LEGISLATIVE COUNCIL

Thursday, November 18, 1965.

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

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Electricity (Country Areas) Subsidy Act Amendment,

Private Parking Areas.

QUESTIONS

COBDOGLA SCHOOL.

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

Leave granted.

The Hon. Sir LYELL McEWIN: On September 14 I asked the Minister of Roads a question regarding a survey of the Sturt Highway near the approach to the proposed new Kingston bridge and its effect upon the Cobdogla school buildings and property and the Minister replied that the point raised by the school committee would be considered when the matter of the position of the road was being finalized. Can the Minister say whether any progress has been made towards finality?

The Hon. S. C. BEVAN: No, unfortunately, at this stage I cannot, but I will immediately call for a report and convey the information to the Leader.

MAITLAND SCHOOL.

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 proposed Maitland Area School. Honourable members will probably recall that I have previously mentioned the urgent necessity for constructing this new school near the centre of Yorke Peninsula. In August I asked the Minister of Labour and Industry a question, which was referred to the Minister of Education, and the Minister was good enough to inform me that the matter had been referred to the Director, Public Buildings Department, who had indicated that the department would be able to call tenders early in October of this year. Can the Minister say whether tenders have been or are about to be called?

The Hon. A. F. KNEEBONE: I shall be pleased to convey the question to my colleague, the Minister of Education, and bring back a reply as soon as possible.

LOAD CAPACITY.

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 which is directed to the Minister of Transport relates to the proposed amendment to the Road and Railway Transport Act. Is the Minister aware that the definition of "load capacity" in the Government's proposed Bill differs substantially from that used to calculate load capacity for the present road tax charges? I believe that a truck with a gross weight of, say, 13 tons is calculated at that tonnage less the tare weight. If the tare weight is three tons the load capacity of this vehicle is 10 tons. The present road tax is calculated on about 40 per cent of the load capacity, on average, and the situation in relation to our present road tax law is that the tax would be paid on 40 per cent of the total load capacity (in this case, 4 tons) plus the tare (in this case 3 tons, a total of 7 tons). I believe that under the foreshadowed legislation the new road tax will be up to a maximum of 2c a ton mile on the 10 tons as against 7 tons on the present Act. Will the Minister take into account this apparent anomaly when dealing with this legislation before it is introduced here?

The Hon. A. F. KNEEBONE: I am aware of the difference between the two Acts. I am also aware that the road maintenance tax applies to a vehicle whether loaded or empty. As honourable members will find when the legislation reaches this Chamber, there will be a difference between the taxing provisions of the two Acts. The Road and Railway Transport Act relates to the carrying capacity of a vehicle and it is only when it is in competition with the railways that the Act will apply. This means that it does not cover empty running.

NATIVE FLORA.

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

Leave granted.

The Hon. H. K. KEMP: In many of the older districts the only remaining original vegetation is along the roadsides and in such curious places as public reserves, which are often cemeteries or rubbish dumps, or the like sort of thing. In many cases the remnants that are present are important taxonomically but are in great danger of vanishing as

result of the clearing-up operations on roadsides, etc., that most good councils have under way. With the use of weed-killers also we shall lose many remains of our vegetation that otherwise would, happily, be preserved, because these roads are not grazed out now. The Commissioners of National Parks know about this but have no power at present to do anything about it. However, this vegetation could be preserved if the councils knew of the existence and value of these rare groups of native plants. Will the Minister representing the Minister of Lands ask his colleague to give the Commissioners of National Parks a direction that, where these unique or important groups of vegetation are known to exist, they be brought to the attention of the local councils and their value stressed?

The Hon. S. C. BEVAN: I will refer the honourable member's question to my colleague the Minister of Lands and obtain a report on that.

LAND TAX ACT AMENDMENT BILL.

In Committee.

(Continued from November 17. Page 2866.)

Clause 3—"Taxes on land and rates", which the Hon. Sir Lyell McEwin had moved to amend by striking out "and subsequent financial years".

The Hon. Sir LYELL McEWIN (Leader of the Opposition): Having examined these amendments, I think the Minister's suggested amendment takes precedence of mine inasmuch as it comes two lines earlier in the clause than my amendment. In those circumstances, I am prepared to withdraw my amendment temporarily and ask leave to do so.

Leave granted; suggested amendment withdrawn.

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

That it be a suggestion to the House of Assembly that clause 3 be amended by striking out all words from and including "striking" down to and including "(1) The", and inserting in lieu thereof "inserting therein after subsection (1) thereof the following subsection:

(1a) Notwithstanding the provisions of subsection (1) of this section, the".

This suggested amendment, the proposed amendment of Sir Lyell McEwin having been withdrawn, means that the proposed new rate for 1965-66 will remain for one year only and then the rates, unless altered by a future Bill, will revert to the present rates for the succeeding years. The intention is that the increased rates shall apply for this one particular year only and then the rates at present in operation will be resumed, unless otherwise amended by future legislation.

The Hon. Sir LYELL McEWIN: I regret that I am unable to support the Minister's suggested amendment as it completely upsets the purpose of the amendment that I would move. Parliament should have the opportunity next year, after the receipt of the new quinquennial re-assessment, of examining the position at that time, together with the rate of tax. The Minister's amendment will continue the rate of tax that is now in operation, whereas my suggestion would allow a review of the rate next year. At the present time we are approving an increase of tax from 25 per cent to 30 per cent on the old valuations, but we do not have any information as to the likely impact of the re-assessment next year. The first intimation the taxpayers will have as to the new assessments will be in February of next year and it is not known whether the increases will be 25 per cent, 40 per cent or some other figure. It is necessary that Parliament should retain some control over taxes that are levied on the community and that is not an unusual procedure, as I mentioned during the second reading debate. It is not a suggestion that will embarrass the Government as it will not interfere with budgeting for this year. All it means is that it will be necessary next year to introduce a Bill in order to relate the new scale of taxes to the quinquennial re-assessment. It would not cause inconvenience to the Government.

A further reason that I think justifies a review of the tax next year is that, while this Bill provides for the assessment to be made on a decimal currency basis, there is nothing in the Bill regarding an adjustment as far as the rate of tax is concerned, and it will therefore be necessary for the Government to bring down a Bill next year to deal with that matter. I ask the Committee to oppose the amendment.

The Committee divided on the suggested amendment:

Ayes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Noes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Majority of 10 for the Noes.

Suggested amendment thus negatived.

The Hon. Sir LYELL McEWIN: I move the following suggested amendment:

To strike out "and subsequent financial years".

I have examined the Chief Secretary's suggested amendment to see if there is room for compromise but there cannot be a compromise; we either provide that the rate be reviewed, or we do not. Although various figures have been quoted regarding what the effect of this Bill will be, I have a strong belief that its provisions will mean that the land tax in South Australia will rise above the Commonwealth average. I have examined the figures given by the Chief Secretary and also the Statistician's figures used by the Grants Commission, and even accepting the most optimistic figure of a difference of 2s., I consider that the rates being provided this year will put us in a high bracket.

We should have the opportunity of examining the matter again next year, when we will know the result of the new rates and the effect of the new assessment. The carrying of my suggested amendment will not affect the Government's taxing powers for this financial year in any way.

The Hon. A. J. SHARD: It is not my purpose to debate the amendment at length, other than to say that the Government cannot accept it, in the circumstances. We did what we could to clear the matter up by way of compromise. However, I point out that if this suggested amendment is carried and if a Bill is not introduced next year, the Government will not have any land tax provisions. If honourable members want to take that risk, that is their responsibility, not the responsibility of the Government. I ask the Committee to defeat the suggested amendment.

The Hon. Sir LYELL McEWIN: It would be just as correct to say that the affairs of the State could not be carried on next year unless an Appropriation Bill were passed. We have an Appropriation Bill every year, and it is just as easy to introduce a land tax Bill. When we had State income tax in South Australia, a taxation measure always accompanied the Budget.

The Hon. R. C. DeGARIS: I support the suggested amendment, because I think it is reasonable. If it is not carried, the present rate will apply to assessments made at the quinquennial assessment next year. It is necessary that this matter be reviewed completely next year, as we have no idea what the quinquennial assessment will be, for we have this iniquitous system of the land tax ladder becoming more closely runged, and particularly as £5,000 is the first step of the ladder. Even at the existing rate, there could be severe repercussions as a result of the new assessment, which may easily mean that a small farming area that now has an unimproved value of £8,000 will be valued at £10,000 to £12,000. As a result, I think it will be necessary next year to have a close look not only at the rate but also at the new assessment. I support the suggested amendment.

The Committee divided on the suggested amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Suggested amendment thus carried; clause with suggested amendment passed.

Clause 4 passed.

Title passed.

Bill read a third time and passed.

SUPERANNUATION 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.

It arises directly out of the Government's electoral promise that it would take early action to place the superannuation provisions for Government officers and employees upon a basis equal to those of other States and the Commonwealth. As the Opposition Party made an electoral promise in closely similar terms, I do not expect that this Bill will be controversial.

Shortly after the Government took office, the Treasury was asked for a full report upon how the South Australian provisions compared with those of other States and the Commonwealth, and for proposals to implement the policy undertaking. Those proposals were submitted on the basis of a fair average of the provisions in the other States and the Commonwealth, not being as favourable as the best or as unfavourable as the worst of other schemes. Several conferences were held with the representatives of the Government Superannuation Committee, on which all the major

unions and associations as well as pensioner associations are represented. As a result of these conferences a very large measure of agreement was reached, resulting substantially in the Bill now presented. The result may be fairly described overall as a good average of the provisions existing elsewhere. The Government thinks it reasonable to make provisions that may be a little better than average in some respects, for it will be apparent that other States will from time to time make improvements. We do not always want to be the State that is lagging; yet we do not want too frequent amendments merely to keep level.

Members will recall and greatly regret that some months ago the Public Actuary died. So far, a replacement has not been secured. We have nevertheless found it practicable to proceed with all the proposed amendments except one. It is proposed to provide for optional subscription for full pension upon retirement up to five years earlier than the compulsory retirement ages of 65 for men and 60 for women. It has not been possible to include the necessary provisions in the present Bill, because they are necessarily of a highly technical nature. This is a matter that can be dealt with by special supplementary legislation in due course, and the Government will bring down such a measure as soon as reasonably practicable. It has in mind certain special arrangements for contributors on present contribution schedules to purchase full pensions upon early retirement and there will, therefore, be no serious consequences through the unavoidable delay. Before referring to the clauses of the Bill it will be useful to outline the main features of the changes and how they compare with other schemes.

The standard rate of Government subsidy elsewhere varies from 71.4 per cent in the Commonwealth and three other States to 62.5 per cent in Queensland, whilst New South Wales has subsidies varying from 60 per cent to 72.5 per cent. The average of all these rates is about 69 per cent. It has been decided to adopt a standard subsidy in this State on the basis of 70 per cent by the Government. This is slightly better than the average but will be very much easier to apply and administer with decimal currency than 69 per cent. Members will recall that our State scheme commenced on a 50 per cent subsidy basis and has subsequently been adjusted, first to a 60 to 40 basis and then to 66⅔ to 33⅓ (that is, 2 to 1). In the application of the new rate of subsidy for present pensioners, any individual pensioner whose payments to the fund were on a basis of subsidy less favourable to him than 70 to 30 will be given an appropriate increase so that the Government will provide 70 per cent of the standard pension. There are many cases of pensioners where, by virtue of past special concessions in contributions or increases in pension rates either without contribution or at reduced rates, the Government already pays 70 per cent or more. In those cases there will be no further increase, but of course no person receiving better than a 70 per cent subsidy will suffer a reduction. So far as present contributors are concerned, the excess they may have paid beyond the new standard 30 per cent will be calculated and placed to their credit. This will be available to cover future contributions at the new lower rate or, if desired, it can be held until retirement as a special retiring lump sum payment.

For widows the present proportion of a full contributor's persion is 60 per cent. In most other funds the proportion is 62½ per cent, though in Tasmania it is 66⅔ per cent. It is proposed that in South Australia it be 65 per cent. This figure is chosen as being easy to apply with decimal currency and is a little above the average elsewhere. This change will mean that all widows' pensions will be raised by one-twelfth. Payments on account of children of deceased contributors or pensioners are at present £2 a week for orphans, and £1 a week if the mother is living. It is proposed to put both on the same level of £2 (or $4) a week. This will be rather better than most other schemes for dependent children with the mother living, and about equal to average for orphans. With decimal currency it is proposed that the new unit be worth $2 a fortnight, compared with the existing unit of £52 a year, and there will be two new units for each old one. This, as well as providing for conversion to decimal currency, provides for fortnightly instead of half-monthly payments, which will be more convenient. Also, it will involve a slight monetary advantage to the pensioner as there are slightly more than 26 exact fortnights in a full year.

The entitlement to contribute to the South Australian scheme has been slightly less favourable than most others for salaries below about £1,700 a year but rather more favourable above that level. Following representations from the employees and officers, it is proposed to increase entitlement in the lower levels broadly on the basis of contributing for a pension of 70 per cent instead of 65 per cent of salary. In the higher levels this falls off to 50 per cent. Whilst for salaries between about £1,700 and £3,000 this will mean a rather lower

entitlement than previously, no present contributor will be called upon to reduce the extent of his contribution. It is reasonable that, if the Government is to support higher pension entitlements for groups presently below average, it should not have to continue to support those significantly above average.

New schedules of contribution rates are also proposed. These are lower than hitherto, for two reasons. First, they are based upon a 70 per cent Government subsidy instead of two-thirds. Secondly, they take account of the significantly higher interest earning rates of the fund. Broadly, the rates are lower to the extent of over 20 per cent for young ages and more than 10 per cent for ages near the retiring age. To meet the relatively isolated cases of new entrants aged over 45 years where contribution rates even on a 30 per cent basis are heavy through the short period of contribution before retirement, specially reduced rates are provided for a pension of up to $14 a week, which is the amount presently free of "means test" for Commonwealth age pensions for man and wife. The other matters are mainly administrative or are connected with necessary adjustments with decimal currency. It is proposed that the changes come into operation on February 1 next, which is convenient because of the operation of decimal currency from mid-February. The estimated additional cost to the Government arising out of the amendments proposed is about £40,000 a year immediately, but this will increase considerably in the future as more contributors become eligible for pension. At present the total Government payments for superannuation are running at the rate of about £1,500,000 a year.

I now turn to the Bill itself. Clause 4 removes the requirement that an actuary must be a member of the board. Clause 5 provides for fortnightly instead of annual calculations of the cost of management of the fund and is purely administrative. Clause 6 will enable female employees in the Service who continue to be employed to continue to contribute for superannuation after marriage. Clause 7 will enable subscribers to the Police Pension Fund to take advantage of the voluntary savings fund. Clause 8 inserts a new section 75c into the principal Act to give effect to the matters which I have mentioned in my opening remarks. It consists of eighteen subsections and will apply on and from February 1 next. Subsection (1) of the new section provides that after January 31, 1966, pensions shall be payable fortnightly instead of twice monthly as at present. Subsections (2), (4), (5) and (7) increase pensions to widows, both present and future, from 60 per cent of contributors' pensions to 65 per cent and rates for dependent children whose mothers are living from £1 to £2 a week. Subsections (3) and (6) make provisions along existing lines covering cases of widows who remarry.

Subsections (8) and (9) provide for the necessary adjustments in respect of past contributions following the decision to provide for an increase in the Government subsidy from 66⅔ per cent to 70 per cent with a credit to contributors who have paid more than 30 per cent in contributions. Subsections (10) and (17) (*a*) provide for the new scales of contribution for units taken up after February 1, 1966. As I have said, the new scales are lower than the present ones in view of the increase in the Government contribution to the fund and the higher earning capacity of the fund. Subsection (11) provides the new scale of units of pension for which contributions may be made. As I have explained, the entitlement is increased for lower levels and is slightly decreased for salaries between about £1,700 and £3,000. Subsections (12), (13), (14), (15) and (16) are machinery provisions. Subsection 17 (*b*) makes the necessary provision to enable future new entrants aged over 46 years to pay certain minimum contributions at reduced rates. Subsection (18) is a machinery provision. Since all of the new contributions and scales of units of pension are set out in terms of decimal currency, it is necessary to provide for these amounts to be read in terms of existing currency until decimal currency comes into operation.

Clause 9 of the Bill amends the regulation-making power by adding two paragraphs thereto. Paragraph (*d*2) is amended to make it possible for any surplus in the fund from time to time to be distributed wholly or in part among contributors. New paragraph (*d*3) enables the making of regulations prescribing the rate of conversion into Australian currency of salaries paid in another currency for the purpose of determining the number of units for which persons receiving such salaries may contribute. In particular, members of the staff of the Agent-General are paid in sterling and the new provision is intended to cover such cases. Clause 10 sets out the new rates of contribution payable for males and females for units taken up after February 14, 1966. I commend the Bill to honourable members for consideration.

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

STAMP DUTIES 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.

It makes a number of unconnected amendments to the Stamp Duties Act principally in relation to the stamp duty on cheques, certain new provisions relating to receipts and matters arising out of the proposed adoption of decimal currency. Most of the clauses dealing with various subjects appear in various parts of the Bill and I shall therefore deal with each matter in order.

The first general amendment is effected by clauses 4, 14, 15 (*b*) and 16 which have the effect of repealing the existing provisions governing amusements duty. As honourable members know, it has been the practice for a number of years to suspend the levy of this duty, the most recent suspension being operative until 1967. The Government has decided to repeal all the provisions relating to amusements duty. Clauses 5, 15 (*a*), 17 and 18 relate specifically to decimal currency. Section 20 (1) of the principal Act provides for interest on unpaid stamp duty at a rate of £10 per cent per annum. A direct conversion of pounds to dollars would result in doubling the penalty which would become $20 per cent per annum. Accordingly, clause 5 of the Bill strikes out the word "pounds" in section 20. Clauses 15 (*a*) and 17 provide generally for amendments throughout the principal Act to substitute the new (decimal) currency for the existing references which, of course, are in terms of pounds, shillings and pence. The clause excepts section 47a which made specific provision following the passage of the amending Act of 1952 when the duty on cheques was raised. Similarly, clauses 5, 8, 10 and 15 are excepted because these make specific amendments and the formula for direct conversion would not apply. Clause 18 will enable the use of old style stamps for a limited period (to be determined by proclamation) after decimal currency comes into force. Clause 6 of the Bill empowers the Commissioner to refund the stamp duty on registration of a motor vehicle or the transfer of a motor vehicle where there has been some mistake or the vehicle has been returned by the purchaser to the vendor within seven days. Cases have arisen where a vehicle has been delivered and the purchaser has returned it on the grounds that it was not what he ordered. Clearly in such cases provision is required for a refund of the stamp duty.

Clauses 8 and 15 (*c*) raise the stamp duty on cheques from three pence to five cents. The proposal to raise the duty was mentioned in connection with the Budget speech when it was indicated that for the purposes of increasing the revenue this step would be taken. It has already been taken in Victoria and at least two other States are contemplating a similar change. It is estimated that the increase will produce additional revenue of approximately £450,000 in a full year—about £150,000 for the current financial year, since the new rate does not come into force until February 14, 1966. In connection with the addition of duty I point out that by clause 7 provision is made for the use of existing forms stamped with three pence already in the hands of customers when the new rate becomes operative for a limited period. This will enable customers to use cheques in their possession until they become exhausted with the proviso that this privilege will cease one month after a proclamation. At the end of that period old cheques will be required to carry the additional duty.

I deal next with clause 9. The object of this clause is to prevent the avoidance of stamp duty by adoption of a scheme which has recently been before the House of Lords. In the case in question two parties negotiated for the acquisition of certain property—in the particular case, shares. One of the parties gave to the other an option to purchase which could be exercised orally. The property in question was transferred to the proposed purchaser to be held in trust for the vendor. The transfer passed no beneficial interest in the property to the purchaser and it was provided that if the option should lapse the property should be retransferred to the vendor. The option was in due course exercised and the House of Lords held that *ad valorem* stamp duty was not chargeable on the transfers as conveyances on sale. It will be seen that adoption of such a scheme could result in heavy losses to revenue, the duty payable being only £1 instead of £1 on each £100. Following the House of Lords decision the United Kingdom Finance Act was amended and the present clause is modelled upon the English amendment. In effect, it provides that any instrument by which property is conveyed in contemplation of a sale is to be deemed to be a conveyance on sale and thus liable for

ad valorem duty. Subclause (2) provides for a refund if the sale falls through within one year or if the sale has taken place for a lower consideration than the amount on which the duty was assessed.

Clauses 10, 11, 12 and 13 and clause 15, paragraphs (*e*), (*f*), (*g*), (*h*), (*i*) and (*j*) deal with receipts. Shortly stated, the effect of these amendments is to make the giving of dutiable receipts compulsory and to alter the amount of duty from the present 2d. for £2 or over to 2c for $10 (£5) or upwards but under $100 (£50), 10c from $100 (£50) to under $1,000 (£500) and 20c for every receipt for $1000 (£500) and over. In connection with the new scales I would mention that they are comparable with those already existing or contemplated in the other States. Certain exemptions from the obligation to give a receipt are also provided. It is expected that the extended list of receipts exempt from duty will almost cancel out the increases in duty, leaving possibly a small net increase overall.

In detail, clause 10 alters the amount of dutiable receipts from £2 to $10 (£5). Paragraph (*b*) will include in the definition of "dutiable receipts" cash sale dockets. Clause 13 imposes the obligation to give receipts liable to duty. Clause 11 removes an anomaly from section 83, which strictly means that a receipt cannot be stamped with an impressed stamp after the expiration of one month. Paragraph (*e*) of clause 15 sets out the rates of duty on receipts and clause 12 and clause 15 (*f*), (*g*), (*h*), (*i*) and (*j*) deal with the exemptions of receipts from stamp duty. In addition to the exemptions already provided in the principal Act, all receipts for payment of salaries, wages or pensions will be exempt; receipts for gifts will be exempt if the amount concerned does not exceed $20 (£10) instead of £5 as at present; other exemptions include receipts in respect of bets on races or on totalizators, receipts for income by way of dividend or interest, receipts in relation to the allotment, purchase or sale of Government or public stock, debentures, bonds and the like, and receipts for money delivered by a carrier to or from any bank. Paragraph (*d*) of clause 15 raises the duty on letters of allotment and script from 1d. to 5c (6d.). The rates in a number of other States are very considerably higher than this amount.

Clause 15 (*k*) exempts from duty hire-purchase agreements made by the Minister of Aboriginal Affairs. From time to time financial assistance for the purchase of furniture is made available to Aboriginal families under hire-purchase terms free of interest. As Government moneys are involved there is no point in these instruments being stamped. The last matter is dealt with in paragraphs (*l*), (*m*) and (*n*) of clause 15 which deal with partial exemptions of ex-servicemen from duty on conveyances, transfers or mortgages in respect of residences. Paragraphs (*l*) and (*m*) extend these provisions to persons who have been on active service in any proclaimed area outside Australia or any proclaimed military operation. At present the exemptions are confined to cases of actual war or action to suppress violence in Malaya. It appears to be desirable to enable the participants in military operations short of declared war to take the benefit of the exemptions.

With respect to paragraph (*n*) the intention of the present exemption was to give the concession to servicemen who served during the Second World War. By proclamation that war is deemed to have ceased in February, 1954. This means that any person who served full time in an Australian or British Service at any time before February, 1954, is entitled to the exemption, and could even include all persons called up for full-time national service up to that date. A considerable proportion of the refund of stamp duty which has recently been made has been in respect of migrants of whom about one-half have had military or sea-going service only in the period following cessation of actual hostilities. It is accordingly provided that the exemption shall be restricted to persons who served before December, 1945.

I mention, lastly, that the amendments relating to amusements duty, refund of motor vehicle registration duty, avoidance of duty, the exemption of hire-purchase agreements made by the Minister of Aboriginal Affairs and the clauses dealing with concessions to ex-servicemen come into operation immediately. All of the other amendments do not come into operation until February 14, 1966, the day on which decimal currency is introduced. I commend the Bill to honourable members.

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

CONSTITUTION ACT AMENDMENT BILL (SALARIES).

Adjourned debate on second reading.

(Continued from November 17. Page 2867.)

The Hon. D. H. L. BANFIELD (Central No. 1): I support the second reading of the Bill, which increases the payment to members of the Subordinate Legislation Committee from £200

to £250 a year. Yesterday the Hon. Mr. DeGaris said that this committee was set up in March, 1935. However, the committee that was set up in 1935 was only an honorary one set up to report to the Government on what additional safeguards were desirable or necessary to secure the constitutional principle of Parliament.

Following its recommendations, the Constitution was amended in 1937, empowering the two Houses to make Standing Orders for the establishment of a Joint Standing Committee of both Houses to examine and report to the Council and to the Assembly upon all regulations, rules, by-laws and orders made pursuant to any Act of Parliament. The first committee that was appointed in September, 1938, comprised one Government member, one Opposition member and one Independent member from each House. In 1939 it was decided that there should be some payment for members of the committee. It was decided that the Chairman of the committee should be paid £250 a year and that members should be paid £125 a year. In 1963 the amount paid to the Chairman was increased to £300 and that paid to members was increased to £200, but that decreased the margin between the payment to the Chairman and that to a member of the committee.

The present proposal is to further increase the amount for members other than the Chairman from £200 to £250, again decreasing the margin. I can only assume that the members of the committee are now working in better harmony and are making the work of the Chairman much lighter than was the case when the committee was first set up, resulting in the relative responsibilities of a member and of the Chairman being fairly close.

That is probably why no increase is provided for the Chairman although, in the light of changing money values, perhaps he should have been given some increase. There is no doubt that this committee is a hard-working one and one that serves a useful purpose. Compared with the remuneration paid to members of other committees, the present rate is too low. Consequently, I am happy to support the Bill.

The Hon. C. R. STORY (Midland): I, too, support the second reading of this Bill. As the Hon. Mr. Banfield has said, it increases the remuneration of members of the Subordinate Legislation Committee. I have some knowledge of the work of the committee, and I commend it for the work it does. It is a very good watchdog for Parliament.

The Hon. Sir Norman Jude: I hope its members are not bulldogs!

The Hon. C. R. STORY: They are not. They may be tenacious, but they have never frightened anyone away, to my knowledge. About a week ago a report of evidence taken before the committee was tabled; this was the first time in my experience in this Chamber that this was done. It has not been the past policy of the committee to table the full evidence given in relation to recommendations for disallowance in this Chamber. I do not think all the evidence should be tabled.

The Hon. Sir Arthur Rymill: But it should be available to honourable members, though, shouldn't it?

The Hon. C. R. STORY: I am coming to that. I think we should consider the Standing Orders in relation to this committee and other committees of Parliament, such as Select Committees. Joint Standing Order No. 30 sets out the procedure in respect of these matters. If we look at the Standing Orders under which the Joint Committee on Subordinate Legislation is set up, we find various things that it must do. Joint Standing Order No. 31 provides:

The procedure of the committee shall, except where herein otherwise ordered, be regulated by the Standing Orders of the Legislative Council relating to Select Committees.

Standing Order No. 398 of the Legislative Council provides:

The evidence taken by any committee and documents presented to such committee, which have not been reported to the Council, shall not be disclosed or published by any member of such committee or by any other person without the permission of the Council.

I remember evidence of a most confidential nature being given by people in business to help the committee to make its report to Parliament. It is entirely for the committee to say how it will deal with its own affairs, but I think it should consider what I am saying. Standing Order No. 398 gives the lead in this matter. *May's Parliamentary Practice*, 17th edition, at page 661, in relation to reporting of evidence, states:

It is usual to present the evidence to the House together with the report. A committee may, however, instead of reporting the whole of the evidence to the House, report only so much of it, or such summary of it, as the committee may judge necessary in order to present the grounds of its conclusions to the House. Committees also frequently refrain from reporting parts of the evidence on grounds of security or the public interest. When the evidence has not been reported by the committee, or if the evidence, as reported,

should not be deemed sufficiently full or complete, the House may order the minutes of evidence to be laid before it. When the evidence is presented in pursuance of such an order it is usually ordered to be printed.

This committee is not a Select Committee to investigate hybrid Bills; it is a fact-finding committee set up to give its members an opportunity to hear evidence so that they can inform themselves and eventually report to Parliament. Standing Order No. 438 provides:

All witnesses examined before the Council, or any committee thereof, are entitled to the protection of the Council in respect of anything that may be said by them in evidence.

Although this does not preclude the calling of evidence, it is up to this Council to decide whether the evidence should be tabled. I am merely suggesting to the committee that the Chairman should warn witnesses that evidence may be tabled. There is no power to force people to give evidence before the committee.

The Hon. Sir Arthur Rymill: I think Standing Order No. 398 is a bit more stringent even than you say. It may mean that no member of the Council is entitled to read the evidence.

The Hon. C. R. STORY: That is right. The Chairman of the committee should make it clear to witnesses that the evidence can be tabled, in which case it will become public property. It did not take long for the evidence tabled here recently to become public knowledge; a letter to the Editor of the *Advertiser* two days ago contained quotations from the evidence of a witness before the committee.

The Hon. F. J. Potter: And it was a mistaken view of the evidence, too.

The Hon. C. R. STORY: That is so. The writer of this letter took the evidence out of its context and put his own interpretation on it. I do not wish to prevent honourable members from getting information, but I think the committee would be wise to precis the evidence and perhaps attach it to the report. This applies to both Houses of Parliament at present but, as this joint committee is set up, I believe that the message should get to another place as well. The way to do that is through the representatives of this Council to the committee as a whole, so that our representatives can bring these matters to the notice of the Chairman of the committee. I should be reticent about going before the committee to give some confidential evidence about a business that I was running or was being run by somebody else if I thought that my competitor could read about it in the paper the next morning.

My experience on the Public Works Committee is that three firms might be giving evidence, all in competition with each other; they were helping the committee by giving certain evidence which included projections of the increase in their volume of business over a period of years. That sort of information is very handy for a competitor and, if the evidence of that committee is laid on the table, it is not good. I do not wish to labour that point further but I hope that what I have said will be taken in the way it is meant: that the evidence is given voluntarily by people, in the full knowledge that their evidence will be treated as confidential and that the committee may use some portions of it to inform Parliament. However, I make this final point, that none of this evidence can become available, either to members of Parliament or to other people, until the report is tabled, with the relevant documents if necessary. I commend the committee for its work and think that the small amount of additional payment is long overdue.

Bill read a second time and taken through its remaining stages.

HARBORS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 2867.)

The Hon. G. J. GILFILLAN (Northern): I support this comparatively simple Bill. Clause 3 makes a small alteration to the regulations governing ships entering a port. It is only common sense to overcome the problems associated with ships entering the port at Port Augusta. Clause 5 amends the Fourth Schedule to the principal Act, which deals with the disposal of land by the Harbors Board. Again, this is common-sense legislation. Clause 4 deals with harbour improvement rates, and I should like to mention briefly the implications involved in increased charges here compared with increased charges in other measures that come before this Council. It is a simple clause. It increases the amount of the charge that can be made for harbour improvement rates from 1s. to 3s., which is a considerable increase. Also, it amends the wording of section 127 of the principal Act by inserting "or any" after "all" in subsection (1). This means that any charges levied under this section for harbour improvements (if this amendment is approved) can be levied on specific goods but not on all goods. So there will be different charges for different classes of goods passing through our wharves.

I question the desirability of this, because our harbours and our Harbors Board are at present in a sound financial position. Millions of pounds have been spent on providing really good facilities at our harbours for existing enterprises using them. There is some reason to believe that to levy a special rate on a new enterprise starting up can be unfair when existing enterprises enjoy excellent facilities that have been provided from general funds. This could react unfavourably against new enterprises wishing to establish themselves and requiring wharf facilities.

I have already mentioned the great increase in these harbour improvement rates. I am becoming concerned that in almost every Bill that comes before us in these days the Government appears to be anxious to find a way to increase its revenue. For instance, this afternoon a Bill to increase the stamp duty was introduced here. It will be found that a number of Bills that have passed through this Chamber during this session have resulted in all kinds of increases in charges that will swell the revenue of the State. I refer to such minor things as pistol licences, and although many are only small increases, there seems to be a general desire to increase taxation wherever it is possible for the sake of extra revenue.

Amended regulations have been laid on the table dealing specifically with increased harbour charges. Examination of the details of the proposed changes gives rise to grave concern as to the direction in which we are heading in this State with generally increased charges. An increase in transport charges has been foreshadowed in this Chamber, and the same subject is before another place at the present time. Transport is vital to a State such as South Australia, and it appears that it is proposed to tax everybody under this proposed new legislation. We must consider the effect on primary and secondary industry exports and the necessity to compete on overseas markets. One of the major charges on export has been the cost of handling products through the ports of the State. An examination of the proposed regulations at present reveals that such charges are increased by up to 200 per cent, and they cover a wide range. Many of the charges on major export items have risen by perhaps 30 per cent to 40 per cent. It is possible that the effect of these increases will mean an increase of some £500,000 to the State's revenue. I mention these things because it is obvious that most of the increases are merely revenue-producing taxes.

The Auditor-General's report for the last five years reveals a considerable Harbors Board surplus at the end of each financial year. In 1960-61 the surplus was £371,856; in 1961-62 the figure was £199,258; in 1962-63, £110,868; in 1963-64, £470,887; and in the year 1964-65 the surplus was £306,990. In each case the net surplus resulted after provision had been made for all charges such as interest on working capital and necessary expenses attached to the operation of our harbours. It can be seen that, by regulation, the proposed increases could amount to an extra £500,000, and that means that our harbours, by way of these increased charges, will be contributing almost £1,000,000 a year from what really amounts to taxation on the people of this State. We should view with concern these methods of increasing charges. I support the second reading of the Bill.

The Hon. R. A. GEDDES (Northern): In speaking to this Bill I refer first of all to clause 3, which makes it necessary for the pilot taking ships into Port Augusta to board the ship at the nearest pilot-boarding station. It is interesting to observe that this anomaly has at last been noticed in 1965. Shipping has been entering Port Augusta for many years; in fact, it was a port opened early in the history of the State at a time when the lure of gold and copper was strong and these minerals were brought into Port Augusta for shipment. Later the port was used for the wool trade, and it continued to thrive as the State progressed. Admittedly the need for a pilot in the early days may not have been as great as it is now, but nevertheless it seems to have taken a long time to correct that anomaly.

In reading the Minister's explanation of clause 5 regarding the sale of land in the Greater Port Adelaide area I can understand the problem facing the authorities. I support this part of the Bill. The plans that will eventually mature in this area will result in the acquisition of many new industries and the erection of many new buildings to the benefit of the State. The Hon. Mr. Gilfillan's comments on the surpluses that have resulted from the tax on harbour improvement were interesting. These taxes are dealt with in clause 4, about which I have some questions. I refer first to the raising of the fees for harbour improvement from 1s. to 3s. The charge of 1s. is at present levied on all goods brought to or discharged from any specific port and in the Minister's second reading

speech he explained why the increase was thought to be necessary. He said:

For example, it is proposed at Port Lincoln to build facilities for the landing of fish and the exporting of tuna and meat. It might happen that the board would have to impose a harbour improvement rate to meet the cost of providing such facilities and this rate would under the existing provisions have to be imposed on all goods shipped from that port including, for example, on wheat. The insertion of the words "or any" would permit the board to impose a rate only upon the particular goods for which facilities are provided, *i.e.*, upon tuna and meat.

First, it is common knowledge that a big problem faced by the major shipping companies in Australia is the run-down state of wharf facilities. That is increasing shipping costs and helping to slow down the turn-round of ships. The position regarding harbour facilities for loading and unloading ships is extremely critical in some States. Because of a report I read on the harbour facilities in New South Wales, I inquired of those engaged in the shipping business in South Australia as to the condition of our facilities and it was pleasing to find that they considered that the facilities at all our principal ports were in good order, of advanced design and providing a service equal to the needs.

Therefore, I am wondering why it is necessary to increase the charge for harbour improvement from 1s. to 3s. The Minister suggested that the charge could possibly be for a particular industry using these facilities and he mentioned tuna and meat shipped from Port Lincoln. That is the bone of contention. The tuna industry is relatively young and is fraught with all the problems of seasonal conditions. There is also the problem of whether the fish are in the right place at the right time and after the commencement of the tuna season last year the weekly catch was well below average for a long time because of those problems.

The industry benefits the State as well as the Commonwealth. It produces an excellent export market overseas and it provides employment in the State and, because of the prosperity of the men and women at Port Lincoln, it helps to maintain it as a thriving town. Regarding the handling of meat, the new Nelsons meat enterprise now operating in Adelaide, which has been mentioned by the Hon. Mr. Hart and the Hon. Mr. Dawkins, is providing an excellent service for many Eyre Peninsula farmers who are able to have their livestock slaughtered on the hoof. We in Adelaide thus receive better quality meat and the owners of the stock receive better prices. However, this proposed increase in charges could be imposed on such livestock if they were handled at the wharves to be built at Port Lincoln.

The Hon. L. R. Hart: That will mean costlier meat to the consumer, won't it?

The Hon. R. A. GEDDES: Well, there will be these extra charges and I have not yet met many people who like to absorb these charges; they pass them on. The position regarding the export of mutton is extremely difficult at present. The American market is becoming more competitive and any additional charge certainly will not result in the sale of our meat being made any easier. There is certainly a market for our fat lambs in Great Britain, but the price structure is also very competitive and the position will be worsened if the charges for harbour improvement are increased. If our harbours are in fair order now and if the economy is spiralling higher, should we impose another charge on a specific section of the community, particularly those engaged in agriculture, who cannot pass on the increased costs?

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

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 2872.)

The Hon. R. C. DeGARIS (Southern): I support the second reading of this Bill, which is designed to assist the Government, or any other body with statutory powers, to acquire land for public purposes. Such Bills as this should receive the close scrutiny of the Council. At present, a person from whom land is to be acquired can place a price on that land and if the acquiring authority offers a lower price than that placed on it by the owner and if there can be no agreement on the matter, the total price must be paid into court. The money remains there until the court makes a decision. Some rather unreasonable claims have been made in the past. I understand that there have been cases where the price offered by the acquiring authority is only one-fifth of that asked by the owner of the land, and this causes difficulty for the body acquiring. This means that very large sums of money can be tied up in the court, and on the other hand there can be serious delays in acquiring land urgently required for public works. As an example of this, one landowner can engage in litigation and hold up

the complete development of a freeway. I am pleased that new section 23 (*b*) is inserted by clause 5; this was added to the Bill in another place, and it has altered the approach of this Chamber to the Bill. Unless this new section were in the Bill I could not give it my general blessing.

The Hon. Mr. Rowe mentioned other matters contained in clause 5. New section 23a (1) (*b*) provides:

In any case where, diligent inquiry having been made, no such person has become known to the Minister or authority—after the Minister or authority, as the case may be, has published in the *Gazette* a notice to treat addressed to such persons as may have an estate or interest in the land . . .

I have not a legally-trained mind, but I think the honourable member has a good point in relation to the words "diligent inquiry". As he has pointed out, when action is taken under the Motor Vehicles Act against a nominal defendant, the words "due inquiry and search" are used. Those words would place a greater onus on the Minister to try to find persons interested in any land the Government might wish to acquire. I am certain that the Government will see the point, and I hope it will accept the foreshadowed amendment.

The Hon. A. J. Shard: It has seen the point.

The Hon. R. C. DeGARIS: I am pleased that this matter will rectified. The Hon. Mr. Rowe will also move to amend new section 23b (1) (*b*) by altering the period from three weeks to four weeks.

The Hon. A. J. Shard: You need not canvass this unless you wish.

The Hon. R. C. DeGARIS: I am pleased that the Minister is so agreeable on this matter. However, I think it may be desirable to have a longer period than four weeks, particularly as certain unions are now seeking four weeks' annual leave.

The Hon. A. J. Shard: Don't test our generosity too far!

The Hon. R. C. DeGARIS: The Hon. Mr. Rowe also mentioned new section 23b (5), and when he was speaking about this there was considerable interjection by the Chief Secretary.

The Hon. A. J. Shard: We were agreeing, mostly.

The Hon. R. C. DeGARIS: I do not think so, although the Chief Secretary may have agreed towards the end of the difference.

The Hon. A. J. Shard: This relates to the payment to the promoter.

The Hon. R. C. DeGARIS: This is where a seller or a person from whom land is to be acquired asks, say, £10,000 and the acquiring authority is prepared to pay only £5,000. Under the present law, £5,000 would be paid to the person from whom the land was to be acquired, and then the matter would go into court for decision. Under the Bill, if the court decided that the compensation should be only £4,000, £1,000 would have to repaid by the person from whom the land was acquired. This has happened in some cases, and the honourable member's amendment is a practical one. Where an offer has been made, the award of the court should not be lower than that offer.

The Hon. Sir Norman Jude: Why does the matter go to the court if the person is prepared to negotiate or accept a figure?

The Hon. R. C. DeGARIS: It is not a matter of negotiating. The person may want £10,000 and an offer of £5,000 may be made; he is paid this sum, and then the court has to decide on the valuation. It may decide on £4,000.

The Hon. S. C. Bevan: You do not want it both ways, do you?

The Hon. R. C. DeGARIS: No. The Hon. Mr. Rowe's point was a good one—that no decision should be for a sum lower than the original offer.

The Hon. Sir Norman Jude: I do not think that is so.

The Hon. R. C. DeGARIS: I do not know whether I am correct, but this may occur, and I think the amendment should be considered.

The Hon. L. R. Hart: That would occur if the authority withdrew its original offer.

The Hon. R. C. DeGARIS: I do not think so. I think it could still go the way I have mentioned. I do not think any court should force the person whose land is acquired to accept less than the offered amount, and the foreshadowed amendment provides for this.

The Hon. C. D. Rowe: I think perhaps I should explain it a little more clearly.

The Hon. R. C. DeGARIS: New section 23b (7) provides:

In subsection (2) of this section, "promoters' valuation" means a valuation made, on behalf of the promoters, by the Land Board referred to in the Crown Lands Act, 1929-1960, or by a person or class of person prescribed by regulation made under this Act as a person or class of person authorized to make valuations for the purposes of this section.

I am not particularly happy about this provision. There is a tendency for us to move

towards a centralized acquiring or valuing authority, which I think has grave dangers. I am not sure how to overcome this, but I draw the attention of the Government and of honourable members to the fact that this new subsection indicates that one authority can be the valuing authority or the acquiring authority. I should like to draw the attention of honourable members to the probable implications and the way in which this provision is worded.

I now refer to the principal Act, to section 12 of which clause 5 of the Bill relates. That is the section in which the basis of compensation is laid down for the compulsory acquisition of land. It lays down the principles or rules to be followed in the acquisition of land. Section 12 states:

(1) In any case where land is taken, regard shall be had to—

(*a*) the value of the land taken; and

(*b*) the damage (if any) by reason of the severing of the land taken from other land of the person entitled to compensation; and

(*c*) the damage (if any) to other land adjoining the land taken or severed therefrom of the person entitled to compensation by reason of the execution of the works, or of the carrying on or use of the works by the promoters on the land taken.

(2) The value of the land shall, subject as hereinafter provided, be taken to be its value—

(*a*) in any case where land is taken, at the beginning of the period of twelve months prior to the giving by the promoters of the notice to treat; or

(*b*) in any case where land is not taken, at the beginning of the period of twelve months prior to the commencement of the execution of the works,

together in either case with the actual value of any improvements *bona fide* made during the said period of twelve months:

There are two distinct sections there, the first dealing with (shall we say) injurious affection or severance; the second providing that the value of the land to be acquired shall be valued 12 months prior to the notice to treat. These are two entirely different sections.

In 1925, when the principal Act was passed, we were enjoying a period of monetary stability. Economic conditions then were entirely different from those obtaining today. There was no problem about the spiralling of costs (referred to by the Hon. Mr. Geddes). There was a stability in the economy. In 1965, however, the conditions are entirely different. We should closely examine this matter. Let me give a few examples that have recently come to my notice, in which building blocks are being acquired by an acquiring authority. These blocks 12 months ago were purchased for abou £600 or £700. Because of the growth of th metropolitan area they are today valued a about £1,200 or £1,300; yet they can b acquired, under section 12 of this Act, at price of between £600 and £700. This mean that a young person wishing to build a hous may have paid £600 or £700 for a block o land, and another young person then has ha to pay over £1,000 for a similar block nearb Circumstances have changed so much since th original Act was passed that we should examin this matter closely and amend this section s that the value of the land taken is the value a the time of the notice to treat.

I have dealt with this matter because I thin I should move an amendment in this regar No instruction is required, because it directly related to the matters contained i clause 5. With these few remarks, I suppo the second reading.

The Hon. H. K. KEMP secured the adjourn ment of the debate.

INHERITANCE (FAMILY PROVISION) BILL.

Adjourned debate on second reading.

(Continued from November 11. Page 2760.)

The Hon. M. B. DAWKINS (Midland): rise to speak briefly to this Bill. Some of m colleagues have dealt with it thoroughly an competently and given much thought improving it. Therefore, I do not intend go into great detail. However, I find myse quite unable to support the Bill as it stan at the moment. Whilst I can see that the o Act needed some amendments and improv ments (and this is to be expected over t years), I cannot see why the Government h to go so far and make such sweeping chang as are contained, for example, in clause It will scarcely be worth while to make a w at all in future if this Bill becomes la because the Government apparently inten that nearly everyone of the most remote re tionship (and some people of no blood relatio ship whatever) shall be able to get a chop the estate. This means that there is not ve much room for initiative. This is the good o Socialist practice of taking from the "have and spreading it around as far as possib This practice destroys enterprise and initiati as indeed many of this Government's actio have done in the short space of less than n months.

The Hon. Mr. Rowe and the Hon. Mr. Pott have, as I indicated earlier, done a great d

of work on this Bill. I should like to add my commendation to that of other honourable members for the constructive thinking they have put into their speeches on the Bill. Generally, although I find the Bill in its present form completely unacceptable, I intend to support the amendments that these honourable gentlemen have indicated they intend to move in Committee. I find paragraph (*h*) of clause 5 entirely objectionable and shall have to vote against it. In clause 7 I am unable to support the specified period of 12 months mentioned in subclause (1). I will support a reduction of this period of time when the Bill is in Committee. Whilst I shall not oppose the second reading in order that the amendments that have been foreshadowed may be introduced in Committee, I am obliged to oppose the Bill if it remains in its present form.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Application."

The Hon. A. J. SHARD (Chief Secretary): I seek leave to report progress at this stage. I have received some views on the matters that will be raised by the Hon. Mr. Rowe, but I have not any answers or suggestions at this stage for the Hon. Mr. Potter. As both honourable members have amendments to clause 5 I suggest it would be advisable to report progress now and seek leave to sit again.

Progress reported; Committee to sit again.

MAINTENANCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 2877.)

The Hon. C. D. ROWE (Midland): In rising to speak on this Bill I want to say that I am not at all pleased with some aspects of it. It sets out to give what is to be regarded as a new blueprint as far as assistance to people who are likely to need assistance under this Act are concerned. I doubt whether it will achieve that. It seems to me that the Government in introducing this Bill has placed itself in the position of the young suitor who says to his prospective bride, "I have designs for a wonderful new house; you will have all mod. cons. and everything else you need; the only thing is that at the moment I have not any money." I think that is the position in which the Government will find itself. It has a framework in this Bill that will provide for almost every contingency, but I doubt whether the Government can provide any more finance for the administration of this Act than has been provided in the past. The Bill must be regarded largely as window-dressing.

The Bill sets out to abolish the Children's Welfare and Public Relief Board and to place the control of this department in the hands of a Minister. I should like to express my appreciation of the work that the Children's Welfare and Public Relief Board has done. It was competent and efficient and understood the problems with which it had to deal. Furthermore, it was conducted on an entirely non-political basis and was able to function without fear or favour. I say immediately that it is a wrong move to abolish an independent, capable and efficient board and replace it with control by a Minister. It is my belief that in these matters absolute impartiality is essential, and I believe someone or some board entirely free from the influences that surround a person in political life is to be preferred to administer matters of this nature rather than a Minister. No matter how impartial the Minister may be, or how high his motives, it is sometimes impossible for him to make an independent assessment. Furthermore, Ministers come and Ministers go, and when a new Minister arrives he does so without a great deal of experience and without a great deal of knowledge. It seems logical to me that a board is desirable in this case because of the specialized knowledge and dedicated interest it would have in the affairs that would come before it for administration under the Act. A board would be more likely to do its job efficiently and satisfactorily than would a Minister.

I know that this Government says, "We believe in the responsibility of Ministers to Parliament. We believe in Ministerial responsibility." I do not want to go into this matter now, but there are other Bills before Parliament that are causing considerable criticism and unrest as far as the electors of this State are concerned. When it comes to a question of a Minister discharging his responsibilities, he apparently considers on occasions that it is inconvenient or he does not desire to attend a meeting and explain legislation to the electors concerned. I shall have to see something different to convince me that people who say so much about Ministerial responsibility really believe in it.

The Hon. A. F. Kneebone: I don't think it is the Minister's responsibility to attend protest meetings against Government legislation.

The Hon. C. D. ROWE: As far as I am concerned, I do think it is the Minister's responsibility.

The Hon. D. H. L. Banfield: Have you ever attended any protest meetings?

The Hon. C. D. ROWE: I have.

The Hon. D. H. L. Banfield: In your capacity as Minister?

The Hon. C. D. ROWE: Yes. Last year when the road maintenance legislation was dealt with protest meetings were held in various parts of the State, and I addressed at least five such meetings.

The Hon. D. H. L. Banfield: But was it a public meeting?

The Hon. C. D. ROWE: Yes, a public protest meeting, and I considered it my responsibility to attend.

The Hon. S. C. Bevan: Perhaps it was not cooked up like this one at Mount Gambier recently.

The Hon. C. D. ROWE: I don't know anything about things being cooked up.

The Hon. Sir Lyell McEwin: You are getting under their skin.

The PRESIDENT: Order!

The Hon. C. D. ROWE: What I do know is that people who elect me are the people who pay the taxes and I believe they are the people to whom I am responsible. If they want to ask questions about what is proposed I do not say, "This is Government policy and I will not explain it to them." They have a right to know what is involved. If I interpret Ministerial responsibility in any way at all, I interpret it as a responsibility to the electors rather than a responsibility to some other outside body that says, "You will not attend such a meeting." I believe that unfortunately the Ministers have placed themselves in a position where they have been given instructions by certain people that they are not to attend certain meetings, and if that is not so I invite them to contradict me now. We are getting to a pretty low state in the political life of this State if the wishes of electors are to be entirely subjugated to the direction of some other body.

When I looked at this Maintenance Bill—if I might return to this matter—I did not anticipate that a passing reference to some other matter would cause so much anxiety to the Minister. However, if we are to be told that a Minister is not going to answer criticism because it happens to be a protest against Government policy that is a pretty sad state of affairs. This Bill gives the Minister almost dictatorial powers in relation to children under his custody and jurisdiction and with moneys appropriated by Parliament. However, he will not necessarily have to obtain Parliament's approval for expenditure. An example of the powers being passed to the Minister is contained in new section 14, which provides:

The Minister shall have the following general powers, functions and capacities, namely:—

(*a*) The general care and custody of and the control over the persons of all State children and the control of the property of all State children to the exclusion of all other persons claiming such care, custody or control;

(*b*) The power to establish homes and to recommend to the Governor that any home be declared by proclamation to be an institution;

I should have thought that before the Minister set about the business of establishing a home, whatever it may cost (and there is no limit set regarding costs), the proposal would be examined by the Public Works Committee. However, the Minister will apparently have complete power.

The Hon. A. F. Kneebone: This wouldn't override the Constitution, would it?

The Hon. C. D. ROWE: I hope not.

The Hon. C. R. Story: He could spend £90,000, couldn't he?

The C. D. ROWE: Yes.

The Hon. S. C. Bevan: As any Minister can.

The Hon. C. D. ROWE: Paragraph (*c*) says:

(*c*) The power to utilize any services of the department or of any officer or employee of the department for the promotion of social welfare within the community;

I think we might shorten that provision and say:

The power to employ any officer of the department for publicity purposes on behalf of the Government.

The Hon. D. H. L. Banfield: Are you going to move that way?

The Hon. C. D. ROWE: No. That is what this Bill leaves open. The next paragraph provides:

(*d*) The power to establish centres and provide facilities and financial and other assistance for the promotion of social welfare within the community and to conduct, control and regulate the activities within such centres;

If we are going to embark on this completely new system—and we shall have to wait and see whether it is good or bad—I think Parliament should have the opportunity of seeing what is happening. These powers are too wide.

The Hon. A. F. Kneebone: The board had all those powers.

The Hon. C. D. ROWE: Exactly, but the members of the board were experienced people who had been selected because of their particular interest in this matter. They were not subject to political pressures.

The Hon. A. F. Kneebone: The board was not answerable to Parliament, whereas the Minister is.

The Hon. C. D. ROWE: The Minister is answerable to the electors. The board was answerable in this way: it was appointed by the Government of the day and any Government would see that it appointed to the board the most competent and efficient people that were available. The care of those who are not able to look after themselves and do not have others to care for them is a specialist job for people with practical experience. No matter how much one may be imbued with the idea of doing good, more than that is needed. I am not happy about passing all these powers to a Minister.

I know there was criticism as far as the Children's Welfare and Public Relief Board was concerned but, when I was a Minister, I did not sit in my office all the time; I went to meetings, heard what people had to say and explained the position to them. There was criticism that in some instances the assistance given by the board was not sufficiently generous but I know that, taken by and large, the board did a good job. It struck an even balance between its responsibility to those under its control and its responsibility regarding the revenue of the State. We call in specialists when we have a specialist job to be done.

The Hon. A. F. Kneebone: This Bill provides for an advisory board, which will have specialist members.

The Hon. C. D. ROWE: Yes, but the advisory board will be entirely subservient to the Minister. The Minister may say, "I am the oracle and when I open my lips, let no dog bark." I am sorry that the Government has seen fit to do away with the system that functioned well. I will have the opportunity to deal with other aspects of the Bill in the Committee stages. There is provision for the repealing of the Inter-State Destitute Persons Relief Act and for the insertion of provisions to make it easier to catch up with people who have left the State and to make them face their responsibilities.

The Bill also provides that reformatories will be known as reform institutions and that confinement expenses will be called preliminary expenses. I do not know how much difference that will make to the average child in a reformatory, but apparently it aims at achieving something worth while. I shall wait with interest to see what effect this has on children covered by the Bill and shall await the annual report that will be supplied in order to find out whether these provisions result in fewer children requiring social services. I do not think the Bill will necessarily achieve our hopes that these people will be looked after in a better way and that fewer will become the responsibility of the State. I am indebted to honourable members for the patient and careful hearing they have given to me. I understand there are certain restrictions on what one can do in Committee, but when in Committee I may want clarification on certain points.

The Hon. JESSIE COOPER secured the adjournment of the debate.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

In Committee.

(Continued from November 17. Page 2873.)

Clause 3—"Power to buy land."

The Hon. A. J. SHARD (Chief Secretary): I was absent from the Chamber when this clause was discussed previously, but I understand that the Hon. Mr. DeGaris wants to know what it does and whether, as there is a somewhat similar provision in the principal Act, it is necessary. I have taken up this matter with the Parliamentary Draftsman, who reports:

Section 16 of the principal Act does, it is true, confer upon the housing authority a general power to purchase land of any kind. At first blush it might appear that the new section 16b does nothing more than duplicate this power. This, however, is not the true legal position. It will be recalled that section 16a of the principal Act, which was inserted in an amending Bill in 1961, conferred additional powers upon a housing authority. It enabled a housing authority to carry out any work or undertaking (not authorized by the Act) which in the opinion of the Governor is necessary to render suitable for housing purposes any land acquired which in the opinion of the Governor is associated with the development of any such land. The Crown Solicitor has advised the housing authority that it is doubtful if the general powers to purchase land in section 16 of the Act extend to a power to purchase land in which any work or undertaking contemplated by section 16a was to be carried out. It was therefore considered necessary to remove any doubt and to confer the additional power embodied in the new section 16b. This is the sole purpose of clause 3.

For background information, the striking out of the words "or otherwise acquire" in another place in no way has altered the general purpose of clause 3. It was never the intention that these words should be construed as conferring upon the housing authority a general power to acquire land compulsorily. If this had been the intention, express words would have been used as, in fact, have been used under section 34 of the Act with regard to the power to

acquire compulsorily any land within a clearance area. These deleted words were inserted by the draftsman out of an abundance of caution to cover other possible transactions, *e.g.*, where land was transferred to the housing authority by way of gift. This is, however, a remote contingency and, as I say, the deletion of the words do not affect the general intention of the clause.

I ask honourable members to pass the clause as printed.

Clause passed.

Clause 4 passed.

Clause 5—"Notice of rent, etc., to be displayed in certain cases."

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to a matter I raised during the second reading debate?

The Hon. A. J. SHARD: I am advised that the position is as follows:

New section 58a is not a novel provision. It has been taken with minor modification from the old Landlord and Tenant (Control of Rents) Act, 1942-1961, and also appears in similar Commonwealth legislation. The purpose of the provision is to oblige landlords to bring to the notice of tenants of substandard houses what the fixed and proper rents of such premises are. In some substandard houses, which have had a quick turnover of tenants, landlords have been charging a rent in excess of the fixed rent. This provision is designed to stop this practice. It places the obligation to display a notice only on the landlord.

Clause passed.

Remaining clauses (6 to 11) and title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 4.58 p.m. the Council adjourned until Tuesday, November 23, at 2.15 p.m.