

LEGISLATIVE COUNCIL

Wednesday, August 28, 1968

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

QUESTIONS

TRANSPORTATION STUDY

The Hon. A. F. KNEEBONE: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. A. F. KNEEBONE: Much has been said about the question of compensation for people, both private and commercial, whose properties would be affected by the implementation of the Metropolitan Adelaide Transportation Study Report. Normally, compensation is arrived at on the basis of the sale value of equivalent properties in the immediate vicinity of the properties concerned. I am a little concerned about the procedure to be followed in arriving at suitable compensation for church properties, and I believe that at least one church is involved in this matter. Can the Minister say what plans are envisaged for arriving at a suitable basis for compensation for this type of property?

The Hon. C. M. HILL: First, I should like to correct the honourable member on one point. He said that normally compensation would be assessed on the basis of sales of comparable properties in the immediate vicinity. The words "immediate vicinity" are very important indeed. In fact, when we are dealing with compensation under the M.A.T.S. Report, it does not mean that comparable sales in the immediate vicinity will be considered. In fact, what will be considered are comparable sales in comparable localities, which need not be anywhere near the vicinity of the subject property.

The reason for that, of course, is obvious, for as time passes some property values might be held to be dropping in areas that are marked for future freeway development. Therefore, the M.A.T.S. authority will not in any way consider sales in that category: it will look for sales in comparable localities, which can be very far distant from any freeway route proposed under the M.A.T.S. Report. By that method, of course, it will obtain proper and correct assessments to offer people when it is negotiating with those people in regard to adequate compensation to be paid.

The honourable member dealt with the question of a church property and how one could apply this principle when one was asked to value such a property. The first task of the valuer is to decide upon which approach he should make to the valuation. In regard to residential properties, in most cases he would decide on the comparable method upon which I have just touched, but in regard to the valuation of church properties and similar buildings he does not use what is known as the principle of comparable sales: he uses what is known as the summation method—that is, he simply totals up the value of the land and the value of improvements on the land.

He totals up these figures that he assesses—the value of the land, the value of the church buildings and the value of any annexes that may be attached to the rear of the church and any other buildings at the rear that may be situated on church land. He adds up his assessments of these separate valuations and arrives at a figure. By this method fair and just compensation is paid to the trustees or the owners of the church property.

HOUSE DETERIORATION

The Hon. V. G. SPRINGETT: I ask leave to make a short statement prior to asking a question of the Chief Secretary, representing the Minister of Housing.

Leave granted.

The Hon. V. G. SPRINGETT: Some 10 days or so ago I visited some Housing Trust houses in the area of Millicent and found the people there complaining of dampness in the houses. I found their walls, ceilings, furniture, and cupboards and their contents particularly moist and mildewy, the mattresses being very moist indeed. The house I have in mind was occupied by a mother, father and several children. I discussed this with the Minister of Housing and, as a result of that discussion, one of his officers from Mount Gambier visited these houses at Millicent and came to the conclusion that the cause of the dampness was condensation.

Assuming this to be correct and that no other factor is involved, will the Chief Secretary, representing the Minister of Housing, first, consider issuing a booklet or pamphlet like that issued in Victoria to tenants and occupiers of like houses advising the tenants how to care for such houses, including watching for things like condensation? Secondly, will the Chief Secretary ask his colleague to investigate the

possibility of altering the method of ventilating these houses in areas such as Millicent, which is known to be very damp and muddy?

The Hon. R. C. DeGARIS: I will refer these questions to the Minister of Housing and bring back a reply.

TRIMARAN VOYAGE

The Hon. L. R. HART: Has the Minister of Local Government, representing the Attorney-General, a reply to a question I asked on August 21 about a certain trimaran voyage?

The Hon. C. M. HILL: The circumstances relating to the advertisement quoted by the honourable member have been thoroughly investigated and a report furnished by the Government investigations officer. This is available for perusal by the honourable member. I think I can best answer the question by saying that, although the very thorough investigation by Mr. Finn has revealed no element of criminal conduct, or, indeed, probable criminal conduct, on the part of those in charge of the venture, nevertheless, any person joining in the venture may be taking considerable risks. There is, however, no action that the State Government can take either to interfere in the project or to ensure the safety of the crew when it is overseas in accordance with the owner's plan.

GAWLER RAILWAY YARDS

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. M. B. DAWKINS: Perhaps I should apologize to members of the Council because my question is somewhat of a parish pump nature, but in view of the seasonal conditions prevailing this winter, I have no doubt that the conditions I am about to mention exist in other parts of the State, too. My question refers to the condition of the fairly extensive railway yards at Gawler. Under the suggested alterations in the railway set-up, these yards will be the receipt point for buses in co-ordinated road and rail services. Indeed, at present large numbers of cars, whose drivers prefer to come from outer towns and catch the train from Gawler, are parked in those yards. Also, a considerable amount of freight, both parcels and heavy freight, comes from that town. As these yards are in a shocking condition as a result of the season (and I say "shocking" advisedly, because that is the only

word for it), I believe that the attention of the Railways Department should be drawn to this matter and that the necessary repairs should be made. Will the Minister of Roads and Transport therefore draw this matter to the attention of the Railways Commissioner and see that the necessary repairs are effected?

The Hon. C. M. HILL: I will take up this matter with the Railways Commissioner and see that some general cleaning up and the necessary repair work is carried out.

CONCESSION RATES

The Hon. A. M. WHYTE: Can the Minister of Agriculture, representing the Minister of Lands, tell me for what length of time owners must keep sheep transported to and from agistment at concession rates before disposing of them? I understand that in other States a certain period must elapse before the owner of such sheep can dispose of them.

The Hon. C. R. STORY: I shall be happy to take up this matter with the Minister of Lands and bring the honourable member a report.

STANDARDIZATION

The Hon. A. F. KNEEBONE: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. A. F. KNEEBONE: The Minister is reported as having made statements regarding the standardization programme of the Peterborough Division and lines north of Adelaide as well as the connection between Port Pirie and Adelaide. In completing that statement he is reported as having said:

The alterations to the Adelaide station, following upon the Metropolitan Adelaide Transport Study proposals, must also be integrated with those of a standard gauge. South Australia is pressing for an early decision in these works.

I agree with the standardization programme, but I am concerned about the proposal regarding the Adelaide railway station. Bearing in mind the enormous costs involved regarding the underground railway, and having seen the M.A.T.S. Report, I believe that that railway is a good proposal. However, in view of the finance necessary to commence this underground railway, and as the Minister has said the work necessary in this regard at the Adelaide station should be integrated with the standardization scheme, can he say whether this means that the standardization work in the Adelaide railway station will have to wait

until a decision in regard to the underground railway is made and until finance necessary for the underground railway is provided?

The Hon. C. M. HILL: I think I should reply by keeping apart the two matters raised by the honourable member, because we want to keep the two lines apart in the Adelaide railway station. The plan for an underground railway under King William Street involves metropolitan transportation. It is hoped to link the two metropolitan routes that enter the central city area from the north (that is, from Gawler and from Outer Harbour) in one common line under King William Street. The two metropolitan routes that will serve the south will go to a new station to be known as Christie Downs and to the vicinity of Blackwood or Bridgewater in the Adelaide Hills. We are most anxious that the underground railway and the necessary alterations at the Adelaide railway station should be proceeded with as quickly as possible.

Regarding the question of standardization, the plan we have put forward to the Commonwealth Government is for implementing the scheme to standardize railways north of Adelaide, thereby serving a large area of South Australia by linking them with the main national East-West standard gauge railway. We want to bring the standard gauge line right into the Adelaide railway station. As the honourable member (who was the previous Minister of Transport) has said, it will be complex, difficult and expensive to bring the standard gauge line both into the Mile End goods yards and into the Adelaide railway station, but the authorities here say it can be done. This work, however, will not in any way be held up pending a further decision on the underground railway.

CROWN LAND

The Hon. C. D. ROWE: Can the Minister of Agriculture, representing the Minister of Lands, say when replies will be received by people who have applied to have some of their Crown leasehold land converted to freehold? I understand that many applications have been with the Minister for quite some time, but no replies have yet been received.

The Hon. C. R. STORY: I know that my colleague has been considering this matter and it is expected that very soon he will be able to make decisions on quite a number of applications. I am sure the honourable member will realize that the procedure of free-

holding has been in abeyance for about three years, and it is now necessary to re-open the whole subject. The Minister is at present closely studying the applications before him.

LEAVE OF ABSENCE: HON. F. J. POTTER

The Hon. G. J. GILFILLAN moved:

That three months' leave of absence be granted to the Hon. F. J. Potter on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

The Dairy Cattle Improvement Act requires all bulls connected with certain dairy farms to be licensed if they are over the age of six months on July 1 or January 1 in any year. The object of this Bill is to eliminate the licence in respect of bulls over the age of six months on January 1. The Bill makes the necessary provision by clause 2, which re-enacts subsection (2) of section 6. This amendment has been recommended by the Advisory Committee for Dairy Improvement. Licence fees are credited to the Dairy Cattle Trust Fund and the fees derived from licences in respect of bulls over the age of six months on January 1 have been about \$100 annually. It is considered that this amount does not warrant the work required to be undertaken by members of the Police Force, departmental officers and dairymen.

Clause 3 makes a drafting amendment to section 10 of the Act, subsection (2) of which appears to be inconsistent with subsection (1). Subsection (1) states that every licence shall be an annual licence and may be issued at any time, while subsection (2) says that every licence shall expire on June 30. The amendment simply makes it clear that all licences expire on the same date, namely, June 30. Clauses 4, 5 and 6 convert references to the old currency in sections 13, 14 and 15 to their equivalents in decimal currency. Clause 7 repeals the First Schedule and enacts a new schedule in its place which omits the fee for a licence in respect of any bull over the age of six months on January 1 and converts references to the old currency to their equivalents in decimal currency. This Bill means that bulls will have only one birthday a year.

The Hon. S. C. BEVAN secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 27. Page 815.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, subject to my receiving some assurances from the Minister when he replies. I believe this legislation poses some very difficult questions for honourable members because it affects the Road Maintenance (Contribution) Act since the inception of that Act. These problems result from what is virtually a technical error in the drafting of the original legislation. The judgment of the Full Court has implications not only for the Road Maintenance (Contribution) Act but also for the Motor Vehicles Department over many years. It may apply to matters other than road maintenance, where the delegation of authority by the Registrar of Motor Vehicles is involved.

I believe that this Council has, justly, always been very reluctant to consider any legislation that is retrospective in its effect. We have here, however, an unusual situation in that, through an interpretation of section 7 of the original version of the Motor Vehicles Act, the recent court judgment has completely altered what Parliament intended regarding that Act. This could affect much of the working of the Motor Vehicles Department over a long period and a large sum of money might be involved. I believe that most of the money collected under the Road Maintenance Act, which amounts to about \$4,000,000, has already been spent. Naturally, if the Government is faced with having to repay such a large sum of money it will have to consider how this can be done. We certainly do not want to see an increase in this type of charge in order to meet this very large debt, for this would be disastrous for road hauliers.

I hope that when the Minister replies in this debate he will give an assurance to this Council that consideration will be given to, first, those appellants who have taken this matter to the courts and received a favourable judgment, because they have won a case before the Full Court, which I understand reached a unanimous decision. I believe that there is some principle involved when we have a matter such as this decided in a court of law.

We also have some other people who are in a category somewhat in between the successful appellants and those people who have paid their tax up to the present time. I refer to those people who since the judgment was handed down have withheld their payments and may be in the position of facing prosecution. I hope that in these circumstances the Minister will look at the question of penalties that may be incurred under the provisions of the Act. I bring these matters to the notice of this Council, and I seek these assurances from the Minister.

One further point that has come out of the legislation is, I believe, very important for truck operators. Also, I believe it is one of the reasons for concern and discontent. I refer to the decisions made by officers of the Motor Vehicles Department in the assessment of the carrying capacity of vehicles. I was rather concerned to receive figures (I have no reason to doubt these figures, which can be easily checked) which suggest that there is a big variation in the assessments of different trucks which are of the same make and carrying capacity and which are shod with the same types of tyre. The four illustrations I have before me show a variation of as much as 29cwt., which of course makes a considerable difference in the amount payable by the owners of these vehicles. I think this could well be investigated, and I hope the Minister will do something constructive in the matter.

The Hon. S. C. Bevan: Why not have a look at the whole method of assessing vehicles?

The Hon. G. J. GILFILLAN: I agree. I suggest also that the Minister look into the possibility of setting up an appeal board. I believe that the Act is deficient in this respect, for it contains no provision for any appeal against a decision of an officer of the Motor Vehicles Department. I am not suggesting that some officers in this department are not acting in the best of faith, but differences of opinion do occur and apparently have occurred. I believe that in fairness to the operators who have to pay this tax this method of assessing load capacity must be not only beyond question but must also appear to be beyond question.

I doubt whether an appeal board would have much work to do, because I believe that if there is a higher authority set up to handle appeals it will encourage more efficiency among those officers who are given the responsibility of making these assessments in

the first place. I hope the Minister will favourably consider this matter. In fact, I should like to see such a provision written into the Act itself. Although it is not for me to say who should comprise such an appeal board, I suggest that perhaps the Government could consider appointing the Registrar of Motor Vehicles himself, a qualified engineer who was well versed in this field, and perhaps a representative from one of the road hauliers' organizations. This suggestion is put forward merely as something to be considered. I bring these points forward because I believe they are most essential in the proper working of this Act. One thing that concerns me is the wording of clause 2 (a), which states:

by striking out from subsection (2) the passage "may, subject to" and inserting in lieu thereof the passage "or any other officer may, subject to and in accordance with";

I question the word "officer". I believe this is in order, because I understand that the only people under the control—

The Hon. S. C. Bevan: It must be an officer of the department.

The Hon. G. J. GILFILLAN: It does not say so in the Bill. I understand that the only officers under the control of the Registrar of Motor Vehicles are those within the office. However, the word "officer" is not defined in the definitions section of the Act, and I just question whether the intention is absolutely clear, for we do not want any further misunderstanding on this point. With those remarks, and subject to a satisfactory answer from the Minister when he replies, I support the Bill.

The Hon. M. B. DAWKINS (Midland): I, too, rise to support this measure with very largely the same qualifications as my honourable colleague who has just resumed his seat. The measure, of course, is made necessary by what the layman might call a technicality, a decision of the court which no layman would be in a position to question but which has thrown some doubt upon the interpretation of the Act. Therefore, it is necessary to bring forward these amendments.

Firstly, I want to refer to the matter my colleague mentioned just before he resumed his seat—that is, the amendment of section 7 of the principal Act, which is amended by clause 2 (a) of this Bill by striking out from subsection (2) the passage "may, subject to" and inserting in lieu thereof the passage "or any other officer may, subject to and in accordance with". I ask the Minister to consider whether those words "any other officer" may, in effect, be too wide—at least, for some

of the tasks that these officers may be called upon to perform—and whether it may be necessary to look again at that phrase and possibly limit the number of officers carrying out some of these duties, particularly in regard to assessments of load-carrying capacity and the like. I should be interested to hear what the Minister would say about that.

Clause 2 (b) also amends section 7 of the principal Act by inserting a new subsection (2a), which deals with retrospectivity, which I, along with other honourable members, believe is necessary in this case although it is regrettable. However, it is absolutely necessary here. I have had drawn to my attention some anomalies in the assessments, particularly with reference to road maintenance, which, of course, is being dealt with in another Bill but which is closely related to this Bill. I have had presented to me a petition carrying many signatures, mostly from the Barossa Valley, but it was presented in such a way that I am sorry it is not possible for me to bring it before this Council as a petition. However, many of these people are concerned about the existing anomalies.

I was privileged this morning to be in the company of my colleague the Hon. Mr. Gilfillan when some of these anomalies were brought to our notice personally. My colleague has already referred to them and I shall not reiterate what he has said, but I do underline the comment that at present there appears to be no right of appeal against a wrongful assessment—and there should be. In company with my colleague, I will seek an assurance from the Minister on this matter. Subject to these matters that I have mentioned, the Bill really sets out only to validate the original intention of this Parliament when the previous amendments were carried and put into effect. It sets out to correct what I as a layman would describe as a technicality in the interpretation of the Act. I ask the Minister to look at the points that I and my colleagues, the Hon. Sir Arthur Rymill and the Hon. Mr. Gilfillan, have raised. I shall be interested in the reply the Minister gives. Subject to the assurances that I hope we can obtain, I support the second reading.

The Hon. A. M. WHYTE (Northern): I merely want to add to what the previous speakers have said and say that it is high time another look was taken at the Act to correct the anomalies that have been pointed out. I believe a more simple formula could be evolved whereby there would not be the confusion with assessments that there is today.

A more simple table of the necessary requirements as regards certain tonnages could be laid down so that everyone could interpret them himself. This would alleviate the position and correct many present anomalies. I support the second reading.

The Hon. C. M. HILL (Minister of Roads and Transport): I thank honourable members for the attention they have given this measure. I think we all will agree that the Bill has in no way been rushed through this Council. Legislation is rarely rushed through this Council, but in this instance some petitions have been presented, and that is why perhaps honourable members have taken longer in their deliberations, because they realize the importance of giving full and ample consideration to the prayers contained in those petitions.

A Full Court judgment, which was delivered on July 4, 1968, allowed an appeal made by Hinton Demolitions Proprietary Limited against a conviction for a breach of section 10 of the Road Maintenance (Contribution) Act in that the company had failed to deliver an accurate record of journeys of one of its vehicles. The Road Maintenance (Contribution) Act imposes a charge on commercial goods vehicles by way of compensation for the use of public roads in the State, where the vehicle's load capacity is in excess of eight tons.

"Load capacity" under that Act is defined as meaning the load capacity shown in the vehicle's registration certificate issued under the Motor Vehicles Act. The court has ruled that under the existing provisions of that Act, all determinations of load capacity made by the Motor Vehicles Department should have been determined by the Registrar (or a Deputy Registrar, as provided in the Act) because there is no power to direct the determination by any other officer. This means that all the past, present and future determinations of load capacity made by the department are of no effect.

The principle also applies, of course, to other functions performed by officers of the Registrar's department, but which the Act technically requires the Registrar to do. The Hon. Mr. Bevan in the debate has indicated his objection to the retrospectivity provision in the Bill, in the belief that all original assessments of load capacity have been made by the Registrar himself and that the decision of the Full Court applies only to re-assessments that have been made by a subordinate officer. I have to say that this belief is not correct.

The practice has been for all assessments, original and otherwise, to be made by officers of the department under directions and procedures laid down by the Registrar. It would, of course, be physically impossible for the Registrar himself to perform all these duties, and numerous others, for the purpose of administration of the Motor Vehicles Act. The only purpose of the retrospective provision in the Bill is to validate the delegations of many powers that hitherto have been made, in good faith, by the Registrar in the belief that statutory support was not needed.

The effect of the court's decision is that such support is necessary. Retrospectivity will, therefore, apply to all assessments of load capacity made since road charges commenced in South Australia. It is not hard to visualize the problem facing the Government if retrospective application were not given to powers of delegation, in view of the amount of road charges collected as a result of these assessments. I hope that this explanation removes any misunderstanding, and that the honourable member accepts the necessity for retrospectivity.

In the debate yesterday, the Hon. Sir Arthur Rymill made the point that consideration should be given, in his view, to the appellant in the particular case. I agree with him that a principle is involved in this matter, in that the appellant sought the action that was his right to take by going to the Full Court in this matter, which court found in his favour.

The Hon. Mr. Gilfillan has raised the matter of road charges that the appellant company will be liable to pay if this legislation passes. As honourable members have raised this point, the Government has fully considered it and no further action will be taken in respect of the charges which Hinton Demolitions Pty. Ltd. has successfully challenged. I specifically stress that the charges which will not be proceeded for are those relevant to the particular case at issue in the court proceedings.

The Government has fully considered the petitions that have been presented to it, and, having done so, is of opinion that referring this matter to a Select Committee would serve no good purpose, and, therefore, opposes that proposal.

The Hon. Mr. Gilfillan today sought assurances concerning procedures and administrative action in regard to road maintenance. Indeed, he sought an assurance that consideration would be given to the setting up of a board of appeal.

I acknowledge that taxes levied under the Road Maintenance (Contribution) Act are most unpopular, but the Government must have this money. However, if anyone can come along with a similar form of taxation—in other words, a different method of collecting from those who cause more wear and tear on the roads than do the average motorists, because of the weight of their vehicles—then full consideration will be given to any alternative method of taxation as opposed to the present road taxation method.

The Hon. M. B. Dawkins: We are only seeking a court of appeal for the assessment of tax.

The Hon. C. M. HILL: I am dealing with the whole question in its broad form before I come to the points mentioned by the honourable member. If a better form of taxation can be found, full consideration will be given to it. I have already carried out an inquiry within my department (indeed, I did so soon after I came into office) to see whether the matter should be investigated further and be taken to Cabinet. However, it is difficult, in my view, to find an alternative tax. I am trying to make the point that, on a general approach, this tax is unpopular.

In regard to the assurances that have been sought, the possible discrepancies that have been mentioned regarding the load capacities issued from the Motor Vehicles Department, and the fact that it might be worth while establishing a board of appeal in case some unfairness is creeping into the administration of this matter, I am prepared to conduct a departmental inquiry to see whether I can assist in alleviating any doubts or problems that have been raised by the two honourable gentlemen who have spoken today.

I will be prepared to ask those two gentlemen to become part of that inquiry and to assist, if they can, in the investigation so that all the doubts they have raised can be ironed out. Such an inquiry could be conducted at the administrative level. If, after such an inquiry, there appears to be a need (as the Hon. Mr. Gilfillan suggests there could be) for a court of appeal, I am prepared to consider fully that suggestion. However, that would, of course, have to follow the initial inquiry.

The Hon. S. C. Bevan: If you set up an appeal board, you would need to have a proper method of assessment.

The Hon. C. M. HILL: I think we can have a proper method of assessment after a departmental investigation. Indeed, we can have a

close look at the question of an appeal board, but it may not be, as the honourable member suggests, a simple matter to overcome.

The Hon. S. C. Bevan: Or an alternative method of appeal.

The Hon. C. M. HILL: Yes, but we can look at that in due course. The principal issue about which honourable members are worried is the question of retrospectivity. I appreciate members' concern on this point, because no-one likes retrospective legislation. However, the only purpose of the retrospective provisions of this Bill is to validate the delegations of power hitherto made in good faith by the Registrar of Motor Vehicles in the ordinary administration of the Act in the belief that statutory support was not needed for such delegations. The Full Court has held that statutory support is necessary for such delegations, and Parliament is now asked to ratify the Registrar's actions, which have been carried out on the faith and in the belief that they were properly and validly carried out.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Appointment of Registrar and officers."

The Hon. S. C. BEVAN: I am concerned about the phraseology of new subsection (2a). Indeed, the Hon. Mr. Gilfillan referred to this matter. The clause provides:

Where, at any time before the commencement of the Motor Vehicles Act Amendment Act, 1968, an officer has in pursuance of directions given by the Registrar acted or purported to act on behalf of the Registrar in any matter, he shall for all purposes be deemed to have lawfully acted on behalf of the Registrar in that matter and anything done by that officer while so acting shall be deemed to have been validly and lawfully done by the Registrar.

I visualize that technicalities would arise in future court actions. The delegation of power under this provision could be delegated to more than one officer in the Motor Vehicles Department. I am not concerned so much with the word "officer" because we are dealing with the Registrar of Motor Vehicles. In relation to section 7 of the principal Act, the officer himself must be an officer of the Motor Vehicles Department. I feel that under section 7 that is quite clear. However, there are other matters in relation to the officer that I believe we should attempt to clarify.

Powers must be delegated to someone other than the Registrar, and we must ensure that these powers are delegated to an officer qualified to make the assessment. In a number of cases vehicles of the same type, make and

weight have been assessed at different payloads by the Motor Vehicles Department. This should not happen, and it would happen only if the assessment was made by someone not qualified to make it. I realize that the amendment I have in mind is a difficult one to draft, because this Bill involves both retrospectivity and the validity of decisions of officers who have carried out work delegated to them by the Registrar.

The Hon. Sir Norman Jude: What do you suggest?

The Hon. S. C. BEVAN: I am suggesting that the assessment should be made by a qualified officer so that all the transport operators may be satisfied with the assessment of their vehicles. Like the Minister himself, I suggest that his officers should consider these matters and see whether it is at present possible for a departmental officer innocently to take an unjustified action and thereby cause discontent among transport operators. I intended to move an amendment but, because I realize the difficulties involved, I simply draw the Minister's attention to this matter so that he can consider it.

The Hon. Sir ARTHUR RYMILL: I think that the fears of the honourable member who has just resumed his seat may be allayed if he refers to section 7 (1) of the principal Act, which states:

The Governor may appoint a Registrar of Motor Vehicles and such deputy registrars of motor vehicles, inspectors of motor vehicles and other officers as he considers necessary for the administration of this Act.

This simply means that the word "officer" is used in this Bill in pursuance of section 7 of the principal Act so that this amendment will line up with it and so that the people duly appointed will be properly qualified officers. I think this is the answer to the point taken by the Hon. Mr. Gilfillan. The Governor (and this means the Governor in Council) has to appoint not only the Registrar, deputy registrars and inspectors but "other officers as he considers necessary for the administration of this Act". These are top official appointments and naturally the officers appointed will be properly qualified, in the view of Cabinet, to perform their duties. So, I think honourable members' fears in this regard may not be well founded.

The Hon. C. M. HILL (Minister of Roads and Transport): I did not refer to the point made by the Hon. Mr. Gilfillan regarding the

definition of "officer", but the Hon. Mr. Bevan did. The term means an officer appointed under the Act, and therefore he will be under the control of the Registrar of Motor Vehicles. Regarding officers' qualifications, I am very concerned about the information supplied by the Hon. Mr. Gilfillan, and I assure him that it will be considered when we look at the whole question within the department.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 21. Page 740.)

The Hon. C. D. ROWE (Midland): I think most of the discussion that needed to take place on this Bill occurred during the debate on the Motor Vehicles Act Amendment Bill. I support the remarks that were then made because I know of criticisms that have been made in all areas regarding this legislation. Most honourable members have received a letter from the Tip Truck Operators Association, which seems to me to be respectfully worded and which raises a number of points worthy of consideration. I have received a copy of this letter; the following is a portion of it:

It is not in our judgment sufficient to pass legislation empowering any employee of the Motor Vehicles Department to assess commercial vehicles for ton-mile tax purposes unless he is qualified to do this important job. Whilst in no way deprecating the efficiency of the employees delegated to carry out these duties it is vital that they have expert knowledge to assess payload capacities correctly. In our experience the present staff are not capable of assessing correctly vehicles subject to ton-mile tax payments as is instanced by two examples quoted hereunder.

The letter goes on to give two specific examples of discrepancies and, as far as I can see, it is correct in saying that there have been discrepancies. It seems to me that more is involved than merely appointing a competent officer: the method by which these calculations are made needs investigating. Therefore, the suggestion made that a committee be appointed to investigate this matter is very wise, and I certainly hope that such a committee will be set up and that it will ensure that the work of making these calculations is limited to people who are all of the one mind and who all arrive at the same answer to the same problem.

It was mentioned during the debate on the Motor Vehicles Act Amendment Bill that there is much dissatisfaction, and the Minister has said that he realizes that much unpopularity attaches to this legislation. Whilst I have supported it over the years and whilst I can see no better way round it at this time, nevertheless I think the appropriate Commonwealth body should consider this matter to see whether there is a better method of collecting this money, which method would involve much less paper work for everyone and which would have a better relation to the amount of use that the vehicles make of the roads. I certainly believe this is a matter for much homework by honourable members and, if the necessary study was done, I am sure that an appropriate answer could be arrived at. The longer we go and the more of this kind of difficulty we see, the more apparent it becomes that something ought to be done. Subject to those remarks, I support the Bill.

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

EVIDENCE (AFFIDAVITS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 21. Page 741.)

The Hon. C. M. HILL (Minister of Local Government): In the debate on the second reading, the Hon. Mr. Rowe asked whether this Bill would make it possible for executors' oaths to be sworn before proclaimed bank managers. I understand that executors' oaths, in common with other affidavits and declarations required to be sworn or made under the Administration and Probate Act, must be sworn or made before the classes of persons specified in section 123 of that Act. A proclaimed bank manager is not included in this class. However, I will take up with my colleague, the Attorney-General, the possibility of an amendment being made to that Act.

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

ADJOURNMENT

At 3.25 p.m. the Council adjourned until Tuesday, September 3, at 2.15 p.m.