and as a result the Director wrote to the Town Clerk on October 8, the concluding paragraph of his letter reading as under:

The Premier has now instructed me to enquire how much work the council is prepared to carry out on a pound-for-pound basis over the next two years making its own priorities. He is disposed to look at any reasonable proposition in a favourable manner.

I am informed that there has not as yet been any response to this letter from the corporation.

TEACHER ACCOMMODATION.

The Hon. R. C. DeGARIS: Has the Minister representing the Minister of Education a reply to my question of October 26 regarding teacher accommodation?

The Hon. A. F. KNEEBONE: The Minister of Education has informed me that the Education Department is concerned at the difficulty experienced by single teachers in obtaining board in some country towns. Consultations are at present taking place with the Public Buildings Department concerning the possibility of providing flats.

BOTTLED CREAM.

The Hon. D. H. L. BANFIELD: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. D. H. L. BANFIELD: Recently, the Metropolitan Milk Board made a regulation under the Metropolitan Milk Supply Act, 1946-1957, which took away the right of the consumer to elect to be supplied with cream in bulk by retail delivery vendor. I understand that the Joint Committee on Subordinate Legislation has taken certain evidence regarding the regulation and has decided not to take any action to have it disallowed. I also understand that the evidence given to the committee disclosed that the price of cream

would not rise if this regulation was not disallowed. It is true that the price of cream has not gone up since the regulation has come into effect. However, another type of container, a non-returnable container, now being used has resulted in the price being increased by 4d. This has brought about many complaints, not only from housewives but also from small shopkeepers. Will the Minister of Local Government ask the Minister of Agriculture to investigate this matter and request the Metropolitan Milk Board to ensure that returnable containers are used, as is the case with bottled milk?

The Hon. S. C. BEVAN: I shall take up the question with my colleague, the Minister of Agriculture, and obtain a report as soon as possible.

WATER SUPPLY.

The Hon. M. B. DAWKINS: Has the Minister representing the Minister of Works a reply to the question I asked on October 27 regarding the possibility of further planning in regard to additional water storages north of Adelaide, when I mentioned the North Para and Light rivers?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Works, has furnished me with the following reply:

The Engineering and Water Supply Department has continued its investigations into supplementary water supplies from various sources in the State, including rivers north of Adelaide. Gauging weirs have been installed in a number of streams for this purpose. At the present time, a scheme to augment the Warren Water District is being prepared and this will be submitted for Cabinet consideration as early as practicable.

AGINCOURT BORE SCHOOL.

The Hon. C. R. STORY (on notice): Will the Minister of Labour and Industry ascertain from the Public Buildings Department the estimated date that plans for the Agincourt Bore School will be completed?

The Hon. A. F. KNEEBONE: Sketch plans are currently being prepared for a proposed new school at Agincourt Bore. It is expected that these plans will be completed in January, 1966, ready for an estimate of cost to be prepared. It is expected that the cost of this school will exceed the amount requiring reference to the Public Works Standing Committee. Subject to the work being recommended by the committee, and approval being given to proceed, detailed drawings, which will take approximately four months to complete, will be prepared in order that the work may be undertaken.

PRIVATE PARKING AREAS BILL.

Read a third time and passed.

ELECTRICITY (COUNTRY AREAS) SUBSIDY ACT AMENDMENT BILL.

Read a third time and passed.

COMPANIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 2594.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I support this Bill for the reasons that I will give. Previous speakers raised several different and important points, with which I will deal in a moment. Earlier passages in the Bill seem to have received no opposition. I am referring in this to the technical amendments in clause 3 (*a*) and (*b*). I think they were clearly explained in the Minister's second reading speech; they have been put in to clear up some apparent doubts that have been expressed about the construction or interpretation of words in the principal Act, and I think all of us agree that the intention of this Chamber when it passed that Act was that it should be read as the amendments now try to clarify. So, I do not think there is any difficulty about that part of the Bill, and I do not propose to go further into these matters.

The part that has been challenged by, I think, three honourable members is clause 3 (*c*), which is introduced to increase the fee for lodgment of the annual return of all companies (because all are obliged to make returns) from £2 to £3 once a year. One honourable member said that this constituted a rise of 50 per cent. In another place (and I do not mean the other place normally referred to as "the other place") I have often struck that argument when fees have been increased. I have always discounted the application of percentage increases to fees, as I do not think that matters; it is a matter of whether the fee is a reasonable and real one. The fact that there is a delay in increasing fees has nothing to do with the matter, and never has had, in my opinion. I have always tried to take the actual increase on merit, so I approach this not in the manner of saying, "It has been increased by 50 per cent", but in the manner of saying, "Is £3 a reasonable fee for this lodgment and is the purpose of increasing the fee a good one?" These are the points I am prepared to argue. I am not arguing this matter solely on my own thinking, as I have discussed this with several of my colleagues in the business

world, every one of whom has said, curiously enough, "chicken feed". I should like to paraphrase that in my own way and say that, as this fee is being increased so that investigators can be recompensed for their services, if any company cannot afford to pay £3 per annum for lodging its annual return it automatically ought to be investigated. In other words, I agree with the "chicken feed" expression.

I know that when that term has been used it has applied to the impact on individual companies, but when 10,000 companies pay this extra £1 it will aggregate the decent sum of £10,000 per annum. The Hon. Mr. Rowe expressed doubts about whether such a sum should become available. He expressed the fear that this could possibly lead to investigators being authorized who, as I construe what he said (he will correct me if I am wrong), for the purpose of fulfilling a job might want to make investigations that were not needed. Of course, there could be that temptation; he was talking about the ordinary facts of human nature, and he raised a substantial point. I re-examined the Act in the light of his comments because I considered it was my duty to do so, particularly as the former Attorney-General expressed those doubts, and I am satisfied that such safeguards are built into the Act as already drawn that these apprehensions would not, in normal circumstances, be likely to come about. For instance, section 169 provides that a substantial number of shareholders can call for such an investigation. In certain circumstances, not less than 200 members of a company (a lot of people to get hold of), in other cases not less than one-fifth of the persons on the company's register of members, and in other cases persons holding not less than one-third of the shares issued, can ask for an investigation. These are substantial requirements for that particular type of investigation, which means that it cannot be lightly authorized.

In the section dealing with special investigations, the Act deals with investigations that can be initiated by the Government. It is necessary for the Governor in Executive Council to authorize the investigation, which, of course, is a very solemn matter. Under section 170 a company itself can ask for an investigation. That, again, would not lightly be done. Finally, if any proceedings are taken, the Minister gives consent to the proceedings and also has power of his own volition to have members of a company investigated. So, the fears that inspectors will become general snoopers, as it were, seem to me not to be well-founded. In other words, I think we must rely on these authorizations being properly done, as I am sure we can rely on that whatever Government is in power.

The Hon. Mr. Rowe also said that the mere fact that an investigation was authorized could do harm. I agree, but once again these authorizations must be seriously done. I cannot see any fear that they will be lightly made, so I consider that I can conscientiously support the provisions of this Bill, because, after all, the power to investigate these companies, which is included in the Act, can be very salutary in certain cases and extremely necessary in others. I know hard cases make bad laws, but we have seen some incidents (not many, fortunately) over the last few years that seem to indicate that a law of this nature is necessary to protect the public. I know that we can go too far in this sort of thing but I do not think the Bill does so in this provision. It would be sad if the authorities were powerless to act in the case of some of these kinds of company operations that we have seen. Apparently, revenue is needed to put teeth into the existing provisions of the Companies Act, because the Minister has said that no money is available at the moment for this purpose. Again, fears have been expressed that the funds contemplated here could aggregate into a substantial amount of money, which would eventually find its way into general revenue if, as we would all hope, the money was not needed for this sort of investigation. If that did happen, no great harm would be done. General revenue would profit by this tax, as people have to pay taxes and the Government has to get its revenue from somewhere. In this instance, the amount it is getting from each company is so small that it could not possibly hurt anyone. I may have other theories to express on other Bills, such as that dealing with land tax, because a substantial impact can be made in that way, but the amount here, although aggregating to a substantial sum, is small in its individual amounts.

Finally, in my opinion (and I think my opinion is correct) this is substantially a money Bill, so, even if I did not feel as I do, I would need to have very important reasons before setting out to oppose a Bill of this nature or any of its clauses, because they all relate to the Government's raising of revenue.

The Hon. C. R. Story: Does that apply to succession duties as well?

The Hon. Sir ARTHUR RYMILL: Yes. I make this general assertion and apply it to succession duties and land tax. I feel obliged

to support the Government in its revenue-raising measures unless I have important and substantial reasons for opposing it. I have expressed this view previously. It means that, in normality, I would be in the position of supporting the Government in such measures unless I had full and adequate reasons for doing otherwise. In this case, I have no difficulties in this regard, because, quite apart from the facts I have raised, in my opinion this method of raising revenue will not really hurt anyone at all. It is being raised for an important purpose. Therefore, I support the whole of the Bill.

The Hon. F. J. POTTER secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL (TOTALIZATOR).

Returned from the House of Assembly without amendment.

LOTTERY AND GAMING ACT AMENDMENT BILL (MORPHETTVILLE).

Returned from the House of Assembly without amendment.

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

Its main purpose is to provide a means whereby land needed for public works can be compulsorily acquired by proclamation and the ownership of land so acquired becomes vested in the promoters without depriving owners and other persons having any interests in the land of their rights to compensation.

Many of the provisions of the principal Act relating to the compulsory acquisition of land are cumbersome and, in some circumstances, unworkable. For instance, if the owner of land being compulsorily acquired does not agree to transfer it, there is no way for the promoters to get title to it until compensation has been assessed and paid. This normally takes at least a year or, if there are appeals, possibly a further year or two. Even though, in some cases, a promoter can enter upon the land and commence the work for which the land is being acquired, there are several problems to be overcome involving questions of title, etc., which delay completion and use of the work because the land is not vested in the promoters until compensation is assessed and paid. In order to enter, and commence work on, the land, it is necessary, if a claim has been made, for the promoter to pay the amount of the claim into the Supreme Court by way of security. Claims are usually exaggerated, and large sums of money have to be paid into court but cannot be used by the claimants until compensation has been assessed. In a recent case the claim was for £163,000 and this had to be paid into court to enable entry to be made on the land, but the claimant was eventually awarded only £35,000.

Another problem with which the Government is presently faced is the extreme difficulty it has experienced in acquiring a small area of land in Springfield for the urgent erection of a water tank to serve the residents of the area. Under the present law, compulsory acquisition of this land could lead to prolonged litigation and serious difficulties of conveyance because the land is encumbered by restrictive covenants which seriously hamper the power of the registered proprietor to convey an unencumbered title to the Minister of Works.

The main provisions of the Bill are contained in clause 5 which enacts new sections 23a and 23b. Subsection (1) of new section 23a provides that, where any land is required by a Minister or a prescribed authority for a purpose for which that Minister or authority has power to acquire land compulsorily, the Governor may by proclamation declare that the land is acquired for that purpose. The subsection also provides that, before the proclamation is made, not less than 28 days must elapse (*a*) after the Minister or prescribed authority has given to persons having an interest in the land notice to treat; or (*b*) where such persons cannot be found, after the Minister or prescribed authority has published in the *Government Gazette* a notice to treat addressed to such persons as may have an interest in the land. Subsection (3) provides that the proclamation may be made whether or not compensation proceedings have commenced, or whether or not the notice to treat is given before the Bill becomes law. The section, however, preserves the rights to compensation enjoyed by persons interested in the land. Subsection (4) provides that upon publication of the proclamation in the *Gazette*, the land becomes vested in the promoters freed and discharged from all trusts, mortgages, encumbrances, etc., the estate and interest of every other person in the land becomes converted into a right to compensation under the Act and he also becomes entitled to receive from the promoters interest at the rate of

5 per cent on the unpaid amount of compensation until the full amount of the compensation has been paid.

Subsection (5) requires the promoters, forthwith after publication of the proclamation, to cause a copy of it and a full description of the land to be served on the owners or occupiers or such of them as can with reasonable diligence be ascertained. Subsection (6) defines "prescribed authority" for the purposes of the section and subsection (7) confers power on the Governor by proclamation to declare any statutory body corporate having power to acquire land compulsorily to be a prescribed authority. The effect of subsection (8) is that the procedure for acquiring land under this section is alternative to the existing procedures for acquisition. Subsection (9) extends the meaning of "promoters" to include any Minister or prescribed authority in whom land is vested by proclamation under this section. This preserves the existing procedures for the assessment and determination of compensation.

Subsections (10) to (13) are necessary machinery provisions designed to ensure the correct registration of the vesting of land acquired under the section. Subsection (14) gives the promoters the right to enter upon, use and occupy any land so vested in them for the purpose for which the land has been acquired, but provides that no proceedings shall be taken to evict any *bona fide* occupier of the land unless the promoters have given to the occupier reasonable notice (but in any event not less than three months' notice) requiring him to give up possession of the land. New section 23b makes provision for promoters to pay to a claimant an amount on account of compensation. This is dependent on—

(*a*) the promoters receiving from every person who appears to the promoters to have a right to compensation notice of his claim for compensation; and

(*b*) each claimant proving—

(i) his title to the land;

(ii) that no person other than the claimant or claimants, has any estate or interest in the land; and

(iii) that all rates, taxes, charges, mortgages, etc., relating to the land have been paid or discharged or will be paid or discharged out of moneys to be paid by the promoters under this section.

Under subsection (2) of the new section, if all the claimants give such proof within the time allowed, the promoters shall, before taking possession of the land, pay to the claimants, on account of the compensation they are entitled to receive, the amount of the promoters' valuation of their respective estates or interests in the land acquired. Subsection (7) defines "promoters' valuation" as a valuation made, on behalf of the promoters, by the Land Board or by a person authorized by regulation to make valuations for the purposes of this section. Subsection (3) equates such a payment to an unconditional offer in writing for the purposes of section 46 which deals with costs that may be awarded by a court. The effect of subsection (4) is that a payment made under subsection (2) shall be without prejudice to any final determination of compensation by a court or arbitrator.

Subsection (5) provides for an adjustment when compensation has been finally determined. Subsection (6) provides that, where a sum has been paid to a claimant on account of compensation, no interest shall be payable on that sum by the promoters after the date of such payment.

Clause 3 makes a formal amendment to section 3 of the Act. Clause 4 (*a*) makes subsection (1) of section 23 of the principal Act consistent with new section 23a and the effect of clause 4 (*b*) is to require notice to treat for any person having an interest in the land who cannot be found after diligent inquiry to be served on the occupier of the land or, if there is no occupier, to be affixed to some conspicuous part of the land. Clause 6 amends section 33 (1) of the principal Act. This section at present provides that if a person who has been served with a notice to treat does not make a claim for compensation within six months of the service of the notice, the promoters may apply to a court to determine the amount of compensation payable. The Government has been advised, and agrees, that the period of six months is unnecessarily long and by reducing it to two months, no party would be prejudiced because the compensation will in any event be determined by a court. Moreover, occasions have arisen where the owners of land acquired have preferred to leave it to the promoters to make the application to court, but this could not be done until a period of six months has elapsed after service of the notice to treat.

Clause 6 accordingly amends section 33 (1) by reducing the period of six months to two

months. Clauses 7 to 22 make various amendments which are in essence consequential on the enactment of section 23a by clause 5. This Bill will, to some extent, bring the South Australian law into line with principles governing the laws of the Commonwealth and some of the other States where similar legislation has been working most fairly and effectively.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

MAINTENANCE ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It is designed primarily to change the administration of the Maintenance Act and the department administering that Act, to amend and consolidate into one Act the present provisions of that Act, the Children's Institutions Subsidies Act and the law governing the making and enforcement of orders for the payment of maintenance and other necessary expenses of deserted children, spouses and other persons left without means including the reciprocal enforcement of maintenance and other orders between this State, the other States and Territories of the Commonwealth and certain reciprocating countries outside Australia.

The Bill will bring the law of South Australia relating to the making and enforcement of orders for the payment of maintenance and other necessary expenses of persons left without means of support substantially into line with uniform principles which have been agreed to by the Standing Committee of Commonwealth and State Attorneys-General and which already have been given effect in the legislation of New South Wales and Victoria. The principal Act, as amended by this Bill, will be known as the Social Welfare Act, 1926-1965.

The Bill abolishes the Children's Welfare and Public Relief Board and vests its general powers, functions and responsibilities in the Minister of Social Welfare, who is constituted a body corporate. Provision is made for the establishment of a Department of Social Welfare and the appointment of a Director of Social Welfare, who will be the permanent head of the department and will be under a duty to administer the Act in accordance with the Minister's directions. Provision is also made for the establishment by the Governor of a council to be known as the Social Welfare Advisory Council which will advise the Minister on questions relating to social welfare which the council considers proper or which are referred to it by the Minister.

In regard to the field of maintenance and the enforcement of orders in connection therewith, the principal Act, as amended by this Bill, will retain the existing provisions of our law which provide persons who are left without adequate means of support with greater opportunities for recovering maintenance than are provided for in the uniform proposals while it will also incorporate other uniform proposals which, *inter alia*, provide for the payment of confinement, funeral, medical and other necessary expenses of persons by others who should be responsible for their support.

Division II of Part IIIa of the principal Act, as amended by this Bill, deals with the reciprocal enforcement of orders. Subdivision 2 of that Division replaces the Inter-State Destitute Persons Relief Act which is repealed by that Subdivision and as administrative arrangements would have to be made between States after the Bill becomes law, provision is made for that Subdivision to be brought into operation by special proclamation. Similarly, Subdivision 3 of that Division replaces the Maintenance Orders (Facilities for Enforcement) Act which is repealed by that Subdivision and for the same reason provision is also made for that Subdivision to be brought into operation by special proclamation.

The provisions of the Children's Institutions Subsidies Act, 1961, which is repealed by clause 3 of the Bill, have been incorporated in new Part VIa inserted by clause 118 of this Bill. Clause 4 amends the long title of the principal Act to accord with the amendments proposed by this Bill. Clause 5 contains necessary savings and transitional provisions consequent on the amendments proposed by this Bill. Clause 6 repeals and re-enacts section 4 of the principal Act which sets out the arrangement of the principal Act, as amended by this Bill. Clause 7 amends section 5 of the principal Act which contains the general definitions for the purposes of the Act. It will be observed that the expression "asylum" is discontinued and the expression "home" is used to cover all places intended or used for the reception, care, maintenance, support or training of destitute, infirm, necessitous or neglected persons or for the reformative treatment of children. An institution is

defined as a home that is set apart by proclamation as an institution to be used for certain specified purposes. Reformatories will in future be referred to as "reformative institutions". The expression "confinement expenses" has been replaced by the expression "preliminary expenses" which will include the reasonable medical, surgical, hospital and nursing expenses attendant upon the confinement of a woman and the expenses of the maintenance of the woman and the child or children born to her for three months after the confinement. The expression "destitute child" is discontinued and the expression "neglected child" has been expanded to include the former "destitute child". Under modern conditions of community welfare a child is rarely destitute in the old sense and the inclusion in the definition of neglected child of all those children needing care because of family circumstances will be administratively more convenient.

Clause 8 repeals Part II of the principal Act and enacts in its place a new Part comprising new sections 6 to 39 under which, *inter alia*:—

(*a*) the Minister is constituted a body corporate with powers ordinarily conferred on bodies corporate (section 6);

(*b*) the Children's Welfare and Public Relief Board and its constituent offices are abolished and its property, rights, powers, etc., are tranferred to and vested in the Minister (section 8);

(*c*) provision is made for the establishment of the Department of Social Welfare and the appointment of a Director and Deputy Director of Social Welfare and such other offices and positions in the department as are necessary (sections 10 and 11);

(*d*) the Director will be the permanent head of the department (section 12);

(*e*) the Minister will have the custody and be the legal guardian of each State child (section 13);

(*f*) the Minister will have certain general powers and functions (section 14) including

(i) the general care and control of the persons and property of State children and inmates of homes under the control of the Minister and the power to take proceedings on behalf of a State child or inmate; and

(ii) power to establish homes and community centres and to use departmental officers and facilities for the promotion of social welfare within the community;

(*g*) The Minister may delegate his powers and duties to the Director who may himself (with the Minister's approval) delegate to the Deputy Director or other officers (sections 15 and 16);

(*h*) the Director may act within his powers subject to Ministerial directions and may investigate the affairs of aged and infirm persons (section 19);

(*i*) provision is made for the establishment, constitution, duties, etc., of the Social Welfare Advisory Council (Sections 20 to 30);

(*j*) the existing provisions for State public relief are continued with modifications (sections 31 to 39) and the Director will have the responsibility of affording relief to necessitous persons subject to the directions of the Minister.

The existing Division III of Part II of the principal Act, which has not been used for many years, has been omitted as all relief can more readily be given under the new section 31 which corresponds with the existing section 22. Clause 9 renumbers present Division I of Part III of the principal Act as Division II and enacts as Division I of that Part a new Division comprising sections 39a to 39d under which, *inter alia*:

(*a*) courts of summary jurisdiction are vested with jurisdiction to make or discharge, suspend or vary orders provided for under that Part (section 39a (1));

(*b*) a complainant will have the right to lay a complaint under that Part where he or she is resident for the time being (thus entitling a wife forced to leave the matrimonial home in one State and go to her parental home in another State to bring proceedings in the court nearest to her parental home) (section 39a (2));

(*c*) rules are prescribed, for the purposes of Division III of Part III, for determining whether reasonable maintenance has been provided for a person and for determining the amount that

a defendant is to be ordered to pay by an order under that Division of that Part (section 39b);

(*d*) an existing order made under that Part is not affected by a subsequent order except to the extent that the subsequent order varies the existing order or unless a court otherwise determines (section 39c);

(*e*) the provisions of section 65 of the principal Act, which prescribe the persons who may make complaints against the father of an illegitimate child, are re-enacted (section 39d).

Clause 10 is a formal amendment. Clauses 11 and 13 bring existing sections 42 and 43a up to date. Clause 12 will enable a court of summary jurisdiction, when making an order for the periodic payment of a sum by a husband for the maintenance of his wife, to include in that sum an amount reasonably necessary for the support of such of the children of the family as are under her custody and control. Subsection (3) of section 43 limits this power to cases where the children of the wife only are under her custody and control. There could well be cases where her step-children could be left in her custody and this clause will enable the court to take such a case into consideration.

Clause 14 repeals section 44 of the principal Act which is replaced by new Division IIIb of Part III enacted by clause 29 and also repeals section 45 of the principal Act which is a provision which is not now invoked. Clauses 15 and 16 make amendments to sections 47 and 48 of the principal Act that are consequential on the abolition of the Children's Welfare and Public Relief Board. Clause 17 repeals section 49, which is substantially re-enacted by new section 76h inserted by clause 29. It also repeals sections 50 and 51 of the principal Act which are not now invoked. Clause 18 is a formal amendment. Clause 19 replaces sections 53 to 57 of the principal Act with new sections similarly numbered under which, *inter alia*:—

(*a*) a justice may, upon complaint made in an affiliation case, issue a warrant (in lieu of a summons) for the apprehension of the defendant and for his detention unless he enters into a recognizance to appear at the hearing (section 53, re-enacting existing section 53 (3));

(*b*) the existing provisions of section 54, which provide for the making of an order for confinement expenses not exceeding £25, are replaced by new section 54, which provides for an order for the payment of a reasonable amount towards "preliminary expenses" which, according to its definition, covers a wider range of expenses than the existing definition of "confinement expenses" (sections 54 and 55);

(*c*) an order for preliminary expenses may be made in any proceedings against the father for maintenance of the child, without any specific complaint therefor (section 56); and

(*d*) power is conferred on a court to make an order for the future maintenance of the child when making an order for preliminary expenses, but enforcement of the order for maintenance will depend upon production of the birth certificate of the child (section 57).

Clause 20 repeals section 59 of the principal Act and re-enacts it with substantially the same effect. Clause 21 makes amendments to section 59a of the principal Act that are consequential on the abolition of the Children's Welfare and Public Relief Board and on the substitution of preliminary expenses for confinement expenses. Clause 22 repeals section 60 of the principal Act, which is replaced by new section 76f enacted by clause 29. Clause 23 repeals section 61 of the principal Act and re-enacts it with substantially the same effect. Clause 24 repeals section 61a of the principal Act, which provides for the taking of blood tests in affiliation cases, and re-enacts it with improvements. The section is to come into operation on a day to be proclaimed.

Clause 25—

(*a*) repeals sections 62, 63 and 64 of the principal Act, which are replaced by new Division IIIb enacted by clause 29;

(*b*) repeals section 65 which has been replaced by new section 39d enacted by clause 9; and

(*c*) enacts two new Subdivisions comprising new sections 62 to 65a, which provide for the making of orders for funeral, medical and other expenses and for the making of nominal and interim orders for the payment of maintenance.

New section 62 provides for the recovery of funeral expenses of a child dying, after the

Bill becomes law, while there was a maintenance order in force in relation to him. New section 62a provides for an order against the father of an illegitimate child for the payment of the funeral expenses of the mother of the child if the mother died in consequence of the pregnancy or the birth of the child. New section 62b provides for an order against the surviving spouse of a deceased person for the payment of the funeral expenses of that deceased person if that deceased person was entitled to be maintained by his or her spouse.

New section 63 provides for the recovery by a person for whose maintenance an order is in force of medical and like expenses from the person against whom the order was made. New section 64 provides for the making of an order for the payment of a merely nominal amount in respect of the maintenance of a person where the court is satisfied that (in the case of a complaint under section 66) that person is not presently without adequate means of support or (in the case of any complaint for maintenance) that the defendant is not presently able to contribute to the support of that person. This provision is intended to enable a court to make a determination on the merits of a case while the facts are fresh in the minds of witnesses rather than postpone a decision until the wife has exhausted her means and is without adequate means of support. The nominal order can be varied as changes occur in the financial situation of the parties.

New section 65 makes provision for an almost automatic right for a child for whose maintenance a complaint has been made to be maintained until the complaint is heard and determined. New section 65a provides that where the hearing of a complaint is adjourned the court may make an interim order for the payment of maintenance until the determination of the complaint.

Subsection (1) of section 67 of the principal Act provides that, except as provided by section 75, an application under that Division shall be heard and determined by a special magistrate unless one of the parties demands that it be heard by a magistrate and two justices. The right to demand that two justices should sit with a special magistrate in these cases is never exercised and is unnecessary. Clause 26 accordingly repeals and re-enacts the section to provide that the court shall be constituted in every case by a magistrate sitting alone.

Clause 27 adds a subsection to section 71 of the principal Act providing that a custody order under that Division shall not be made—

(*a*) where there is in force a custody order made by the Supreme Court of this State or of any other State or Territory;

(*b*) where the child is a State child in which case the Minister already has its custody; or

(*c*) unless either party to the application was resident in the State at the time of the application and the child is in the State at the time of the making of the order.

Clause 28 re-enacts in new sections 75 and 75a the main provisions of section 75 of the principal Act and also prohibits molestation of a child in respect of whom a custody order was made and prohibits refusal to deliver the child to its mother on demand after custody has been given to the mother. Where an order provides for access by any person to a child, refusal of or interference with such access is made an offence.

As the Third Schedule is being repealed by clause 149 and provision is made in this Bill for forms to be prescribed by regulation, section 76 of the principal Act is repealed by clause 29, which enacts three new Divisions numbered IIIa, IIIb, and IIIc comprising new sections 76 to 76ra. New section 76 provides that, subject to section 76a, an order for the maintenance of a child shall not be made if the child is 18 years of age and shall cease to have effect upon the child's attaining that age. New section 76a provides that, where the education of a child for whose maintenance an order is in force is to continue beyond the age of 18 years, the maintenance order may be extended.

New section 76b confers power on a court to back-date a maintenance order to take effect from such past date as the court thinks reasonable. New section 76c provides for the termination on the death of either party of a maintenance order in favour of a wife or husband. New section 76d preserves the right to recover arrears of maintenance due under an order after it ceases to have effect except where it ceases to have effect by reason of the death of the defendant.

New section 76e contains rules under which desertion by a party to a marriage will be presumed by reference to the conduct of that party. Such conduct is generally known as constructive desertion. New section 76f, which

replaces section 60 of the principal Act, provides that the evidence of a woman as to the paternity of her illegitimate child will not be accepted without corroboration except where the defendant has had an opportunity of denying the allegation and has not done so, but, in any event, before an order is made the court must be satisfied by evidence that the woman is pregnant and that she was not at the time of conception a common prostitute.

New section 76g requires proof of the marriage in connection with a complaint by one party to the marriage against the other party. New section 76h substantially re-enacts the provisions of the present section 49 of the principal Act. New sections 76i to 76n re-enact, with considerable improvements, the provisions of sections 62 to 64 of the principal Act relating to the discharge, suspension and variation of maintenance orders, but the new sections have a far wider application than those that are being replaced.

New section 76j confers a general power on courts of summary jurisdiction to discharge, suspend or vary maintenance orders and prescribes the general rules governing the discharge, suspension and variation of such orders. New section 76k is a substantial re-enactment of present section 62 of the principal Act. New section 76ka explains the effect of the suspension of a maintenance order. New section 76m provides for the variation of an order for maintenace of an illegitimate child made before the birth of the child if it turns out that two or more children are born.

New section 76n confers power on a court of summary jurisdiction to revive a suspended order. New sections 76na to 76p contain normal procedural matters. New section 76q provides that a court may, by an order made under the Act, direct the mode of payment of moneys payable under the order. New section 76r empowers a court in certain cases to issue a warrant for the apprehension of the defendant and to proceed to hear a complaint in the defendant's absence. New section 76ra enables a defendant against whom an order is made in his absence to apply to the court to set aside the order and rehear the matter of the complaint upon such terms as to costs as the court thinks fit. Clause 30 makes a formal amendment to the principal Act and enacts a new section 76s, which defines a maintenance order for the purposes of the Division governing the enforcement of maintenance orders generally. The definition is wide enough to include any order for the payment of money for the maintentenance of a person or directing the payment of money to the Director by way of repayment for relief and so much of any order made under Part III as relates to the payment of money. All procedures for summary recovery of money under a maintenance order will be available to the person in whose favour the order is made.

Clause 31 makes an amendment to section 77 of the principal Act that is consequential on other amendments proposed by this Bill. Clause 32 makes an amendment to section 78 of the principal Act that is consequential on the abolition of the board. Clause 33 repeals section 79a of the principal Act dealing with attachment of earnings, which is being replaced by the new Subdivision 3 enacted by clause 46. Clause 34 make two amendments to section 80 of the principal Act that are consequential on the repeal of section 79a and the abolition of the board. Clauses 35 to 41 make numerous amendments to sections 81, 82, 83, 85, 86, 87 and 88 consequential on the abolition of the board. Clause 42 repeals section 91 of the principal Act, which deals with the penalty for failure to comply with maintenance orders and enacts a new section that confers on a court of summary jurisdiction power to commit a defendant to prison for a period not exceeding 12 months for failure to pay maintenance. Under the new provision the defendant will not be liable to serve imprisonment more than once for any specific arrears, but the liability to pay those arrears is not discharged by imprisonment in respect thereof. The basic effect of the provisions of this section will be uniform throughout Australia. The provisions of subsections (1a) and (1b) of present section 91 are preserved in subsections (3) and (4) respectively of the new section. The new section also contains provisions for the discharge of the defendant from prison or for the reduction of the term of imprisonment where the balance of the arrears are paid or a part payment of arrears is made, respectively.

Clause 43 enacts a new section 92a, under which a court of summary jurisdiction can certify the amount due on a maintenance order where default has been made by the defendant in making the payments thereunder and, upon the filing of that certificate in the Local Court of Adelaide, judgment will be entered against the defendant and that judgment can be enforced as any final judgment of the Local Court. This will facilitate enforcement. Clause 44 repeals section 93a of the principal

Act, which is now obsolete. Adequate provisions for discharge of a maintenance order are already provided for under the new Division IIIb of Part III. Clause 45 makes an amendment to section 95 of the principal Act consequential on the abolition of the board. Clause 46 enacts a number of sections numbered 96a to 96v, which include a Subdivision comprising new sections 96a to 96p dealing exclusively with attachment of earnings, which closely follows the uniform proposals and the Third Schedule to the Commonwealth Matrimonial Causes Act, which is in force throughout Australia. This Subdivision replaces section 79a of the principal Act.

New section 96r, which introduces a procedure for requiring the furnishing of information, has been taken from the Commonweath attachment of earnings provisions but the procedure has been made applicable to all modes of enforcement under the Act. New section 96t makes it an offence to molest or interfere with any child contrary to an order for custody of the child made in another State or Territory. New section 96u deals with the restriction on the publication of reports in affiliation and like proceedings. Clause 47 repeals section 98 of the principal Act, which is being replaced by new section 194a enacted by clause 138. Clause 48 makes amendments to section 99 of the principal Act that are consequential on other amendments made by this Bill. Clause 49 enacts a new Division, comprising new sections 99a to 99zm, which deal with the reciprocal enforcement of orders. Subdivision 1 of that Division (comprising new sections 99a to 99d) deals mainly with interpretations and administration. Subdivision 2 of that Division repeals and replaces the Inter-State Destitute Persons Relief Act, 1910-1958, and contains the provisions necessary for reciprocal enforcement of orders between the States. As further discussions between the States would be necessary for the framing of uniform regulations dealing with this Subdivision, provision has been made for it to be brought into operation by special proclamation. Basically, the provisions of this Subdivision will provide an effective system whereby the States will co-operate in enforcing each other's orders and of varying those orders in accordance with the changing circumstances of the parties.

Subdivision 3 of the new Division repeals and replaces the Maintenance Orders (Facilities for Enforcement) Act, 1922-1955. As further discussions between the States and with reciprocating countries would be necessary before this Subdivision could become fully operative, provision has been made for it also to be brought into operation by special proclamation. Basically, this Subdivision also contains provisions for facilitating the reciprocal enforcement of orders between this State and certain oversea reciprocating countries. Provision is made in this Bill for two types of reciprocity—absolute reciprocity, which would be usual with countries within the British Commonwealth of Nations that make orders of a kind similar to ours, and "restricted reciprocity" where the oversea country makes some orders we would not. Restricted reciprocity will allow us to discriminate by accepting from a country in the restricted list only those orders of a kind we would make. Before establishing reciprocity with an oversea country, consideration will be given to the question whether that country is able in return to enforce our orders. As most representations from foreign countries come through Commonwealth channels, the Attorney-General's Department in Canberra will investigate their law, when required, on behalf of all the States and, if it decides that the orders of all States may be enforced under the law of an oversea country, a declaration will be made declaring it a reciprocating country under the law of the Territory and the States will follow suit, thus making the situation uniform throughout Australia. The provisions of this Division are very detailed and provide procedures for all practical and foreseeable contingencies that will be uniform throughout Australia. Clause 50 makes formal amendments.

Clause 51 amends section 100 of the principal Act to accord with the new definition of "neglected child" and with Ministerial changes that have been effected by the Government. The new subsection (2), enacted by paragraph (*c*) of the clause, foreshadows further legislation to be introduced during this session dealing with juvenile courts. Clauses 52 and 53 mainly contain consequential amendments to sections 101 and 102. Additionally, references to custody and control of the board, in relation to a child, will be replaced by references to control of the Minister in order to cover the case of children who are committed as State children but not placed in institutions. Clause 54 amends section 102a of the principal Act by raising the age up to which a child may be accepted by the Minister at the request of its parents from eight years to 12 years. The application of the section is also extended to cover uncontrolled children. The clause also includes new provisions that will enable the Minister, at the request of the appropriate

statutory authority of another State, to accept under his control a State child who comes to South Australia from that other State. These provisions are needed to enable the State authorities to exercise care and control over the increasing number of State children who are crossing the borders because of movements of their foster-parents or to secure employment or because of abscondings. Similar legislation is being considered in other States.

Clause 55 makes consequential amendments to section 103 of the principal Act and also amends that section by omitting the power presently exercisable by parents to charge their own children as uncontrolled. This power has rarely been exercised and it is considered undesirable that a parent should be placed in a position of being a complainant against his child. Clauses 56 to 61 mainly contain consequential amendments, but paragraph (*c*) of clause 57 increases from £20 to £50 the punishment than can be inflicted on a guardian of a neglected or uncontrolled child where the court holds that the child's offence was wholly or partly due to the guardian's fault. Paragraph (*b*) of clause 58 corrects a long-standing verbal error in section 107.

Clause 62 amends section 111 of the principal Act by substituting for the expression "reformatory schools" the expression "reformative institutions". The clause will also have the effect of preventing a court from sending a child charged as neglected to a reformative institution. Paragraph (*c*) of this clause will make it unnecessary for a court to have regard to special circumstances before committing an uncontrolled child to a reformative institution. Under this Bill neglected children will not be committed to reformative institutions and uncontrolled children may be committed to such institutions only if the court considers that they ought to be so committed. In many cases the fact that a child is uncontrolled should be sufficient (without regard to special circumstances) to commit him or her to a reformative institution if the court thinks fit.

Clause 63 repeals and re-enacts section 112 in substantially similar form but under the new provision there will be no power to transfer a child from a reformative institution to an institution proclaimed for neglected children. Such transfers are most rare and where necessary a child from a reformative institution would be placed in one of the department's non-proclaimed homes rather than in an institution designed specially for other types of children. Clause 64 makes consequential amendments to subsection (1) of section 113 and amends subsection (2) of that section by removing the power of a court to order that a child be detained in an institution (which could be a reformatory) by reason of the non-payment of a fine. It is considered that a child should not be subjected to reformative treatment unless that is clearly needed. The non-payment of a fine is not, by itself, a sufficient reason. The alternative provision of placing the child under control of the Minister until he attains the age of 18 years, or for such lesser period as the court deems proper, is retained. A child under the control of the Minister may, under section 109, be placed, if necessary, in an institution (including a reformative institution) with the approval of the Minister.

Clause 65 amends section 114 of the principal Act by replacing the present provision that a court may commit a child over 16 years of age to an institution "for the period of two years" by a provision that the period of committal shall be not less than one year nor more than two years provided that it does not expire before the child attains the age of 18 years. The existing provision has been variously interpreted by the courts and the new provision makes it clear that the court dealing with a child over 16 years of age may commit that child to an institution for any period not less than one year but up to two years so long as that period does not expire before the child's eighteenth birthday.

Clauses 66 to 69 make a number of consequential amendments. Clause 70 deletes from section 122 of the principal Act the words "whether a private institution or not", which are now unnecessary in view of the revised definition of "institution". The other amendment to the section is consequential. Clause 71 makes a consequential amendment to section 122a of the principal Act. Clause 72 amends section 123 of the principal Act by extending the offence of absconding from an institution to absconding from a children's home. This is necessary because the present definition of "institution" includes a children's home. The words "apprenticeship or" are deleted from paragraph (*b*) of subsection (1) because they tend to be confusing. A child apprenticed to a trade is not required to return to an institution after completion of his articles.

Clause 73 repeals section 124 of the principal Act because it is considered undesirable under modern conditions for an administrative welfare authority to have power to impose detention on a State child for absconding. The section has not been invoked for some

years. Clause 74 makes consequential amendments to section 125 of the principal Act.

Clause 75 enacts a new section 125a which is a transitional provision under which children in custody and under the control of the Children's Welfare and Public Relief Board shall be deemed to have been placed under the control of the Minister.

Clause 76 makes a number of consequential amendments to section 126 of the principal Act, which empowers the Governor to extend the period of control over a State child if it is in the child's interests to do so. This section is used to enable assistance to be continued for those young people who are without parents and relatives or who are in need of extended supervision because of some handicap. Paragraph (i) of the clause deletes from subsection (4a) of the section the words "except in the case of the first order in respect of any child" in order to remove an administrative difficulty where children are committed under section 114 for periods expiring after they attain the age of 18 years.

Clause 77 makes a consequential amendment to section 127 of the principal Act. Clause 78 makes a number of consequential amendments to section 128 of the principal Act, which enables the board to place out State children. Paragraph (*c*) of the clause replaces the words "adoption or service" in paragraph (*b*) of subsection (1) with the word "employment" because adoption is governed by a separate Act and "employment" is regarded as a more suitable word than "service" in this context. Clause 79 repeals sections 129 and 130 of the principal Act as their provisions are governed by the Education Act.

Clause 80 amends section 131 of the principal Act. The words "indentures of apprenticeship and agreements" are replaced by the word "arrangements" because indentures of apprenticeship are now a matter for the Minister under section 127 and placings out by the Director do not require formal agreements. Clause 81 repeals and re-enacts section 132 of the principal Act with substantially the same effect as the present section. Clauses 82 to 84 make consequential amendments to sections 132a, 134 and 135 of the principal Act. Clause 85 repeals sections 136, 137 and 138 of the principal Act which are obsolete in practice and inconsistent with the new provisions which will enable the placing out of State children by arrangement rather than by formal agreement.

Clause 86 makes a consequential amendment to section 139 of the principal Act. Clause 87 repeals and re-enacts section 141 of the principal Act prohibiting a foster-parent from transferring to another person without the Director's consent any State child apprenticed or placed out with him. The existing provisions of the section are obsolete and inconsistent with new provisions which will enable the placing out of State children by arrangement rather than by formal agreement.

Clause 88 makes a number of consequential amendments to section 142 of the principal Act which deals with ill-treatment of State children and increases the penalty for the offence of ill-treating from £20 to £100, but the maximum term of imprisonment of six months is unaltered. Clause 89 repeals sections 143 and 144 of the principal Act as they are obsolete and inconsistent with the other provisions of the Act. Clause 90 repeals and re-enacts section 145 of the principal Act with substantially the same effect but having regard to the administrative changes contemplated by this Bill. Clause 91, besides making two consequential amendments to section 146 of the principal Act, also increases from £10 to £50 the penalty for an offence by a foster-parent who disobeys an order under section 145 for delivery of a State child to a children's home.

Clause 92 amends section 147 of the principal Act by substituting for subsection (1) of that section a new subsection designed to combine the effect of the present subsection and section 149 which is repealed by clause 94. The other amendments to that section are consequential. Clause 93 makes two consequential amendments to section 148 of the principal Act. Clause 94 repeals section 149 of the principal Act which is replaced by new subsection (1) of section 147 enacted by clause 92. Clause 95 repeals and re-enacts subsection (1) of section 150 of the principal Act so as to enable the amount of subsidies paid for State children to be prescribed by regulation without the limit of 50s. per week fixed under the present provision. The clause also makes a consequential amendment to subsection (2) of that section.

Clause 96 repeals section 151 of the principal Act which will be unnecessary in view of the amendment to section 150. Part V as amended by this Bill will draw the distinction between a home (which, as defined, includes any establishment for the reception, care, maintenance, support or training of destitute, infirm or neglected persons or for the reception, care,

custody, detention or reformative treatment of children) and an institution which is a home that is proclaimed for a specified purpose. Clause 97 makes a formal amendment. Clause 98 repeals section 152 of the principal Act and in its place enacts a new section enabling the Governor to establish and abolish homes and to proclaim institutions. The new section also provides necessary transitional provisions. Clause 99 repeals sections 152a to 156 which will be unnecessary in view of new section 152.

Clause 100 repeals and re-enacts section 157 of the principal Act with substantially the same effect having regard to the new definition of "private reformative institution". The reference to "private institution" is omitted in the new section as such an institution does not exist under the present legislation. Clause 101 repeals sections 158 and 159 of the principal Act which are unnecessary in view of new section 152. Clause 102 makes two consequential amendments to section 160. Section 161 of the principal Act provides that all members of the Executive Council and members of the Legislature and justices of the peace shall be entitled to visit every institution and the inmates thereof. Clause 103 amends that section by substituting the words "any person authorized in that behalf by the Minister" for the words "justices of the peace". Clause 104 amends subsection (2) of section 162 of the principal Act by increasing the penalty for wilfully defacing a visitor's book from £10 to £50. Clause 105 makes formal amendments to the heading of Part VI of the principal Act.

Clause 106 enacts a new section 162a, which provides that a person who keeps a children's home in which more than five children under 12 years of age are cared for apart from their parents must be licensed. The section also provides for the observance by a licensee of conditions attached to a licence. This section will bring children's homes under greater supervision by the department in the interests of the children and will ensure that, as improvements in methods of care are developed, they will be rapidly carried into practice. It is also desirable to ensure that new homes will be established only if they conform to necessary standards. The combined effect of this section and new sections 167 and 170 (which will be dealt with later) will ensure proper care for all children living away from their parents or guardians. Clause 107 makes consequential and transitional amendments to section 165 of the principal Act. Clause 108 repeals section 167 of the principal Act which requires foster-parents to be licensed and re-enacts substantially similar provisions, but the new provision applies to persons acting as foster-parents to children under 12 years of age (which is the age fixed for the purposes of new section 162a) whereas the existing provision applies to those acting as foster-parents to children under seven years of age. The new section also raises the penalty to £50 from £20 presently provided for in section 170, which is being repealed by clause 111.

Clause 109 repeals and re-enacts section 168 of the principal Act to make it consistent with sections 162a, 165 and 167. A foster-parent's licence will be limited to five children under 12 years of age and under section 162a a licence to keep a children's home will permit more than five such children to be cared for. Clause 110 repeals section 169 of the principal Act, which enables a foster-parent, with the board's consent, to adopt a foundling child. This provision is not necessary as adoption is dealt with under separate legislation.

Clause 111 repeals section 170 of the principal Act dealing with penalties for unlicensed foster-mothers which has been substantially included in new section 167. In its place a new section is enacted restricting the keeping of any child under the age of 12 years for more than six months in any year by any person who is not a near relative of the child unless that person comes within the exceptions contained in paragraphs (*a*) to (*f*) of subsection (1) of that section. The subject matter of this new provision has concerned the Attorneys-General and the Children's Welfare Departments of the various States and is proposed as a means of safeguarding individual children who may be living with strangers away from their parents. There have been instances in most States where young children have been living under most unsatisfactory conditions or with unsuitable persons, having been handed over recklessly or capriciously by their parents for fostering or adoption, and in some cases parents have had difficulty in recovering custody of their children. Subsection (2) of the section provides for an appeal to the Adelaide Juvenile Court against a refusal of an authority referred to in paragraph (*c*) of subsection (1).

Clause 112 makes consequential amendments to section 171 of the principal Act and increases from £20 to £50 the penalty for a licensed foster-parent taking charge of more than the number of children allowed by his licence. Clause 113 repeals and re-enacts section 172 of the principal Act to provide for

inspection—of licensed children's homes as well as lying-in homes and the residences of foster-parents. Clause 114 raises the penalty in section 173 of the principal Act for obstruction of such inspection from £20 to £50. Clause 115 makes a consequential amendment to section 174 of the principal Act. Clause 116 amends section 175 of the principal Act, which provides for the keeping of a register by a licensed foster-parent, so as to extend its provisions to cover licensees of children's homes as well. Clause 117 makes consequential amendments to section 176 of the principal Act and also increases the penalty for a breach of the section from £20 to £50.

Clause 118 re-enacts with minor drafting alterations the provisions of the Children's Institutions Subsidies Act, which is being repealed by clause 3 of this Bill. These provisions will now be contained in the new Part VIa of the principal Act, which will comprise new sections 176a to 176c. These provisions are now appropriately placed in the principal Act as amended by this Bill, which provides in new section 162a for the licensing of children's homes.

Clause 119 inserts in section 117 of the principal Act new subsections that will enable the exclusion from courts of persons not directly involved during hearings of affiliation and like cases. This subsection follows the uniform proposals agreed to by the Standing Committee of Attorneys-General. Clauses 120 to 122 and clause 124 make amendments to sections 177a, 178, 179 and 181 that are consequential on other amendments made by this Bill and make minor drafting improvements to those sections.

Clause 123 enacts a new section 180a, which provides that no officer of the department shall be compellable to give evidence or produce any departmental document relating to any matter that has come to his knowledge by reason of his duties as such officer except—

(*a*) where such evidence or document relates specifically to the payment or non-payment of maintenance or relief to or by the department or any officer of the department; or

(*b*) where such evidence relates to, or such document constitutes, correspondence between the department or an officer of the department and any of the parties to the proceedings who is not represented by an officer of the department; or

(*c*) where such evidence or document relates to any matter that has come to his knowledge by reason of his duties as a probation officer under whose supervision a child had been or has been placed.

Departmental officers generally act on behalf of parties to maintenance proceedings, and the Government feels that confidential communications between departmental officers and their "clients" should be privileged from disclosure in court proceedings in much the same way as communications between solicitors and their clients.

Clause 125 amends section 182a of the principal Act, which provides that, where a child under the age of eight years is remanded on a charge of being neglected, his presence in court will not be required at the hearing of any application for further remand of the child. The amendment raises the age of the child from eight years to 12 years and provides that the child's presence will not be required at such hearing unless the court otherwise orders.

Clause 126 makes consequential amendments to section 183 of the principal Act. Clause 127 repeals section 184 of the principal Act, which is now obsolete, and in its place enacts a new section that makes certain provisions of Part VII of the Act, which deal with court proceedings, subject to the Juvenile Courts Act. Like the amendment to section 100 made by paragraph (*c*) of clause 51, this clause also foreshadows changes in the legislation dealing with juvenile courts.

Clauses 128 and 129 amend sections 185 and 186 of the principal Act by raising the penalties for breaches of the sections from £10 to £50 and making a number of consequential amendments. Clause 130 makes consequential amendments to section 187 of the principal Act.

Clause 131 amends section 188 of the principal Act, which provides for inspection of the residence of any person other than a near relative who has the care of any child under the age of seven years. The clause raises the age of the child to 12 years in keeping with similar changes already explained and increases the penalty for refusing inspection from £20 to £50. The clause also makes consequential amendments to the section.

Clause 132 makes similar amendments to section 189 of the principal Act. Clause 133 amends section 189a of the principal Act, which provides for the furnishing of confidential reports as to the circumstances of persons dealing with the board. The clause makes some consequential and drafting

amendments to the section and raises the penalty for failure to furnish a report when required or for furnishing an untrue report from £20 to £50. Clauses 134 to 137 amend sections 190, 191, 192 and 194 of the principal Act to bring them into line with other amendments made by this Bill.

Clause 138 enacts new sections 194a and 194b. Section 194a will enable a statement of the earnings of a defendant made by his employer to be admitted in evidence and replaces section 98 which is repealed by clause 47. Section 194b provides that payments received in respect of a maintenance order will operate as a discharge to the extent of the moneys received. These two sections follow the uniform proposals agreed to by the Standing Committee of Attorneys-General.

Clause 139 makes two consequential amendments to section 197 of the principal Act. Clause 140 enacts sections 197a and 197b which contain normal evidentiary provisions. Clause 141 repeals section 198 of the principal Act and re-enacts it with substantially the same effect. Clause 142 amends section 200 of the principal Act having regard to the repeal of the Second and Third Schedules by clause 149 and the widening of the regulation-making power by clause 145 to enable forms to be prescribed by regulation. Clauses 143 to 145 make consequential amendments to sections 201, 202 and 203 of the principal Act.

Clause 146 enacts new section 203a, which widens the rule-making powers under section 203 of the Justices Act. Clause 147 makes consequential amendments to section 207 of the principal Act. Clause 148 repeals section 208 of the principal Act, which is obsolete.

Clause 149 repeals the Second and Third Schedules of the principal Act, which prescribe forms for the purposes of the Act, most of which are either obsolete or in need of substantial amendment. Forms will in future be prescribed by regulation. Clause 150 and the Schedule to the Bill make several amendments to the Acts specified in the Schedule that are consequential on amendments made by the Bill.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

DISTINGUISHED VISITOR.

The ACTING PRESIDENT (Hon. Sir Arthur Rymill): I notice in the gallery Dato Liew Who Hone, M.P., a member of the Perak State Legislature of Malaysia, and I should be pleased if the Hon. the Chief Secretary and the Hon. Sir Lyell McEwin would conduct our distinguished visitor to a chair on the floor of the Council.

Dato Liew Who Hone was escorted by the Hon. A. J. Shard and the Hon. Sir Lyell McEwin to a seat on the floor of the Council.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 2591.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): This Bill deals with the salaries of senior members of the Public Service, a body of men whom I am sure we are all proud to have as heads of the various branches. It has been found necessary from time to time, due to adjustments that have been made in salaries in the lower brackets, to make adjustments for those who are holding the responsibility of administering the various departments. I have always been interested in comparing salaries paid to public servants here with those paid in other States, as I have known from experience that on occasions we have lost very good men to the more powerful States which, because they have bigger populations, have been able to offer better salaries. Because we have lost very good officers, it is necessary that salaries paid here should be somewhat in keeping with those in other States.

I have therefore tried to ascertain some basis of comparison of salaries, being rather prompted by the statement of the Chief Secretary in explaining this Bill that a rather greater increase than average had been made in the salary of the Commissioner of Police and that it was believed that the extensive responsibilities of the Commissioner warranted it. I can certainly endorse the part of the statement that the responsibility of his position demands an increase, but, at first blush, it seemed to me that the position was not as stated. The salary for one office not operative at the moment has not been increased very much—only 5.1 per cent. The average of the others is 11.3 to 11.8 per cent and it seemed to me that the Commissioner of Police's increase was lower than the average. The only way in which I could calculate it to justify the Minister's statement that the Commissioner of Police got more than average entitlement was by including the new assessment provided for the Public Service Arbitrator. At present I do not think we have one: I think the President of the Industrial Court is carrying out those duties.

The Hon. S. C. Bevan: He was appointed Public Service Arbitrator, though.

The Hon. Sir LYELL McEWIN: I tried to make a comparison to see how we were placed with the Eastern States. Usually we try to compare ourselves with Queensland, for instance, which is a larger State than South Australia in population. On the best information I can gather in the time, it appears that we are doing reasonably well. We are above comparable positions in Queensland, so far as I can ascertain; we are above the ranges operating in Queensland as a result of their 1965 Act; in fact, we are second only to New South Wales. We are much higher than other States, and are even ahead of Victoria in two positions, if my figures are right. Whether there have been any recent increases in that State I do not know, but for the position of Auditor-General in Victoria the figure I have is £5,700 compared with our new figure of £5,800. Similarly, their Public Service Commissioner is on £5,700, compared with the figure of £5,800 here. I mention that only to return to the Commissioner of Police who, in that State, according to these figures, holds a very senior position, carrying a salary of £6,200 against £5,700 for the officers mentioned. It seems to me that, if any criticism is to be made of the salaries fixed by this Bill, it is that the Commissioner of Police has not the status to which he is entitled. He carries considerable responsibility and we always associate with police salaries an occupation that on occasions entails risk. Therefore, we regard that factor as providing some justification for their salaries being, perhaps, something better than average.

If I go back over the history of the salaries of these top officers, I find that the Commissioner of Police has fallen back compared with other senior officers. I go back to the salaries of 1961, since when we have had similar Bills in 1963, 1964 and 1965, this being the fourth. Over that period the Commissioner of Police has advanced by £1,200, whereas the Public Service Commissioner, the Auditor-General and the President of the Industrial Court have all advanced by £1,300. So, if anybody is missing out in the scale of salaries provided here, it is the Commissioner of Police. He is entitled to high rating in the top salaries of our Public Service. That is the only comment I have to offer. I support these salary increases. I think all these officers are worthy of them. If the salary of the Commissioner of Police were put up by an additional £100, it would be more in keeping with our established comparisons.

Some adjustment is being made in the case of the salary of the Agent-General, who represents this State in another country. The only interesting thing to me was that we should be considering legislation in other Bills for taxation affecting everybody, yet the Government seems to be conspiring with the Agent-General elect to avoid some responsibility on his part for taxation. But that is merely by the way. I am not criticizing his increase, I am sure he will do a good job for South Australia. However, it is interesting to me that the Government seems to be conspiring in trying to find a way for some of its own officers to avoid taxation.

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

COUNTRY FACTORIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 2533.)

The Hon. D. H. L. BANFIELD (Central No. 1): The introduction of this Bill is in line with the Government's policy of having provisions dealing with working conditions in the metropolitan area extended to factories operating under the Country Factories Act. It is pleasing that the South Australian Chamber of Manufactures, the Employers Federation of South Australia and the United Trades and Labour Council are in agreement on the matter. Rarely do we have the Chamber of Manufactures and the Employers Federation agreeing and much more rarely do we have three bodies agreeing, so we can be assured when these three bodies agree on anything—

The Hon. Sir Arthur Rymill: That there must be something wrong?

The Hon. D. H. L. BANFIELD: Or that somebody is being got at. However, that is not so. The Bill is well merited and, as the Minister has said, it is not contentious. If it were, we would not have had agreement by these three bodies. The measure should have been introduced in 1963 when the Industrial Code was amended but, again, it has been left to this Government to look after the interests of the country, just as it has been looking after the interests of the metropolitan area. The Government is to be congratulated on its policy in that regard.

The Hon. C. D. Rowe: I think now that you may be the additional Minister.

The Hon. D. H. L. BANFIELD: I am sorry that the honourable member did not seize the opportunity to move an amendment when the Constitution Act Amendment Bill was before the Chamber a few days ago. However, an opportunity may come at a later stage.

The Hon. C. D. Rowe: I was going to move an amendment, but you withdrew your support.

The Hon. D. H. L. BANFIELD: The honourable member lost his bet. Paragraph (*d*) of clause 5, which strikes out the word "solely" and inserts the word "principally", clearly indicates that despite the close scrutiny that has been given to legislation in this Chamber, which has been referred to by some honourable members over the last few months, some clauses which do not convey the intention still get in.

The Hon. M. B. Dawkins: Are you in favour of the bicameral system?

The Hon. D. H. L. BANFIELD: Why have the Council if it is not going to examine what was put in a Bill in the first place? Although we have the bicameral system, mistakes in legislation still occur.

The Hon. M. B. Dawkins: Do you think there should be only this House?

The Hon. D. H. L. BANFIELD: If this were the only House, heaven help us! Much has been said about mistakes having occurred since the change of Ministers, but it appears to me that mistakes were also made during the regime of the previous Government. It is also apparent that Bills are receiving more scrutiny than has been the case in the past.

The Hon. C. D. Rowe: This amendment was approved by the previous Minister, before the Bill was introduced.

The Hon. D. H. L. BANFIELD: The previous Government was a little slow in introducing it; as I have said, the Bill should have been introduced in 1963. We have been in Government for only a few months and we are bringing many things up to date.

The Hon. R. C. DeGaris: With the Bill before us, you are fairly smart in the take off.

The Hon. D. H. L. BANFIELD: We are not doing a bad job, either, as people outside will tell you.

The Hon. M. B. Dawkins: You are doing all right in bringing taxes up to date.

The Hon. D. H. L. BANFIELD: They should have been adjusted before the present Government took office, but some people were not prepared to bring in the necessary legislation.

The Hon. M. B. Dawkins: The people will have a final say about that.

The Hon. D. H. L. BANFIELD: The people had a say last March.

The PRESIDENT: Order! I ask the honourable member to address the Chair. He is asking for interjections at present.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Rowe suggested that by striking out the passage "other than premises of the Municipal Tramways Trust", as proposed in paragraph (*c*) of clause 5, the Municipal Tramways Trust will become a factory. I think that, as the M.T.T. does not generate its own electricity, the provision is no longer necessary.

The Hon. A. F. Kneebone: It never did generate electricity in the country.

The Hon. D. H. L. BANFIELD: Clause 7, which makes it necessary for a person to register his factory before he goes into occupation, is a good provision, as the Chief Inspector will have an opportunity of inspecting the premises and of suggesting any alterations that should be made if the factory is to comply with the Act. In that way, it is possible that a lot of time and expense otherwise involved after the factory commences operations will be saved. Clause 14, which amends section 18 of the principal Act and which requires the notification of accidents to be made within 24 hours of the occupier's becoming aware that an employee will be incapacitated for three days or more, is a sound amendment. I should like to see inspectors on the job more quickly than has been the case in the past. When an accident occurs, certain things happen and things are sometimes covered up; the inspector is therefore somewhat handicapped when he gets to the scene. I hope that in future there will be less delay, because in that way a recurrence of an accident may be prevented.

The Hon. Mr. Rowe also mentioned that he thought it was better to educate than regulate people to make them aware of their obligations regarding safety. Unfortunately, some people will never be educated while they think they can get away with make-shift arrangements. That some employers can and do evade their obligations as far as safety is concerned amazes me. Many accidents would have been avoided if employers had had proper regard to safety measures. I make it clear that the employers who do not stand up to their obligations are in the minority. However, they should be brought into line and more regard

should be had to safety by all concerned, including the employee himself, who should see that his working conditions are safe.

I was pleased to hear the Minister inform the Hon. Mr. Geddes that an inspector had power to issue on-the-spot instructions to employees to do certain things immediately to prevent accidents. Inspectors have had this power for some time but seem to be a little loath in issuing these on-the-spot instructions, because they prefer first to go back and report to the Chief Inspector. However, I hope that they have now received instructions to exercise their power more than they have in the past.

I sincerely hope that inspectors will take full advantage of the authority being given to them in new section 26 (*db*) to report any breaches of the health laws to the Central Board of Health. Frequently, conditions prevailing in factories contravene the health law and I hope that the inspectors will exercise their powers in this regard. The Bill is a good one and I support it. It should have been introduced two years ago, but better late than never.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): In closing the debate I want to say how much I regret the inconvenience caused to members by the obvious mistakes made in my second reading explanation in relation to clause numbers. There is no excuse for it, but it was caused by a new machinery clause 4 being inserted in the draft of the Bill prior to the Bill being printed, and the second reading explanation not being altered. I will point out the necessary corrections, so that in future when a person peruses the Bill he will know that the corrections to the second reading explanation have been made. I ask leave that the necessary corrections be inserted in *Hansard* without my reading them.

The PRESIDENT: I believe that all honourable members are aware of the mistakes that have been made and will be happy to have the corrections inserted in *Hansard* without their being read.

Leave granted.

CORRECTIONS TO PAGE 2388 OF "HANSARD" OF OCTOBER 27, 1965.

In the first paragraph in the first column:
for clause 4 read clause 5.
In the third paragraph in the first column:
for clause 4 (*c*) read clause 5 (*d*);
for clause 5 read clause 6;
for clause 6 read clause 7;
for clause 5 (7) read section 5 (7).
In the first line in the second column:
for clauses 7 and 8 read clauses 8 and 9.
In the second and third lines in the second column:
for clauses 9, 10, 11, 12 and 15 read clauses 10, 11, 12, 13 and 16.
In the first paragraph commencing in the second column:
for clauses 13 and 14 read clauses 14 and 15.
In the second paragraph in the second column:
for clauses 16 and 17 read clauses 17 and 18.
In the third paragraph in the second column:
for clauses 18, 19 and 20 read clauses 19, 20 and 21;
for clause 21 read clause 22.

The Hon. A. F. KNEEBONE: I was interested in the remarks of the Hon. Mr. Rowe. I do not know whether he was serious or whether it was supposed to be a burlesque on what he thought should be done with second reading speeches. Whatever it was, the performance did not impress me. However, he has my sympathy, as it must have been frustrating to see being introduced by the Government a Bill similar to one that he had been trying to get his Cabinet colleagues of the previous Government to introduce since 1963. The docket in connection with this Bill makes interesting reading. I have examined it closely, and some of the things that Mr. Rowe suggested should have been done cannot be found in any second reading speech included in the docket of the Bill drafted in 1963. I can find no reference in the docket that that drafted Bill had ever been referred to any other Minister, although it had gone to Cabinet on more than one occasion and been referred back to the Minister. Perhaps the honourable member was saying what should have been done in order to get his colleagues to support his Bill. However, I was interested in his reference to it and especially to his reference to Ministerial responsibility. He referred to what he calls the Government's doctrine of Ministerial control. This type of control is our doctrine, and I prefer it to the doctrine of the previous Government which was, apparently, bureaucratic control, because responsibility was referred to boards and such like. This savours, in my opinion, of passing the buck to others. That is something in which I have never participated, and I hope I shall never do so. I hope that I, together with my Cabinet colleagues, will have the intestinal fortitude to stand up to Ministerial responsibilities and never try to pass the buck.

I want now to refer to several matters raised by members. First, in connection with the Municipal Tramways Trust, in the Industrial Code of 1920 the powerhouse then operated by

the M.T.T. was specifically exempted from the definition of a "factory" in the Code. Since this powerhouse is no longer operative, this exemption was removed from the Industrial Code in 1963. Irrespective of this fact, there was never any need for this exemption in the Country Factories Act since the M.T.T. has never operated any powerhouse in country areas. "Workshops" conducted by the M.T.T. in the metropolitan area are registered as factories with the Department of Labour and Industry. The inclusion of the provision in the Country Factories Act was a carry-over from the Industrial Code, but it should never have been in the Country Factories Act.

With regard to the annual registraton of factories, the requirement for factory occupiers to register their factories annually in lieu of every five years will not involve the Department of Labour and Industry in any additional work. Although factories were previously registered every five years, an annual fee was payable in respect of the registration so that the work load would not be any greater.

The Hon. C. D. Rowe: What is the purpose of requiring it annually?

The Hon. A. F. KNEEBONE: Because it is in line with the Industrial Code.

The Hon. R. A. Geddes: It is similar, too.

The Hon. A. F. KNEEBONE: That is so, and it is considered that the provision should apply to both. Regarding sanitary arrangements, regulations will be made to determine what is sufficient and suitable in the provision of toilets. The regulations will provide for toilets for both males and females according to their respective numbers employed, along the lines of the regulations under the Industrial Code.

Referring to exemptions from the Lifts Act, this Bill exempts "cranes" and "hoists" in registered factory premises from the application of the Lifts Act, 1960. Once the Country Factories Act is applied to a district the cranes and hoists in a factory in that district come under the Country Factories Act. "Lifts" are not so exempted and as the Lifts Act applies throughout the whole of South Australia all lifts in the State are registered with this department and are checked annually.

Joint shop and factory registration has operated in the metropolitan area since January 1, 1964, consequent upon the 1963 amendments to the Industrial Code. The main benefit is that a person who operates a shop and a factory is only required to register his premises once instead of twice (previously he was required to register his shop and his factory separately). Now the occupier of such premises can register his premises as a factory or a shop, according to whether the majority of employees on those premises are engaged in the factory or shop portion of the premises, and to pay one fee based on the total number of employees. Safety is not neglected since factory inspectors will continue to visit the factory portion of the premises each year.

Regarding time specified on written orders issued by inspectors (referred to by Mr. Banfield), these officers use their discretion, based on the nature of the defect, when assessing the time within which they specify on the written order that the unsatisfactory condition must be remedied. If the condition is dangerous an inspector may order that the machine must not be used until the defect is remedied, or, if difficult engineering is required to fit a guard, he may specify a reasonable period in which the order is to be complied with.

I think this answers most of the queries raised by members in the second reading debate.

Bill read a second time.

In Committee.

Clauses 1 to 18 passed.

Clause 19—"Amendment of principal Act, section 26."

The Hon. C. D. ROWE: Paragraph (*db*) provides that an inspector shall report to the Central Board of Health any breaches of health laws. As this legislation deals with country factories, should the report not be made to the local board?

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I am not sure of the position, but the inspectors would come from the city and I think the central board would be the body to which they should report.

The Hon. F. J. Potter: Would not the central board pass it back to the local board?

The Hon. A. F. KNEEBONE: In most instances the inspectors would be from the city, and on their return they would report to the Chief Inspector of Factories, who would then report to the Central Board of Health. If the central board did not have power over local matters, I think it would pass the reports on to local boards. If that does not satisfy the honourable member, I am prepared to report progress.

The Hon. S. C. Bevan: Would not (*da*) bring the matter under the central board?

The Hon. C. D. ROWE: Paragraph (*da*) gives power to make examinations to discover whether any health laws have been breached. Paragraph (*db*) relates to reports. I do not

think it matters very much whether the report is made to the central board or to the local board, as this paragraph does not give power to act; it is a machinery matter. I do not wish to pursue it further.

The Hon. G. J. GILFILLAN: I think it is the responsibility of a local board to administer the Health Act in its area and, if the central board makes a report, it is for the local board to decide whether to act on it.

The Hon. M. B. DAWKINS: I agree with what the Hon. Mr. Gilfillan says. It may be advisable, possibly to get swifter action, for the report to be made in the first instance to the local board and, if necessary, for it to be taken to the central board later.

The Hon. A. F. KNEEBONE: I think the clause is satisfactory. Inspectors will inspect various country areas, and it will therefore be appropriate for them to report to the central board about various districts. The central board can then refer the matters back to local boards.

Clause passed.

Remaining clauses (20 to 22), Schedule and title passed.

Bill reported without amendment. Committee's report adopted.

INHERITANCE (FAMILY PROVISION) BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 2593.)

The Hon. G. J. GILFILLAN (Northern): In rising to speak to this Bill I wish to state that I do not intend to delay the Council unduly, because we have listened to two fine explanations from the Hon. Mr. Potter and the Hon. Mr. Rowe, who covered the Bill in detail. I am, however, somewhat concerned about many of its provisions. A close examination reveals that the Bill is similar to the Testator's Family Maintenance Act, which it repeals, with the exception of the undesirable features that have been given prominence by previous speakers, and also the addition of perhaps three or four minor amendments which would improve the Act and could easily have been introduced as amendments to that Act. One provision is that covering the person who dies without making a will.

Clause 7 extends the time within which an application can be made from six to 12 months. That clause has some merit. Clause 6 (6) makes a general provision enabling the court to order both periodic and lump sum payments. These provisions are minor but improve the Act. We should examine closely clauses 5 and 6. I cannot understand the reason for introducing this Bill, because the same result could have been achieved with minor amendments to the existing Act. This Bill even changes the title from "Testator's Family Maintenance Act" to "Inheritance (Family Provision) Act", which implies a difference between "maintenance" and "inheritance". We should consider at the same time other foreshadowed Bills, such as that dealing with succession duties. All these Bills taken together could mean a wide dispersal of an estate under certain conditions. Let me refer to the objectionable features in clause 5; they are in addition to those already in the Act. The first of these is paragraph (*b*), which states:

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

That can include the husband of a divorced woman, who is divorced either by or from that woman. We can imagine all sorts of conditions under which an injustice could be done by this person having a claim. Then paragraph (*g*) states:

a child of a spouse of the deceased person by any former marriage of such spouse.

This, too, has a far-reaching implicaton. It is easy to understand that some provision should be made for a child which is a stepchild under the age of 21 and dependent on a deceased person. However, if a deceased person has not in his lifetime undertaken responsibility for such a child, or in the event of a death where the mother or father (as the case may be) is still living and has to be provided for, there would be little reason to be concerned about the intentions in regard to such children; but many second marriages are contracted much later in life when the children of previous marriages are older. In fact, they could be middle-aged and perhaps unknown to the person concerned. To give these people a claim on an estate of a stepfather seems absolutely ridiculous. I believe that amendments have been foreshadowed to this particular clause. I indicate my agreement to doing something about what may be a completely unjust position. Paragraph (*h*) states:

a child or a legally adopted child of any child or legally adopted child of the deceased person.

That means that a legally adopted child has a claim. This is fair enough but, when it comes to a responsibility towards what, in effect, are legally adopted grandchildren, it is carrying the responsibility rather far, because legally adopted children are the responsibility of the parents who make the adoption. While those

parents are alive, I cannot see why provision should be made to give what are, in effect, legally adopted grandchildren the right to any claim on an estate two generations removed. Paragraphs (*i*) and (*j*) of clause 5 relate to the parents of children. Here again an unusual position arises. It would be anticipated that any person who had a parent in need and who had contributed to the welfare of that parent would make provision for the parent. The position becomes more complicated when a deceased person has a family. It becomes even more unusual to make this provision when the child is illegitimate or the deceased person was an illegitimate child. Under paragraph (*j*) not only the mother of the illegitimate child can claim against this child's estate but also a person adjudged by an affiliation order to be the father of the deceased person. This appears to be going from the sublime to the ridiculous. The Hon. Mr. Potter also referred to clause 6 when dealing with the omission of the words "at its discretion" where the court was concerned. This important omission should be rectified.

Unless this Bill is amended considerably from the way it is at present drafted, I shall oppose it, because the Act that this Bill repeals has been adequate. In my opinion, that is preferable to what we have before us.

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

LAND TAX ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 2530.)

The Hon. M. B. DAWKINS (Midland): I wish to make some comments on this Bill, which I am not able to support as it stands. The Hon. Sir Arthur Rymill indicated earlier this afternoon, as I understood him, that he would support the Government on financial matters (unless it was something very drastic) and while the provisions in this Bill may not be regarded as drastic, I could not agree to support the Government on it, because it reminds me of the Government's action in regard to water rates. On that particular matter, rates were increased and, at the same time, water quotas were reduced, so we got it in two ways. In the first place, the rate was increased and, in the second, less water was given for that rate, the people being required to pay excess rates at an earlier stage.

We have something similar in the measure now before us and I consider that it is not far short of iniquitous to have these proposed increases in land tax when the normal quinquennial assessment is almost due. Section 20 (1) of the principal Act provided that the Commissioner would, as at July 1, 1940, and as at July 1 in every fifth year thereafter, make an assessment of unimproved value, etc. In the last 25 years, those five-yearly adjustments have, without exception I think, been of an upward nature and there is no reason to suppose that on this occasion the quinquennial assessment will not be similar. Therefore, the Bill before us endeavours to get at the people in two ways. It will mean a double rise, in the same way as water charges have been increased. No-one would contest that the city people pay their share of land tax and this tax, together with other taxes that my honourable friend Mr. Banfield has said have been brought up to date (and they certainly have been raised), will hit the city people. They will be made aware of it in no uncertain manner in due course, particularly those who have some considerable interest.

Clause 3 of the Bill, which amends section 12 of the principal Act, does not make any alteration in relation to those properties not exceeding £5,000 in value. However, thereafter the increases become progressively steep and it is the old socialistic practice of levelling down and of taking from the haves to give to the have nots. It will result in a dampening down of initiative and enterprise, because there is no sense in having initiative and being enterprising if one is to have the gains of hard work taken away in excessive taxation. This will hit city people in the same way as it will hit people in the country. Country people, as the Government has now found out (even the Premier said something about the drought the other day), have been hit by an extremely bad finish to the season this year and they also will be hit by these increases in taxation. The bad harvest—in some cases, no harvest at all—has been accentuated by bad days such as we had yesterday, when some people lost what little they had to harvest.

In addition to that, they will be faced with another two-way tax increase in that these land tax increases will more or less coincide with the quinquennial adjustment, which will almost certainly be an upward adjustment. Therefore, I am unable to support the Government in regard to this increase at the present time. I consider it to be most inopportune. From time to time I have heard my honourable friend who sits in front of me saying, "We are doing all right. The people think we are doing all

right.'' Even this afternoon our new member, the Hon. Mr. Banfield, said something similar to that. I remind those honourable gentlemen that there may be 40 per cent of the population who normally vote Labor and 40 per cent who normally vote non-Labor, but that it is the other 20 per cent that we all have to consider. Believe me, many in the 20 per cent group have changed their views in the last nine months and these taxation increases will cause the remainder to change their views. Therefore, I find myself unable to support the Bill in its present form. I reserve the right to consider amendments that may be moved in Committee.

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

ADJOURNMENT.

At 5.4 p.m. the Council adjourned until Wednesday, November 10, at 2.15 p.m.