LEGISLATIVE COUNCIL

Thursday, November 18, 1971

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

ASSENT TO BILLS

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

Action for Breach of Promise of Marriage (Abolition),
Barley Marketing Act Amendment,
Cattle Compensation Act Amendment,
Door to Door Sales,
Motor Vehicles Act Amendment,
Stamp Duties Act Amendment (Insurance).

QUESTIONS

WOOL BAN

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Labour and Industry.

Leave granted.

The Hon. R. C. DeGARIS: Last Tuesday I asked the Chief Secretary a question about the black ban on wool on Kangaroo Island. Because I asked that question only last Tuesday, I realize that there may be a reason why I have not yet received a reply. However, an article in this morning's *Advertiser* states:

The ban on the handling of wool on Kangaroo Island by the Australian Workers Union has flared again with four more property owners blacklisted. Five property owners on the island now have their wool clips frozen under the ban, which has been in force for about two weeks.

The original ban applied to wool from the property of Mr. B. H. Woolley, of Gosse. As five properties are now under a ban, will the Minister consult with his colleague as a matter of urgency about this obvious act of discrimination against people who are in no way offending against State laws?

The Hon. A. F. KNEEBONE: I will consult my colleague and bring back a reply when it is available.

MEAT MARKETING

The Hon. L. R. HART: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: The newspaper *Farmer & Grazier* contains an article today under the heading "The 'need for Nelsons' re-affirmed". Last week a meeting of the original producer organizations that founded Nelsons and Producers meat auction was held. I attended that meeting and the various organizations' representatives at the meeting expressed the opinion that the need to retain Nelsons was as great, or greater, now than it had ever been. One problem confronted by Nelsons, concerning its operation in the meat market, is that at times it does not receive sufficient stock from producers. Once, it had to go into the live market and purchase stock and was able to sell this stock through its meat auction at a profit, which indicates that there is a particular value associated with this market. Today, we hear much about the middleman receiving all the profit, but we have a unique opportunity here for producers to market their stock on a weight and grade basis direct to butchers. I believe the Minister of Agriculture is a strong advocate of this method, and I ask him whether the Agriculture Department, through its official journal, could give more publicity about the value of this market to primary producers in this State. The lack of support for this market is caused because sufficient publicity is not given to producers about the value of this method of selling meat. Will the Minister say whether it is possible for his department to give more publicity to this organization?

The Hon. T. M. CASEY: I am pleased to hear that the honourable member and I are on common ground at last, because we both support the sale of meat by the weight and grade method. The honourable member's suggestion is a good one, and I will inquire whether anything can be done on the lines suggested by him.

DENTAL CLINICS

The Hon. A. M. WHYTE: Has the Chief Secretary a reply to my recent question about dental clinics in schools?

The Hon. A. J. SHARD: I have a reply that gives me much satisfaction. School dental clinics have been established at primary schools in the following towns:

Country:
Port Lincoln—one clinic
Whyalla—three clinics
Port Augusta—two clinics
Port Pirie—three clinics
Peterborough—one clinic
Murray Bridge—one clinic
Renmark—one clinic
Loxton—one clinic
Millicent—one clinic
Mount Gambier—one clinic
Kingscote Kangaroo Island—one clinic
Metropolitan:
Taperoo Primary School—one clinic
Ridley Grove Primary School—one clinic

In addition, there are five mobile dental clinics at present operating at primary schools in Ceduna, Iron Knob, Wirrulla, Tailem Bend, and Swan Reach. The Public Health Department has 12 mobile dental units, but the number operating is limited to the number of dental graduates available. By February next it is expected that five more static dental clinics will open at the following primary schools: Port Augusta West (total of three in Port Augusta), Cummins, Mount Gambier North (total of two in Mount Gambier), Elizabeth Grove, and Christies Beach.

FERTILIZER COMPANIES

The Hon. E. K. RUSSACK: Has the Chief Secretary a reply to my recent question regarding employees of fertilizer companies?

The Hon. A. J. SHARD: No official statements on redundancy of Cresco employees have been made by the two companies concerned. The newspaper claim that 200 employees may lose their jobs is only speculation at this stage.

ELECTRICITY CABLES

The Hon. C. M. HILL: Has the Minister of Lands received from the Minister of Environment and Conservation a reply to the question I asked on September 29 regarding the undergrounding of Electricity Trust cables in certain subdivisions? On that day I referred to a question I had asked on October 13, 1970, in which I stated that the previous Government had regulations drawn up to insist upon the undergrounding of electricity supply cables in some new subdivisions. In the reply I received to that question on October 27, 1970, I was informed that the Government had not made any real progress in the matter, and it was this point I was pursuing when I asked my question on September 29.

The Hon. A. F. KNEEBONE: On October 27 last year I replied to the honourable member as follows:

The Government is investigating the undergrounding of electricity in some subdivisions. Several schemes have been investigated, but no real progress has been made to date. The matter is being actively considered and, if it is decided to go ahead with regulations, the Council will be informed.

I have pleasure now to report that the drafting of regulations relating to the undergrounding of electricity mains in new subdivisions has proved a matter of some complexity. However, most problems appear to have been overcome and it is expected that additions to the control of land subdivision regulations made under the Planning and Development Act will be gazetted shortly.

PORT MACDONNELL BREAKWATER

The Hon. M. B. CAMERON: Has the Minister of Agriculture received from the Minister of Marine a reply to the question I asked on November 16 regarding the Port MacDonnell breakwater?

The Hon. T. M. CASEY: My colleague reports that the Mines Department is at present investigating sources of possible material for the construction of a breakwater in the Port MacDonnell area. Although suitable material in the area is scarce, a number of alternatives are possible. These alternatives are being investigated, but the outcome will not be known for some time.

The Hon. M. B. CAMERON: My question is directed to the Minister of Agriculture, representing the Minister of Marine, and I seek leave to make a short statement before asking it.

Leave granted.

The Hon. M. B. CAMERON: Much concern has been expressed about the delay in this matter and a number of problems have arisen as a result of extremely bad weather this year. The local fishermen's association is very concerned that the matter should get under way as soon as possible. In the *Border Watch* of October 28 last, a representative of the association, Mr. Cawthorne, said that the fishermen's association believed that a quantity of 60,000 cubic yards of rock from two tons to five tons in size was needed and that this could be supplied from local deposits. Mr. Cawthorne also said that, with the ingenuity of our engineers of today, perhaps a breakwater design to suit the rock might be a more realistic approach than to find rock to suit the design. I know the Minister of Agriculture, in view of the assurance he gave about this breakwater earlier (I think on September 1, 1970), that it would be built, will be only too happy to urge that the Minister of Marine should get on with the job in this case, and I ask whether the views of Mr. Cawthorne will be taken into account to see whether the design could be suited to the available rock.

The Hon. T. M. CASEY: I would like to correct one statement the honourable member made. Although I cannot remember his exact words, he inferred that in September, 1970, I made a promise to the people of

Port MacDonnell that this breakwater would be built. Is that so?

The Hon. M. B. Cameron: Yes, I have the quotation here from the local paper.

The Hon. T. M. CASEY: I do not remember ever giving such an assurance to people in that part of the State. In the first place, it is not my prerogative to do so. I want to make that clear. This matter does not come within my jurisdiction at all and there is no earthly reason why I should make a statement of that nature. I hope the honourable member gets the message on this occasion. I am willing to refer his question to my colleague, the Minister of Marine, to see whether the engineers can analyse what the honourable member is getting at, and I will bring back a suitable reply when it is available.

SPEED LIMITS

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Chief Secretary, who administers the Police Force.

Leave granted.

The Hon. C. M. HILL: Recently in this Council several questions have been asked concerning the problems associated with the need to increase the speed limits in this State for heavy commercial vehicles. A further problem associated with this industry which causes me some concern was brought to my notice this morning. I was told of one method by which the police might be estimating the speed of these vehicles, and I should like further information regarding this report that, in an area on the Melbourne side of Tailem Bend, the police erect a flag alongside the road and then wait in a car half a mile (or approximately half a mile) farther along the road. A semi-trailer driven along the road passes the flag and, after it has passed the police car, that car, I am informed, sometimes pursues the semi-trailer, the driver of which is charged with exceeding the speed limit. I have been informed that the method adopted is that the police use a stop watch on the vehicle between the point at which they estimate it passes the flag and the point at which it passes the police car. Is this one of the methods used by the police to ascertain the speed of heavy vehicles; is it, in the view of the Minister after investigation, an accurate method, and is it submitted as proof in the courts after the summons has been issued to substantiate the charge?

The Hon. A. J. SHARD: At this juncture I will not comment on the question. I will be quite pleased to draw it to the attention of the Commissioner of Police and bring back a report as soon as it is available. If it is not available before the end of next week I will send it to the honourable member in writing as soon as I receive it.

BELAIR LAND

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. C. M. HILL: Recently there has been much publicity about 23 acres of land adjacent to the Kalyra Sanatorium at Belair. It is open space land that apparently the registered proprietors intend to sell. It has been the subject of considerable discussion by some people who live in the area and who would like to see it retained as open space land. The Minister has announced that he would be willing to recommend a grant of 50 per cent of the purchase price under the Public Parks Act if the Mitcham council applied for the grant. The Government is not limited to giving only 50 per cent of the purchase price under that Act. When circumstances have warranted it, successive Governments have in some cases given more than 50 per cent, and the present Government announced publicly some extensions to the 50 per cent principle in regard to developing land owned by some councils. In other words, there is elasticity in connection with this matter. The Mitcham council, through its Mayor, has said that it cannot afford to proceed if it must provide the balance of 50 per cent of the required money. So that this magnificent piece of land may be retained as open space land, will the Minister of Lands ask his colleague to consider making a grant in excess of 50 per cent if the Mitcham council makes the appropriate application?

The Hon. A. F. KNEEBONE: I will convey the honourable member's request to my colleague and bring back a reply as soon as it is available.

STAMP DUTIES ACT AMENDMENT ACT, 1971, AMENDING 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.

The recently passed Stamp Duties Act Amendment Act, 1971, increased the rate of duty on bills of exchange and promissory notes payable in South Australia (other than those that are payable on demand) from 5c for every $50 or part thereof to 10c for every $50 or part thereof. This increase was made on the understanding that Victoria would effect a similar increase. However, it now transpires that Victoria has not altered the rate of duty payable on such bills of exchange, with the unfortunate result that the market for commercial bills on a short-term basis that has recently developed in South Australia may possibly be diverted to Victoria with its lower rate of duty. This type of transaction involves a very small margin of profit and so the effective increase in duty from 0.1 per cent to 0.2 per cent in this State would obviously have an adverse effect on the market.

The Government believes that, if this growing market is to be retained in South Australia, the rate of duty on such transactions must be maintained at the former rate of 5c for every $50. This Bill seeks to achieve that object by amending the Stamp Duties Act Amendment Act, 1971, before it is brought into operation. I shall now deal with the clauses of the Bill. Clause 1 is formal. The commencement of the amending Act (that is, this Bill) is deemed to be on the day before the day on which the Stamp Duties Act Amendment Act, 1971, comes into operation. Clause 2 strikes out that part of the principal amendment which increased the duty payable on the class of bill of exchange I have referred to. I think that on this Bill we will have complete co-operation from all honourable members.

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

MINING BILL

Read a third time and passed.

SECONDHAND MOTOR VEHICLES BILL

Second reading.

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

That this Bill be now read a second time.

It is another in a series of measures in what might be called the general area of consumer protection. The concepts embodied in the Bill owe much to the Report on the Law Relating to Consumer Credit and Money Lending (commonly called the Rogerson report) although the recommendations contained in that report at pages 46 to 48 have not in all cases been given effect in the form therein set out. Nevertheless a perusal of the pages indicated in that report will provide honourable members with some useful background material. No-one would deny that in the field of secondhand car selling there are dealers of probity who possess excellent reputations for fair and honest dealing. However, regrettable as it may be, there are some who fall far short of this standard as much to the concern of their honest fellows as to the concern of the members of the public who suffer their depredations. The plain facts of the matter are that a high proportion of complaints by consumers are concerned with used vehicle transactions and, since the purchase of a used motor vehicle represents, for most people, a substantial financial commitment, there seems to be a clear need for legislative intervention in this matter.

In broad terms this Bill sets up a system of licensing secondhand car dealers and at the same time provides for the regulation of certain sales practices and the obligations of dealers in relation thereto. Extensive consultations have preceded the preparation of this Bill and I have sought and received the helpful and informed advice and assistance of interested parties. A firm draft Bill has not been made available to the parties, since I have taken the view that a Bill of this type should be presented to Parliament before it is made available to outside bodies and interests. To consider the Bill in some detail, clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of this measure. An important effect of this clause is that it provides that a financier, as defined, shall not be a "dealer" for the purposes of the measure, and at subclause (2) it treats a sale by a dealer to a financier and a subsequent sale by the financier to a third person as a single sale by the dealer to the third person. Clause 5 commits the general administration of this measure to the Prices Commissioner, and subclause (2) assimilates the powers of the Commissioner and his officers under the Prices Act to this measure.

Clauses 6 and 7 establish a Secondhand Vehicle Dealers Licensing Board with five members appointed by the Governor. Provision is made for the chairman to be legally qualified and for appropriate trade and consumer representation on the board. Clause 8 provides for removal from the board of a

member on the grounds of misconduct or incapacity. Clause 9 is a relatively standard provision relating to casual vacancies. Clause 10 again is a fairly standard provision providing for the conduct of business, etc., before the board. Clause 11 is the usual provision to guard against the possibility of the acts of the board being invalidated merely by reason of a vacancy in the office of member or of some defect in the appointment of a member.

Clause 12 provides for payment of members of the board, and clause 13 provides for the appointment of and duties of the Secretary to the board. This clause also provides for the rendering of assistance by the police in inquiries relating to matters before the board. Clause 14 provides for the use of the services of other officers of the Public Service by the board if necessary. Clause 15 is again a standard provision to ensure that persons will not be disqualified from holding office as a member of the board by reason of the operation of other Acts. Clause 16 gives the usual powers to the board to summon persons and send for books, papers and documents.

Clause 17 subclauses (1) and (2) respectively make provision for the granting of licences to natural persons and companies. The subclauses set out the matters in respect of which the board must be satisfied before it grants a licence. Clause 18 indicates some of the grounds on which a licence may be refused. Clause 19 provides, amongst other things, for the renewal of a licence. Clause 20 sets out the grounds on which the holder of a licence may be disqualified from holding or obtaining a licence, and clause 21 provides for an appeal to a local court of full jurisdiction against a disqualification. Clause 22 provides that on or after a day to be fixed a person may not deal in secondhand cars unless he has a licence, or is in the employ of someone who holds a licence. Honourable members will note that at least three months must elapse after the Act comes into operation before this provision will operate.

Clause 23 provides that, with some exceptions, all secondhand vehicles other than commercial vehicles displayed for sale by dealers must display the required particulars that are set out in subclause (3a) of this clause, and that the particulars must be true and correct. The reason for the exclusion of commercial vehicles from this and other "consumer protection" provisions of the Bill is that, to date, there have been few complaints from purchasers of commercial vehicles who, as a class, seem in a better position to protect themselves against doubtful practices. This exclusion was, in fact, requested by the industry representatives. Clause 24 provides for, in effect, a statutory warranty of fitness of a motor vehicle. Aside from the exclusions indicated in subclause (2), the dealer must make good any defects that appear in the vehicle within the prescribed period, unless he has previously disclosed those defects to the purchaser. This provision is, of course, one of the most important in the Bill. The excepted defects are contained in paragraphs (*b*) to (*e*) of subclause (2).

Subclause (3) excludes from the operation of this section sales where the proposed purchaser has already been in possession of the vehicle for more than three months, say under lease, and, for the reasons mentioned in relation to clause 23, sales of commercial vehicles. Clause 25 sets out the method of disclosing defects for the purposes of this measure. As honourable members will note, each defect must be disclosed with reasonable particularity, and the cost of making good the defect must also be disclosed. If the cost of making good the defect is underestimated, the dealer is liable to make good to the purchaser the difference. If a defect is properly disclosed pursuant to this section, the dealer is not liable to make good that defect under the statutory warranty referred to in relation to clause 24.

Clause 26 provides for the reference by the parties of disputes to the Commissioner for determination, and clause 27 provides for the hearing and determination of the disputes. It is pointed out that this more informal means of determining disputes is an alternative procedure to a full judicial hearing by the local court, the procedure for which is set out in clause 28. Clause 29 deals with the rescission of a sale and gives to the Commissioner, and to the Commissioner alone, the right to apply for a court order to rescind the sale. The grounds on which an order may be applied for are set out in subclause (1). Clause 30: while at first sight the legislative proposals here suggested may seem a little unusual, there does seem to be a need for such a provision. A responsible organization of dealers in secondhand vehicles has devised a code of ethics in the hope that all reputable dealers will subscribe to it. Since the Government is anxious to reinforce any such code it has in mind that practices prohibited by the code will, in appropriate circumstances, be enacted as regulations, which will of course be subject to scrutiny by this Council.

Clause 31 ensures that this measure will not effect the operation of the Secondhand Dealers Act, to which, of course, secondhand vehicle dealers are subject. Clause 32 is intended to ensure that dealers will bear a greater responsibility than they have in the past for representation of their employees. Too often dealers have been able to disavow the most extravagant and improper claims of their employees. Clause 33 provides for the fixing of a cash equivalent of a trade in. Clause 34 is designed to strike out a not uncommon practice of tendering incomplete documents for signature by a purchaser. Clause 35 deals with a regrettably prevalent practice (that of "winding back" speedometers, which are in this measure more accurately described as odometers). Subclause (1) makes it an offence for anyone to tamper with a speedometer or misstate the other particulars in relation to a vehicle. Subclause (2) deals with offences of this nature by dealers and imposes an additional penalty in these cases.

Clause 36 ensures that the measure will not derogate from rights and remedies a purchaser may have, apart from this measure. Clause 37 ensures that a person will in general not be able to waive his statutory rights given him under this measure, and is in substance an application of the "no contracting out" principle. Clause 38 will preclude a dealer obtaining an indemnity from any antecedent owner not being a trade owner, as defined, of a vehicle in respect of which he incurs a liability under this measure.

Clause 39 prohibits members of the board from disclosing information obtained by them in the discharge of their duties. Clause 40 provides a penalty for continuing offences. Clause 41 provides for summary proceedings for offences. Clause 42 sets out certain regulation-making powers which are generally self-explanatory.

In summary, this Bill by means of its licensing provisions sets out to establish reasonable standards of honesty and probity on the part of secondhand car dealers. By means of the disclosure provisions, it attempts to ensure that the fullest possible information as to the condition of the vehicle is disclosed to the potential buyer, and finally, by means of the statutory warranty provisions, it attempts to ensure that buyers of secondhand cars will be able to enter the market with perhaps rather more confidence than they do at present.

Used car transactions have been a source of innumerable and constant complaints by purchasers. Many people have suffered injustice and found themselves without a remedy. Many who could ill afford it have paid for cars which turned out to be of little value to them and in fact involved them in great expense. This measure provides an effective means of preventing such injustices. It asks no more of used car dealers than that they should observe ordinary standards of honesty and integrity. Those who are frank and honest with their customers have nothing to fear from the measure. On the contrary, it will ensure that they do not suffer from the competition of dishonest methods used by competitors. One frequently reads advertised statements by used car dealers that their business is conducted upon frank and honest lines. This Bill will ensure that those claims are made good and that the public receives the protection which it needs.

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

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That this Bill be now read a second time.

It is the third in a series of Bills designed to bring all parts of the transport service in the State under the control and direction of the Minister of Roads and Transport, following the recommendation of the Transport Policy Implementation Committee. I commend the Bill to honourable members for the same reasons as were previously given with respect to the Bills relating to the Municipal Tramways Trust and the Transport Control Board. Given the power of overall control sought by this Bill, the Government believes that it will be better equipped to put into effect its policies for the improvement of the whole transport service in this State. The Bill also contains various statute law revision amendments.

I will now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 inserts a new section 3, the wording of which now conforms with the intention that the Act and the Land Acquisition Act be read as one. Clause 3 inserts a new definition of "Minister" which conforms to the recent amendment to the Acts Interpretation Act. Clause 4 inserts the section which places the Commissioner and his officers and employees under the control and direction of the Minister. Officers and employees are included, as the Act places

some statutory duties, mainly with respect to certain disciplinary matters, on some senior officers. Those sections of the Act that require the Commissioner to make certain quarterly and annual reports to the Minister and to Parliament are excluded from the operation of new section 6a, so that those duties can in no way be affected by the provisions of the Bill that place the Commissioner under Ministerial control.

Clauses 5 to 10 inclusive effect statute law revision amendments to sections 56, 57, 83, 91, 92 and 93 of the Act respectively. These amendments are self-explanatory. Clause 11 repeals section 95a of the Act, which provided a cumbersome procedure for the giving of Ministerial directions to the Commissioner. This section would be redundant if the Commissioner is placed under the general control of the Minister by virtue of this Bill. Clauses 12 to 17 inclusive effect self-explanatory statute law revision amendments to sections 101, 102, 103, 104, 110 and 111 of the Act respectively.

The Hon. C. M. HILL secured the adjournment of the debate.

VALUATION OF LAND BILL

Adjourned debate on second reading.

(Continued from November 16. Page 3000.)

The Hon. C. M. HILL (Central No. 2): It has for some time been considered that this measure would ultimately have to come on to the Statute Book. For some years I opposed the general approach of appointing a Valuer-General, the main objection I voiced not only in this Chamber but elsewhere being that I feared it would lead to departmental growth on a grand scale. Such unnecessary departmental expansion always means that the cost involved becomes great and, ultimately, the taxpayer must pay for such expansion.

There are, of course, times when expansion is necessary. However, this should happen only when it is absolutely necessary for the best working of the State. One of the fears I had in mind when I previously criticized this proposal was that, if the Valuer-General was given such a status in the Public Service as to require a high salary commensurate with those of some of the most senior officers in the Public Service, naturally beneath such a senior officer a vast departmental empire would have to be built.

However, the Government has in the Bill laid down the specific salary of the officer involved. That is a sensible approach, because it gives Parliament a clear picture of the proportions to which the department will grow when the key man will, in accordance with the Bill if it is passed, receive a salary of $12,350. I know that in other States Valuers-General have carried out commendable work in the general structure of the Public Service.

As I believe it will be impossible for this new officer and his department to grow into the size that I previously feared, I am willing to support the proposal for the establishment of such an office. However, some points in the Bill need to be questioned seriously. The whole matter of valuation involves expert knowledge and opinion.

I regret that the two expert bodies in this State whose members practise valuation both within and outside of the Public Service were not consulted by the Government regarding the preparation of this measure. The two groups concerned are somewhat offended by that. This is a pity, because these institutes and associations could possibly have contributed something worth while and, in the outcome, better legislation than that which will come on to the Statute Book might have resulted. When matters concerning valuations or other professional matters are introduced into legislation it is a wise preliminary step for the Government of the day to consult the experts in that field. Many people want to assist the State and are willing to give their views so that South Australians may live under the best possible laws.

An effort has been made (and I think it is the right approach) to remove the office of the Valuer-General from pressure from any Government by giving him some independence similar to that enjoyed by a few other senior public servants who must always be kept away from political pressure of any kind. Clause 9 attempts to do this. However, I do not agree with the method adopted by the Government. The machinery involved is that the Government of the day should, if it thinks it has cause, suspend such an officer and, following that suspension and advice to both House of Parliament, I believe that both Houses should petition for the removal from office of the officer concerned and the Governor should be bound to remove him from office.

The main principle of this procedure is that both Houses of Parliament must in effect have approved of the person's dismissal. As I read the Bill, there are two pertinent points. One is that either House may petition for

the removal from office, in which case the Bill provides that the Governor may remove him from office. That is not as watertight as a procedure which would require a petition from both Houses.

If the Government believes that this is the proper approach and that such an officer should, for all time, be placed completely beyond any potential influence that may be exerted upon him in his important and responsible role as a senior public servant valuer in this State, then the Government should go the whole distance and see that such an officer cannot be removed from office without the approval of both Houses of Parliament. I propose to move an amendment along those lines. I believe it to be a far better approach than that adopted by the Government.

Clause 29 raises very important points. If the Bill passes in its present form every person who sells land is compelled, after the sale, to advise the Valuer-General by a notice containing prescribed particulars of the transaction, and any vendor failing to give that advice to the Valuer-General is liable to a penalty of $50. This is taking bureaucracy too far. Up until now the procedure throughout the history of South Australia has been that, when valuers from Government departments concerned with valuations for rating want to know what sales have taken place for the purposes of comparison, there is a liaison between the department and the Land Titles Office.

One department contacts the other, or the advice goes from one to the other, and by inter-departmental action the departmental valuers concerned with assessments keep in touch with all comparable sales. They must do that, of course. However, to place upon every person in the State who might sell a piece of land an obligation, first of all, to find a prescribed form and, secondly, to send details to the central department in the city is taking the matter of red tape and obligation too far.

One could imagine an elderly person in a country town, perhaps a pensioner, who might have owned a block of land alongside the cottage in which he lives. He might sell the land and, in the course of his affairs, settlement is made and the transaction completed. I cannot appreciate how that person should know he must then find the prescribed form, complete it, and send it to the Valuer-General in Adelaide. This has never been necessary previously. If he neglects to do it he is liable to a fine of $50.

This is completely unreasonable. It becomes obvious when we realize that the comparable departmental officer has, until now, by inter-departmental procedure, obtained such details through the usual channels. It is going too far to saddle the people of South Australia with the obligation to take this action, and I take strong exception to the first part of clause 29.

I have been informed that valuers in private practice are quite alarmed that they might lose their jobs or their livelihood as a result of this measure. I refer particularly to clause 17, in which subclause (1) states that the Minister or a department or a rating or taxing authority or a council may request the Valuer-General to value any land for certain purposes. Subclause (4) states that the Valuer-General may recover from any person, authority or council, at whose request he has valued any land, such fees as may be prescribed as a debt due to him in any court of competent jurisdiction.

We see that subclause (4) includes the word "person". What is the real intention of the Government regarding any person seeking from the Valuer-General a valuation on his own or some other property? The Bill states that certain fees will be prescribed and charged by the Valuer-General. What rates does the Government propose to charge? Is it to be a formal and minimal amount? Or, is the Government going into competition in such a way that the fee charged will be similar to that charged by professional valuers elsewhere?

I could draw a comparison by referring to a situation where people might go to the Crown Law Office and obtain legal advice for a minimal fee from the departmental officer there. If people could do that, one could easily appreciate the hardship that would flow to solicitors in private practice. I cannot help asking whether this Bill will lead to loss of income on the part of valuers in private practice. Will the Succession Duties Office accept the Valuer-General's valuation without any other evidence of value? If the answer to that question is "Yes", a considerable volume of valuation work will cease immediately this Bill becomes law.

I foreshadow an amendment providing that, whereas the Valuer-General can value for the authorities referred to in clause 17 (1)—other departments, taxing authorities or local government—he should not be permitted to value

for ordinary market value purposes for a private person. About two years ago the Land Valuers Licensing Bill was introduced, providing for high professional qualifications for valuers. If the Valuer-General takes over the work I have referred to, there will be no need for anyone to worry about standards or having a licence. It is a contradiction to bring down a Bill raising the standards of valuers in this State and shortly afterwards to bring down a Bill that will take work out of the hands of private valuers. This Bill will mean the end of valuations being carried out by private people for local government purposes throughout the State. I know that occasionally some ratepayers have complained about private valuers who have made assessments for councils. Nevertheless, where a council employs a professional valuer with intimate knowledge of local conditions, the assessment of that council's area can be very accurate and more realistic than one made up scientifically in a central office in Adelaide by the Valuer-General. It is a pity that this change will inevitably take place. It will tie local government in all parts of the State more firmly to central control. I do not agree that anything should be done that builds up that kind of local government structure, because it is not a good thing for the health of local government in South Australia.

Clause 15 deals with the frequency with which the Valuer-General may carry out his valuations. Representations have been made to me that many people experienced in valuing believe that the Valuer-General should not be permitted to value land more frequently than annually. If the Valuer-General approaches this matter cautiously, I do not think that much damage will be done, but one can understand any fears that may arise when the Valuer-General is given the right to value land at any time. Because values may increase quickly, some people believe that the Valuer-General may rush in and make valuations frequently, but it can work both ways: values may decrease quickly, too.

The Bill introduces a fourth method of valuation—site valuation. The other approaches to valuation are the annual value, the capital value and the unimproved value; in our everyday affairs we are familiar with those approaches.

It is regrettable that this matter is becoming more complex as time passes. If we tried to reduce all the complexities and dealt with one value (a capital or market value), a far simpler picture would emerge. More and more assessments and rating practices might revolve around a simple market value, irrespective of whether the property was improved or not improved and irrespective of whether it was leased. It would be all to the good if we could arrive at a simple, standard approach in connection with rating and assessment, centralized as they would be.

The Commonwealth Institute of Valuers, in making submissions to the Sangster committee on rating and taxation matters, supported the view that there should be only one value. We will all be interested to read the Sangster committee's report when the Government makes it available. Many people are interested in valuations, and they are still waiting patiently for the Government to publish this report.

It may well be that the recommendations will add weight to the view that, rather than increase the number of methods of valuation, a more sensible approach would be to reduce them and, ultimately, aim at the simple approach of market or capital value. I appreciate that officers expert in valuation have taken some part in the preparation of this measure, and they have been confronted with many complexities which, in modern affairs, are not conducive to returning to a separate approach. These people are dedicated and highly skilled and do what they think is best for the State in adding a further type of valuation, but it will be in the best interests of everyone if we turned back to the simple approach of one value.

The rather time-honoured view, that annual value means a value computed as three-quarters of the gross annual rental the land might reasonably be expected to realize if leased upon condition that the landlord was liable for all rates, taxes and other outgoings, has been adopted. In many ways this view is completely unrealistic, because few landlords find today that after leasing their property and paying all outgoings they receive a net 75 per cent return. In many cases throughout the city of Adelaide there is only a 55 per cent return to the landlord. It is good for the Government to retain the 75 per cent proportion in this measure, because this has been considered traditionally as the net return to the landlord who has to pay the rates, but it is completely wrong to assume that this is the case.

A more realistic and fairer approach should be adopted by the Government, such as 65 per cent or 70 per cent, when one considers the outgoings. I notice in clause 5 (*a*) a

further qualification has been added to the annual value definition which allows further depreciation on plant and machinery and which is to be added to the 25 per cent normal deduction. This seems to involve the question of depreciation of plant and equipment that is part of a factory or mill, but other properties such as hotels and motels have lifts and air-conditioning that incur high depreciation. There should be an adjustment for such depreciation, so that the annual value on which the landlord is rated is based on a lower figure than 75 per cent of the total rent that the landlord receives.

Another point is that the Government has not stated whether the Valuer-General should be qualified in valuation work or not. I think this Government would intend (and any Government would) to appoint an officer to such a position who is highly expert and qualified in that professional work. However, in future someone could be appointed, for instance, on administrative ability, and that person need not be qualified in valuation work, according to the provisions of this Bill. It should be detailed in the Bill that such is the case, because that would be a much fairer approach than leaving the matter open.

My last point concerns clause 24, which deals with objections to valuations and will involve people throughout the State. Time is given to object to a valuation assessment of the Valuer-General, but the Bill provides that the objection must be on a prescribed form and contain a full and detailed statement of the grounds on which the objection is based. It would be impossible to include such a printed form in the notice of assessment that is sent to the landowner, because of the amount of detail that is required.

Therefore, if a person wishes to object to the assessment, he would have to write to the Valuer-General asking for a prescribed form, have it returned to him, fill it out, and then return it. This kind of form filling is objectionable to about 90 per cent of Australians. The Bill should provide that if a person wishes to object to an assessment he may use the prescribed form, but if he sends in a full and detailed statement of his objections in letter form that should be accepted as legal evidence that the taxpayer objects to the assessment. Then, the machinery for appeals and consideration of the case could flow from that.

For the taxpayer to be disallowed from having an appeal considered because he was unable to wait for or seek a prescribed form seems to be carrying the matter too far, and this aspect should be considered in Committee. Several important aspects of this Bill should be considered closely before the measure is finally passed. I hope, ultimately, that it will be passed and that if the office of Valuer-General is set up it will run smoothly to the benefit of all people involved and to the State.

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

HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 3085.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This short Bill deals with two matters: first, it extends the operation of the Health Act in relation to air pollution and, secondly, it makes amendments to the Act relating to the licensing of private hospitals, nursing homes, and rest homes. I do not think that any member can object to the provisions of the Act applying more effectively to any area than they do at present. Air pollution regulations are not completely effective, because of section 91 of the Health Act. That section exempts any part of the State to which the Noxious Trades Act applies from the operations of the clean air regulations. No doubt, originally a good reason existed for this but, as the community and we as legislators are becoming more aware of the problems inherent in air pollution, I do not expect much opposition to this provision. On the other hand, I express my concern at the maximum penalty for a breach of the clean air regulations: an increase from the present $200 to $2,000. The Hon. Mr. Story said yesterday that he was concerned at heavy increases in penalties, and I am, too.

The Hon. D. H. L. Banfield: No-one has to incur these penalties.

The Hon. R. C. DeGARIS: No, but if one takes that attitude, why not have heavier penalties for every breach of the law?

The Hon. D. H. L. Banfield: You don't have to incur anything.

The Hon. R. C. DeGARIS: No, but I believe the honourable member would agree that an increase from $200 to $2,000 is a rapid escalation.

The Hon. D. H. L. Banfield: If you don't have to pay, it doesn't mean a thing.

The Hon. R. C. DeGARIS: A person who obeys the law does not have to pay. However, if the honourable member takes that attitude, no reason exists why we should not have extreme penalties. It is as difficult to

argue against these penalties as it is to argue against capital punishment. If the honourable member will bear with me, he may find me to be a reasonable person.

The Hon. D. H. L. Banfield: I have always found that.

The Hon. R. C. DeGARIS: The Bill would be better if the heavier penalty applied to subsequent offences. The Bill also establishes an appeal board in relation to air pollution. The board, which is to be appointed by the Governor, is to be known as the Air Pollution Appeal Board. The measure does not set out how the board is to be appointed or what members shall be on it; this will be left to the Governor. The regulations will cover the composition, powers, functions and duties of the board, and rights of appeal to the board and procedures relating to appeals shall be prescribed. However, I would have preferred to see additional information on the board, including the composition of the board, contained in the Bill and not left to regulations. It is usual in these matters that this information is given in the Bill. The second part of the Bill deals with what is to me almost an old friend.

The Hon. A. J. Shard: It's been with us for a long time.

The Hon. R. C. DeGARIS: Yes. I think that at one stage I might have done some drafting of this part of the Bill. Over the years, difficulties have arisen in South Australia because of the definitions of nursing homes, rest homes and private hospitals in the Health Act. The difficulty arises in that the Commonwealth Government provides different levels of benefit under its legislation applying to these three categories. The Commonwealth definitions differ from those in our Health Act, and this is where the difficulty arose: the Commonwealth would classify some places as rest homes and we would define them as nursing homes, and *vice versa*, and it became a complex issue. I assume that these definitions now comply with the definitions in the Commonwealth Act.

The Hon. A. J. Shard: That's my understanding of it.

The Hon. R. C. DeGARIS: It should have been done some time ago. I cannot recall what the difficulties were at the time.

The Hon. A. J. Shard: Priorities of Bills.

The Hon. R. C. DeGARIS: I know that difficulties existed in making these changes to comply with the Commonwealth definitions. Obviously, the Government has solved this problem, and the definitions now fit those of the Commonwealth Act.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

PISTOL LICENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 3084.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Honourable members may recall that towards the close of last session a problem arose in debating the Age of Majority Bill in relation to 18-year-olds and the Pistol Licence Act. At that stage, with the Attorney-General's co-operation, a private member's Bill was introduced to overcome the problem. However, as a result of the pressure at the end of the session, we found that the matter had not been fully researched. Although that Bill was a simple one, other matters caused some difficulty. I do not think the private member's Bill, which was passed by both Houses, was ever proclaimed.

The Hon. A. J. Shard: I don't think it was.

The Hon. R. C. DeGARIS: Having discovered that anomalies existed in the Age of Majority Bill, the Council attempted to overcome the anomalies but did not succeed. As a result, we now have before us a properly constructed well-researched and well-drafted piece of legislation, which I have pleasure in supporting.

The Hon. A. J. Shard: I think it actually does what you intended.

The Hon. R. C. DeGARIS: That is so. The difficulty is that in many pistol clubs there are young people who take up pistol shooting as a hobby. It is a good hobby, and there are many excellent clubs in South Australia, many of our people, both male and female, having reached interstate, Australian and international standard.

The Hon. A. J. Shard: And Olympic standard.

The Hon. R. C. DeGARIS: That is so. Many of these people begin their training in pistol clubs at a young age. In my district there is a pistol club, to which many young people belong. Also, my district has produced probably the outstanding female pistol shooter Australia has seen; she is of international standard. This is a most complete Bill, which should achieve all that is intended to be achieved. I have much pleasure in supporting it.

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

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 3121.)

The Hon. M. B. DAWKINS (Midland): When addressing myself to this short Bill I take particular note of something the Minister said in his second reading explanation. He told the Council that the Government desired to place the Transport Control Board under Ministerial control in the same way as it intended to place the Municipal Tramways Trust and the Railways Commissioner under Ministerial control. He went on to remind honourable members of the reasons which the Government considers justifies its having overall Ministerial control of all bodies that form part of this State's transport services. He also said that the Government believed the Transport Control Board must be subject to general direction by the Minister, that reorganization of the board was being considered and that, as a decision might be taken to discontinue the board, a shorter term of office was therefore being fixed.

I think the Minister was honest, so far as the Bill goes, in stating the Government's intentions. However, I think this short Bill, which contains only four short clauses, although it looks quite simple on the surface, could be damaging indeed. I believe it to be the thin end of the wedge, as it could be a means of preparing the way for something of a repetition of what occurred in 1966-67. Every honourable member, whether or not he is a Government member, is aware of the Labor Party policy to build up the railways at the expense of road transport. For example, everything near to Angaston should be pushed on to the railway there, if possible. The Government has had this policy for some time. The people on Yorke Peninsula, for instance, as a result of the implementation of this policy, would be able to drive only so far as Melton, and one could wait 24 hours before what is put on rail at Melton is unloaded in Adelaide.

I believe, as the Hon. Mr. Hill said yesterday, that this is also the Government's policy regarding road buses. All members are aware of the need to close some railway services today. I do not think anyone wants to close the railways merely for the sake of doing so. However, the public will not use certain services, which are as a result being run at a tremendous loss. The fact must be faced, therefore, that the public wants road transport and that it will not patronize rail transport.

The Hon. A. F. Kneebone: They use them where they can get concessional freight rates, of course.

The Hon. M. B. DAWKINS: That is so. The railways are still valuable for freight and long haulage. I was going to refer to that aspect later. I am referring now more specifically to passenger traffic. When I referred previously to the closure of railway lines, I was referring to the cessation of passenger traffic on those lines. All members are aware that the previous Government closed passenger traffic on certain lines and replaced it by private enterprise road buses, which have been well patronized and have done a good job. Indeed, they have done the job more cheaply, more quickly and in a more comfortable manner than it was possible to do by rail.

I do not think the Government will attempt to hide the fact that it would like to have these road contracts terminated and to put on Railways Department road buses. However, I can see no good reason for this. If this happened, we could get to the position where the bus services were also losing money. I have seen these services in Western Australia, New Zealand and elsewhere, and I certainly would not denigrate them, as some of the services seem to be quite good. However, whether they are better or more economical than private enterprise, I very much doubt.

I believe the object of this Bill is to get us back to the situation in which we can begin again the exercise that was done in 1966. The Minister of Lands, who was then the Minister of Roads and Transport, became a little upset yesterday. I hasten to point out to him that, in opposing—

The Hon. A. F. Kneebone: Be careful.

The Hon. M. B. DAWKINS: I will be careful, as long as the Minister is careful. I oppose Ministerial control generally, and not particularly the control of any gentleman holding office. I do not believe that any Minister, whether of my Party or of the present Government, should have too much control. I know it is a problem to find a happy medium between too much Ministerial control and too much control by heads of departments. While I believe that this Bill could open the gates for a future exercise such as we had in 1966-67, I am prepared to admit that this is a very difficult situation

and that it is difficult to arrive at a happy medium of control between department and Minister.

The exercise of 1967 was completely undesirable and very unpopular. The Hon. Mr. Hill reminded us of that yesterday. We have to thank this honourable Chamber for the fact that we did not have the results of extreme Australian Labor Party policy in the form of its transport ideas foisted on South Australia and restrictions forced on this State. We have had in the past, going back a considerable number of years, a situation of having too much political and Ministerial interference, and this no doubt was why some of these bodies the Government now wants to bring back under direct Ministerial control were given a measure of independence.

The Hon. A. F. Kneebone: It is handy to pass the buck, too, of course.

The Hon. M. B. DAWKINS: I imagine the present Government has been quite happy to do that on occasions. Certainly it is difficult to find a sensible and complete solution to the problem.

Clause 1 of the Bill is the formal clause. Clause 2 makes an alteration regarding the Minister, and I have no specific objection to that. As the Minister has said in his second reading explanation, clause 3 is the main operative clause and deals with the matter of the Transport Control Board, proposing to insert a new section 2b in the principal Act as follows:

Notwithstanding any other provision of this Act, the board is subject to the control of the Minister and, in the exercise of the powers, functions, authorities and duties conferred or imposed on the board by or under this Act or any other Act, the board shall comply with the directions, if any, given by the Minister.

Some people, particularly primary producers, may have mixed feelings about the Transport Control Board, and some people might hesitate to oppose some sort of control by the Minister. Not all producers would, at first glance, object to some Ministerial control, but nevertheless on balance I am positive that Ministerial control of the board, in the terms of this proposed section, would be quite detrimental to the interests of South Australia. For that reason, if for no other, I am unable to support the Bill.

Clause 4 alters the term of office of members of the board. The Minister has foreshadowed the possibility that the board may be disposed of and therefore the Government wishes to reduce the term, or to make it possible to reduce the term of the reappointment of board members. The present term expires next month, and under the existing legislation it is necessary that members be appointed for a period of three years. This clause refers to "such term not exceeding three years as the Governor may fix at the time of appointing that member". This means that a member could, in effect, be under sentence of removal if he is not responsive to the wishes of the Government or of the Minister. The Bill not only does what is spelt out in the document but also opens the door for future Socialist action which is not in the best interests of South Australia as a whole. For that reason I cannot support it, and I oppose the Bill.

The Hon. L. R. HART secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 3117.)

The Hon. V. G. SPRINGETT (Southern): This Bill is not a long one, and superficially I do not think there is anything startling in it. However, one or two things puzzled me when I read it. The Bill is concerned with capital punishment and the retention on the Statute Book of the death penalty. In his second reading explanation the Chief Secretary said it had become a source of embarrassment to judges of the Supreme Court to be obliged to pronounce sentence of death upon a person when it was the avowed policy of the Government of the day never to carry such a sentence into execution. That is the first thing about which I am puzzled. Why should it be a source of embarrassment to a judge because this present Government does not necessarily wish to carry such a sentence into execution? It refers only to this Government; a future Government may have a different policy. I should like the Minister's assurance as to where the embarrassment would apply to a judge pronouncing sentence of death on a person today as compared to the circumstances under the policy of another Government in years to come.

The Hon. F. J. Potter: I think the position is that it is outside the hands of the judge. He does not know whether or not it will be carried out.

The Hon. V. G. SPRINGETT: All he has to do is pronounce the sentence of the court, the sentence laid down by law—nothing more

than that. The Chief Secretary went on to say:

. . . the distasteful passage that the prisoner be hanged by the neck until he be dead, when everyone in the court room knows that this will not be done.

Again, it is only a question of the policy of this Government; it does not necessarily apply to a future Government. The second point with which the Bill deals is the validity of pardons granted by Governors in the past and the power of the Governor to commute sentences of death to life imprisonment. The Chief Secretary went on to make the following rather surprising statement:

Without going into details of the legal argument involved, it is possibly open to argument that a person convicted of murder and sentenced to death might successfully insist on the original death sentence being carried out.

In other words, some doubt has been cast on the validity of pardons by Governors in the past. It seems rather shattering, bearing in mind the number of years that has passed during which Governors have commuted death sentences to life imprisonment and have granted pardons. It is remarkable that we are now faced with the situation that these actions might not have been valid.

The Hon. F. J. Potter: It is an academic question. They are valid in fact.

The Hon. V. G. SPRINGETT: They are valid in that they have happened but, if there was no legality about these things, should there not be some back-dating by the Bill to make them completely legal? Thirdly, the Bill deals with the question of public hangings of Aborigines. I do not think there is any dispute that public hangings in a country such as this serve very little purpose. I go as far as to say that in some countries there is a place for public hangings, because they bring home to primitive populations what is really happening and why. However, most people in this country have reached the stage where they can read and understand that a person has been sentenced to death without having it demonstrated visibly before their very eyes. I readily agree that the clause abolishing public executions of Aborigines should be passed. However, in connection with whether the sentence of death should be pronounced in its old form or in accordance with the Chief Secretary's suggestion, it seems to me that there is no difference in the end result. We must be sure that all the people who have been pardoned and reprieved in the past on the Governor's order were dealt with legally. Provided that it covers all eventualities, I, as a non-legal man, cannot see anything to worry about in that provision.

The Hon. Sir ARTHUR RYMILL (Central No. 2): This Bill was introduced and read a first time only yesterday. Further, the second reading explanation was given yesterday after Standing Orders had been suspended. Normally, of course, the second reading explanation would have been given today, and we would have had a chance to look at it, because the first speech from this side would have been given next Tuesday. This Bill has deep implications. I must confess that I do not fully understand it, although I can see one or two things in it that are completely contrary to the traditional British law, which we have adopted. I ask for time to consider the Bill's implications. I would have asked that the debate be adjourned, but if I had done so the adjourned debate would have been on motion. I am not ready to finalize my remarks and I do not expect that I will be able to do so until I have had a fairly deep investigation of the Bill and consulted other lawyers who know more about the criminal law than I do. We will be sitting for at least another three days, so I do not think there is much hurry about the Bill. Because I want time to consider it properly, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

PUBLIC SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 3128.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which deals with a matter of internal administration. It has arisen apparently from a discovery that there was a deficiency in section 25 of the principal Act. I guess that the deficiency may have been found by the Parliamentary Counsel in his general examination of the Acts of the State for the purposes of Statute consolidation; I do not know whether that is the case, because it was not stated by the Minister. The Bill empowers the Governor, by proclamation, to change the title of the office of a permanent head of a department. Because the Bill deals with a purely administrative matter, I see no objection to it.

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

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 3129.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill. I am sure that honourable members appreciate that, with the quantity of legislation that is being dealt with at present, there has not been as much time as we would like to research every measure in detail. The second reading of this Bill was given at one o'clock this morning. I have checked it against the existing Act and, although superannuation is a complicated matter, this Bill deals principally with two items. First, provision is made to supplement by 5 per cent all pensions having a determination day, as defined, that occurred on or before June 30, 1970, and, secondly, an attempt has been made to afford some financial relief to certain advanced age contributors.

Clause 6 is the important provision concerning the extra units to which advanced age contributors are entitled. The formula is somewhat complicated, but I am sure that the Chief Secretary would be able to answer any queries that might arise. To the best of my knowledge, the provisions are straightforward and fair. Superannuation affords great security to people who are covered by it and to their families. I do not know of any other means that cater so well for this problem, which people in the private sector find difficult. A scheme such as this in which a contributor contributes 30c in every $1, in which any entitlement his wife may have is free of succession duties, and in which contributions are eligible for taxation relief, is a system that many people in the private sector would envy.

The Hon. D. H. L. Banfield: It prevents people from getting social services, doesn't it?

The Hon. G. J. GILFILLAN: I am not criticizing the system, but I believe that, because of the added costs of providing security in present-day conditions, some of these benefits should be available to the private sector of the community.

The Hon. D. H. L. Banfield: If they don't have security, they can get social service benefits.

The Hon. G. J. GILFILLAN: Yes, but I do not think that this is what the average family provider is aiming for. I appreciate that a person receiving superannuation benefits (particularly someone who has been receiving them for some years) faces the problem that is faced by people who receive a fixed income in an age of rising costs. I should think that many superannuants find it difficult to meet their present obligations. I do not think that this 5 per cent increase, on pensions that were fixed some time ago, is extravagant

The Hon. A. J. Shard: I agree. I have raised the point, but I am told that this is the correct figure on previous procedures, and it fills the gap.

The Hon. G. J. GILFILLAN: I thank the Chief Secretary for that information, but it seems to me that it will not equal price increases in the last 12 or 18 months. The Bill seems to be perfectly fair, but I do not think it is unduly generous.

The Hon. A. J. Shard: I agree.

The Hon. G. J. GILFILLAN: I was surprised when reading the Act to note the relatively small amount to which dependent children were entitled. The proposed increase is not extravagant, and the Superannuation Fund can well stand any increases that may be allowed. According to the Auditor-General's Report, the amount held in the fund has steadily increased in the last two years. That report states:

The number of contributors at June 30, 1971, was 18,572, a decrease of 657 over the previous year's figure. In the same period the number of pensioners increased by 100, to 6,662. The main reasons why the number of contributors decreased over the year are that since the passing of the Superannuation Act, 1969, entrance to the fund has been deferred until an officer attains age 20 (unless a married male) and that the onus has been placed on an officer himself to apply for entrance to the fund, whereas previously the department endeavoured to ensure that all eligible officers became contributors.

Because of the introduction of this Bill, it was interesting to see how this scheme has been operating, as reported on by the Auditor-General. It seems that it is a fair recognition of the problems of persons on fixed incomes, and I support the measure.

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

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 3129.)

The Hon. G. J. GILFILLAN (Northern): I rise to support this short Bill, which supplements by 5 per cent certain pensions payable

before June 30, 1970, to former members of Parliament or their widows. The Bill will help to overcome the problems facing persons living on incomes that were fixed prior to the present rather alarming inflationary spiral. I support the Bill.

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

ADJOURNMENT

At 4.33 p.m. the Council adjourned until Tuesday, November 23, at 2.15 p.m.