LEGISLATIVE COUNCIL

Tuesday, March 21, 1972

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

QUESTIONS

ABATTOIR

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

Leave granted.

The Hon. L. R. HART: I am sure all stock breeders in South Australia will be delighted to read the article in this morning's press stating that the killing facilities for cattle at the Gepps Cross abattoir are to be expanded. I think the article stated that about $200,000 had been provided by the State Government for the construction of an extra cattle slaughtering hall. Will the Minister of Agriculture say whether the $200,000 will be sufficient to enable the extra meat hall to be constructed, or whether the Metropolitan and Export Abattoirs Board will be required to contribute towards the cost of this building?

On July 22 last year I received a reply from the Minister regarding the facilities for killing lambs at the board's works at Gepps Cross. There was a fear that the capacity of the works would not be sufficient to cope with the expansion in the lamb-producing programme. The Minister told me then that, working on a seven-day shift basis, it was expected that over 62,000 lambs could be killed in 1972. He said, too, that this was comparable with the numbers that were killed in 1971, despite there having been a reduction from 54 to 38 in the number of men working on the chains. Last year the conditions were such that producers were able to hold their lambs on their properties for longer periods when it appeared that the works might be congested. That will not always be the situation. Can the Minister say whether the abattoirs have sufficient facilities to cope with the expanded number of killings that could be forecast for the coming year, as the conditions prevailing in the current year may not be as favourable for holding lambs on properties as they were during the last season?

The Hon. T. M. CASEY: Taking the first part of the question first, the honourable member's statement that a new beef hall would be constructed at the abattoir is not correct.

The Hon. L. R. Hart: That is what it says in the press.

The Hon. D. H. L. Banfield: You cannot believe all that you read.

The Hon. T. M. CASEY: Though the honourable member, who is an expert on abattoirs, may realize that a hall is already there, the fact remains that the machinery and overhead gear must be installed. That is the purpose of the $200,000 that has been made available by the Government to the Metropolitan and Export Abattoirs Board, so that it can bring this new beef chain into operation.

The Hon. R. A. Geddes: Is that a grant or a loan?

The Hon. T. M. CASEY: The present situation is that the killings under the present chain are about 750 a day; the new chain will bring in about 500 a day extra, which means there will be a total of about 1,250 beasts a day going through the abattoir when the new beef chain comes into operation. I am afraid I could not follow the second part of the honourable member's question because I thought the first part of his question was rather hypothetical, to say the least. I should like to have a good look at the whole question before I answer it.

WHEAT OWNERSHIP

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to a question I asked on March 15 about the ownership of wheat at the silos?

The Hon. T. M. CASEY: The South Australian Wheat Industry Stabilization Act, 1968-1969, provides that a person who is in possession of wheat may deliver that wheat to the board, whereupon the wheat becomes the absolute property of the board, freed from all mortgages, charges, liens, pledges, interests and trusts. Delivery of wheat to the board in South Australia may be made only by delivering the wheat to the board's licensed receiver, which is South Australian Co-operative Bulk Handling Limited. There is provision in the Act for a bill of sale holder to be paid moneys payable by the board in respect of wheat delivered to it, provided that at the time of delivery the wheat is the subject of a registered bill of sale; but all other assignments of moneys are void as against the board. With regard to the rights of persons delivering wheat to the board, the Act provides that the amount payable under the Act in respect of any wheat is payable to the person who would have been entitled to

receive the price of the wheat if the wheat had been lawfully sold to the board at the time of delivery of the wheat. It should be appreciated that, as far as ownership of wheat delivered to the board is concerned, no distinction is made between "quota" wheat and "over-quota" wheat.

EDUCATION FINANCE

The Hon. M. B. DAWKINS: Has the Minister of Agriculture, representing the Minister of Education, a reply to my question of March 15 regarding education finance?

The Hon. T. M. CASEY: The Minister of Education reports:

The additional Loan moneys made available to the States at the February Premiers' Conference were provided on the condition that the States would use these funds for employment-stimulating projects prior to June 30 this year. I am sure that the honourable member will appreciate (even if his Federal colleagues do not) that it is not possible to mount an extensive school-building programme and complete it within a period of 4½ months. As a consequence, in South Australia only $400,000 of the additional money was allocated to school buildings. This sum will be spent on additional transportable classrooms which can be produced and purchased prior to June 30 and other minor projects which can be completed in a short space of time.

It is understood that the Eastern States have allocated larger sums of the money made available for school buildings. It is clear that they cannot substantially alter their school-building programme in the period up to the end of the financial year; therefore, they must be using the additional Loan money to pay bills for which they were already committed. Such an action is in direct contravention of the spirit in which the additional money was made available by the Commonwealth. Apparently, however, the Commonwealth Minister for Education and Science approves of it. The honourable member will be pleased to know that, as a result of the increased allocation of State funds to the school-building programme over the last two years, this State now spends a higher amount per head of population on school buildings than does any other State.

FISHING

The Hon. C. R. STORY: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: I have received a letter dated March 13 from the South Australian Field and Game Association Inc. in which it sets out certain objections to the fishing regulations now before Parliament and in which it asks the Minister to reply because it considers the matter to be urgent. The matter is urgent because, if we do not do something about it by the end of the month, these regulations will become law. Will the Minister give a detailed account regarding what he intends to do about the matters raised in the lettter?

The Hon. T. M. CASEY: The association to which the honourable member has referred has only just become a member of the Piscatorial Council. To my way of thinking, the association has nothing to do with fisheries, for a start. People outside the fishing industry cannot dictate what should be done regarding the fisheries regulations. However, now that the association has become part of the Piscatorial Council, I shall be happy to tell the honourable member later what I have said in my reply to the association's letter. It is not fair to the industry in general (regarding regulations of any kind) for small pockets of people to voice opposition. The opposition must be voiced through the correct channels. On many occasions I have met people outside the Piscatorial Council who are happy to abide by what is decided by the council and other people vitally interested in fisheries. I am certain that the honourable member will be satisfied when he sees my reply to the association's letter.

WEEDS

The Hon. L. R. HART: Has the Minister of Agriculture a reply to my question of March 14 concerning the control of weeds by the Highways Department on some roads in South Australia?

The Hon. T. M. CASEY: I have not yet received the report of the Weeds Advisory Committee to which the honourable member referred in his original question. I know that the committee is working diligently at its task. Further, I know that a great deal of basic information related to weed control legislation has in recent months been gathered within the Agriculture Department. The Director expects this information to be collated and submitted to me shortly, and bodies interested in weed control will be consulted before any further steps are taken. The major legislative and organizational changes expected to be proposed will relate to the practicability of forming district weed control boards; and when this major principle has been settled, the question of changes in the administration of noxious weed control on roadsides can be further considered.

FARM VEHICLES

The Hon. M. B. CAMERON: Has the Chief Secretary obtained from the Minister of Roads and Transport a reply to my recent question about third party insurance for farm vehicles?

The Hon. A. J. SHARD: My colleague reports:

It is not necessary for a farmer to have third party insurance covering tractors and farm implements where they are used within 25 miles of the farm occupied by the owner, and in the other circumstances set out in section 12 of the Motor Vehicles Act. Subsection (1), read in conjunction with section 102, exempts tractors, whilst subsections (3) and (4) exempt farm implements. Exemption from registration also applies in these circumstances. These vehicles, when used on roads in other circumstances, and all other vehicles when used on roads, must be registered and insured.

However, I should point out that, if an owner did not insure because of his entitlement to exemption in any of the above cases, he would still not be relieved of personal liability in the event of death or bodily injury caused to a third party and arising out of negligence in the use of the vehicle. It is not possible to obtain cheaper insurance or a "blanket" cover for vehicles which have to be registered. The fixed premium must be paid with each registration. The granting of "blanket" cover for vehicles on which registration and insurance are not compulsory is a matter of arrangement between the owner and his insurer.

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a further question of the Chief Secretary.

Leave granted.

The Hon. M. B. CAMERON: Although I appreciate the Minister's reply, I do not think he said whether or not it is possible for one to obtain third party insurance on farm vehicles without their being registered. The Chief Secretary said that an owner of such a vehicle would still not be relieved of personal liability in the event of death or bodily injury caused to a third party and arising out of negligence in the use of a vehicle. Will he now ascertain whether it will be possible for one to obtain third party insurance without registering a vehicle where the vehicle involved is exempt from registration?

The Hon. A. J. SHARD: Questions such as this one should be referred not to me but to the Minister in this Council representing the respective Minister in another place. I do not think honourable members should develop the habit of asking questions of a Minister without referring to the responsible Minister in another place. Having been asked the question last week, I generously offered to obtain a reply for the honourable member and bring it back to him in due course. Will honourable members in future therefore follow the practice to which I have referred?

THE LITTLE RED SCHOOL-BOOK

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Education.

Leave granted.

The Hon. A. M. WHYTE: An article by Maxwell Whiting on page 4 of today's *Advertiser* states that a publication entitled *The Little Red School-Book* (which I think originated in Sweden) was banned in France, and revised in Great Britain. Throughout its period of publication it has been condemned in many circles as being detrimental to schoolchildren. Has the South Australian Education Department any firm policy on whether this book should enter the South Australian school system, whether on a voluntary basis or as a book that is issued? Reference has been made to the circulation of the book both on a voluntary basis and as a book that is issued. Because the book is controversial, it is time a firm policy was announced.

The Hon. T. M. CASEY: I shall refer the honourable member's question to my colleague and bring back a reply as soon as it is available.

OVERPAID RATES

The Hon. L. R. HART: Has the Minister of Lands received from the Minister of Local Government a reply to the question I asked on March 8 regarding the overpayment of rates?

The Hon. A. F. KNEEBONE: The Minister of Local Government reports that councils do not have the power at present to refund amounts of money that have been wrongly paid to a council, other than in the year in which the payment occurred. The Local Government Act Revision Committee has recommended that the Local Government Act should empower the council to refund such overpayments, no matter when those overpayments are revealed. The Minister of Local Government agrees that some action to remedy the present situation should be taken and he proposes to consider amending the Act appropriately.

INHERITANCE (FAMILY PROVISION) BILL

Adjourned debate on second reading.

(Continued from March 16. Page 3961.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill, which is almost the same as the

Bill that came before this Council seven years ago and which the Council amended for certain very valid reasons. Unfortunately, that Bill lapsed, although, if my memory serves me correctly, no conference was held on the Council's amendments to allow the views of this Council to be put to managers from the House of Assembly. Although I may be wrong in saying that, that is my recollection of the matter. At the time, I was perturbed that this Council's views could not be put to the House of Assembly managers, because every member of this place agreed strongly that the Council's view was indeed the correct one.

The Council is dealing now with the Bill known as the Inheritance (Family Provision) Bill, a title that could engender much emotion in the community. The Council faced certain difficulties previously, as statements were made that it was preventing people from obtaining their rights in relation to a person's will. When one amends a Bill of this nature, it is difficult for one to get the point over to people why one does so. However, at no stage did honourable members have an opportunity to argue this Council's point of view with House of Assembly managers. The Bill now before honourable members contains some of the amendments that the Council made to the Bill seven years ago. If one reads through the debate that took place at that time, especially the contribution made by the Hon. Mr. Potter, one will see that the arguments advanced regarding certain amendments were extremely strong arguments, and I congratulate the Government on moving towards the viewpoint taken by the Council previously.

I well remember the lengthy but informative speech made by the Hon. Mr. Potter, who detailed the long history of this type of legislation and referred to the attitudes adopted in English legislation and that of the other States, pointing out that the South Australian Bill went much further than any other legislation. This Council is always indebted to the Hon. Mr. Potter and other members who spend much time and do much work in carrying out extensive research to place before the Council the history of and comparisons with the legislation in other States and overseas. The only difference between the views of the two Houses and the Bill that was introduced seven years ago rests in the area of the categories of person who can claim on an estate: that is, people who are aggrieved by a will, people who consider that they have been wrongly left out of a will, and people who should have, they consider, a right to challenge a will in order to gain something from it. One of the most important points that the Council must appreciate is that the Bill deals with the word "children". I well remember that seven years ago in arguments before the Council the word "children", as it appeared in the Bill, referred not to minors but to anyone who was the child of someone else. Indeed, under this Bill a child can be a person 60 years old. That point must be borne in mind by all honourable members. We are dealing not with people who are under age but with anyone who is the child of someone else.

The categories in this Bill that have the right to challenge are more extensive than exist in any other legislation I can find. It is reasonable that a deceased person's child who has been left out of a will should have some right to challenge that will, but the Bill extends the right to make a claim to people who, in my opinion, should never in law have the right to claim. Many of these categories have been detailed previously and I intend to touch only on possibly one category to illustrate what I mean, because the Hon. Mr. Potter has detailed the matter so well for us.

If the Government wishes to follow the matter further, it can find all the details in the Hon. Mr. Potter's speech. However, this category is worthy of our attention. A person aged 60, for example, marries for the second time. Let us say they are both 60 and are both marrying for the second time. The husband dies. The second wife has children aged 40 in, say, Sydney, but the deceased did not know of their existence. Yet this Bill gives those step-children, who were never dependent on him and of whom he had no knowledge, the same rights as those possessed by the natural children of the deceased. That is why we say the categories of this Bill go too far. No other legislation that I can find in Australia or elsewhere goes as far as to allow this group of people the right to claim.

I am sure honourable members will agree with me that there is no reason why people at the age of 40, who were completely unknown to the deceased, who were never dependent on him and whose existence was not known to him, should have the same right of challenging a will as the natural children of the deceased would have. That is merely one illustration I give of why the Council has taken the view it has.

The Government has accepted some of the views put forward by this Council in the 1965 Bill, and I congratulate it on accepting those suggestions. However, I think that the Government should go a step further and agree that there are categories of people who should have no right to claim on an estate. In the Committee stage possibly we can deal with this matter further. I support the second reading.

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

MOTOR VEHICLES ACT AMENDMENT BILL (LICENCES)

Adjourned debate on second reading.

(Continued from March 16. Page 3963.)

The Hon. H. K. KEMP (Southern): I felt some uncertainty in preparing my speech, because I was not sure whether it was a Bill that the Minister in another place had undertaken to withdraw. Apparently that is not so, as it remains on the Notice Paper. However, there are in the final clauses matters to which I believe another Bill refers. Several points in this Bill should be regarded with disquiet. The easiest way to deal with them is systematically to go through the Bill page by page.

Other speakers have referred to clause 10, which imposes a penalty of $100 for any number plate attached to a vehicle other than one manufactured by a person licensed under this Bill. I doubt whether the full implications and difficulties to which this will give rise have been examined by the Government. I believe it has said, "This is a good thing. Why not have these blokes licensed so that we can be sure that they will make good number plates and that they alone will be used?" That is not always the case. On many vehicles it is difficult to put a number plate that will not be vulnerable to damage and will not become illegible in a very short time. Surely this is an unnecessary provision. After all, many military vehicles that have to work under adverse conditions have stencilled numbers on them for identification, and in many cases this is the only possible way of putting lasting and legible numbering on an agricultural vehicle. If a vehicle must be taken to a person licensed to make number plates, the whole provision becomes absurd.

The really important clause is clause 11, which amends section 72 of the principal Act. It repeals the present classifications of licence and introduces five new classes. I do not think anyone would question that the old licence that so many people hold, granted before 1961 when there was only one class of licence in existence, carries a privilege that it is ridiculous for so many people to have. My wife holds a class B licence, which entitles her to have charge of any vehicle on the road and drive it without restriction. I am diffident about criticizing the ability of my wife. However, I doubt whether her capabilities really extend to driving a large semi-trailer, as her experience in recent years has mostly been in a Morris 1100. There is every reason for a driver's capability to be categorized through the licensing system, but this legislation goes either not far enough or too far.

One of the points I wish to mention is in relation to vehicles which travel day by day and which are laden with flammable liquids, materials such as bulk chlorine (a war gas), or low-pressure petroleum gas, any of which could explode like a bomb and spread devastation over a large area.

Nothing but the highest praise should be given to drivers who, in the past, have been in charge of such vehicles. These drivers in South Australia, who have an amazing record of taking this important responsibility on their shoulders, have brought the community through materially unscathed from what is a present daily danger of disaster.

I do not think that people will forget the incident in which a tanker ran off the road at Greenock; this is the only serious accident in which life has been lost, in my memory. However, I understand that other accidents of this type have happened, generally in isolated circumstances when no-one other than the driver was involved, so this is a very pressing daily danger.

It is not only the tanker filled with petrol that is dangerous; more dangerous is the empty tanker filled with gas that can go off like a bomb. Anyone who has the right to a class 3 licence will be able to drive a vehicle laden in this way. There is a need for a very responsible type of driver to be in charge of a vehicle carrying such a dangerous load.

Provision has been made for classes 1, 2, 3 and 4 (the last of which permits a person to drive a motor cycle) and class 5 (which permits a person to drive a passenger-carrying vehicle). As far as I can ascertain, most drivers who have been engaged in carrying dangerous loads in an accident-free manner for so many years will automatically be placed in the same category as people who,

when renewing their licence, will have to have it endorsed with their capability. Doubts must be raised whether this is the right way to go about the problem.

A driver cannot carry more than 20lb. of dynamite in his vehicle unless he carries a fire extinguisher, has an "explosives" notice fore and aft, drives at a low speed, and has every other restriction imaginable placed on him, but we allow a load of bulk chlorine to be driven through the community without any responsibility on the driver other than to hold an ordinary driver's licence. A load of bulk chlorine upset anywhere could cause complete devastation over many miles down wind.

A class 2 licence, which will be renewed without restriction, will allow a person to drive any other motor vehicle the weight of which (excluding the weight of any trailer) does not exceed 35cwt., except an articulated motor vehicle, a motor cycle or a motor omnibus. One of the vehicles that has been causing a fairly high accident rate is the heavy caravan towed by a vehicle of less than 35cwt. Such a vehicle is a danger on the road, and there is every reason why the driver of such a vehicle should require special authorization equally as great as that required by the driver of an articulated vehicle, because the latter is usually driven by a professional driver. The Government, in its responsibility, must examine these points.

The point that does worry me is new section 72 and the way in which it will be administered. This new section takes from every holder of a licence granted before 1961 the privilege of driving the vehicles by which many thousands of them have earned their livelihood. Such people will be required to apply within 12 months for a class 3 licence to drive a vehicle over 35cwt.

This will mean that most drivers over the age of 30 years will have to have their ability to handle a commercial vehicle examined before they can proceed with their trade. Well enough, because I agree with the Government that many class A licence holders have no business to be holding such a licence; but this matter is fraught with trouble, inconvenience and cost to many people in the community, because a great number of our people and most of our responsible drivers are in this age group.

I am sure that most drivers who have proved their ability in looking after dangerous loads in the past are in the age group that will have to be examined. I am sure that the agency that will be called on to examine the competence of drivers will be the Police Force, which is already overloaded with duties that do not strictly belong to it as its main function. This matter needs to be closely examined, because there is a danger that Parkinson's law will be applied in this connection.

Clause 15 provides that the Registrar of Motor Vehicles, acting on the recommendation of the consultative committee, may refuse to issue or renew a driver's licence and he may cancel a licence on the ground that a person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or a drug. All the points laid down in clause 15 could be proved only if the person was convicted. In that case a magistrate would impose an appropriate penalty, an appropriate period of licence suspension and an appropriate number of demerit points.

Now, in addition to that series of penalties, a second authority will consider the same offence and allot a second penalty; that seems to be unjust. A man may have expiated his offence, yet a group of public servants will be able to say, "That group of penalties imposed by the magistrate is not enough: we will impose a further penalty."

Clause 17 is not concerned with what this Bill should be concerned with (the competence of drivers): it is concerned with dishonourable conduct. Again, the consultative committee has the power to say to the motorist, "You shall not drive." Because the points I have raised are very important, I hope that this Bill will not be passed before it has been fully considered.

The consultative committee will consist of the Registrar of Motor Vehicles, the Commissioner of Police and a legal practitioner. If any of those three members is absent, the committee can still function, because a quorum of only two members is needed; that is grossly wrong. If the Commissioner of Police is absent, the Registrar and the legal practitioner may determine a point that is properly a matter for the Police Force. Surely a committee with so few members and such wide powers should have a quorum of not less than three members. With the qualifications I have made, I support the Bill.

The Hon. E. K. RUSSACK (Midland): I support the second reading of this Bill, but I foreshadow an amendment in the Committee stage. I fully appreciate the Government's intentions to bring about greater safety on

our roads. I concur with many of the other speakers on this Bill. In his second reading explanation the Minister said:

> These amendments are designed to ensure that a person who drives a motor vehicle of a certain kind possesses the necessary standard of skill to manage that vehicle without endangering the safety of the public. Ancillary amendments are inserted to establish a minimum age of 18 years at which a person may qualify to drive heavy commercial vehicles.

The first of the two sentences I have quoted is important: we must provide for a standard of skill in the management of vehicles, so that lives will not be endangered. However, I cannot agree with the second of the sentences I have quoted. Clause 14 provides:

> Section 78 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:
>
> (2) A licence endorsed with the classification "class 2", the classification "class 3", or the classification "class 5" shall not be issued to a person under the age of 18 years who did not hold a licence under this Act before the commencement of this subsection.

A class 2 licence authorizes the holder to drive any motor vehicle except an articulated motor vehicle, a motor cycle or a motor omnibus. A class 3 licence authorizes the holder to drive any motor vehicle except a motor cycle or a motor omnibus. A class 5 licence authorizes the holder to drive a motor omnibus. Many people between the ages of 16 years and 18 years who have had the correct training are capable of driving vehicles in the course of their occupations. Clause 14 will create much hardship where young men are needed at busy times to drive vehicles owned by a family business. Nowadays motor cars that can travel at speeds greater than 100 miles an hour are a greater hazard than are commercial vehicles driven by properly trained people. I refer to a youth between these ages who could have such a vehicle but who would be precluded from driving it because he could not obtain a licence. In his second reading explanation, the Minister said:

> Under the new system, the Registrar of Motor Vehicles will require appropriate tests or other evidence of competency before authorizing applicants for licences to drive either articulated vehicles or motor omnibuses.

I am not suggesting that, where the lives of other people in such a vehicle are involved, a person of this age should be given a licence to drive an omnibus. However, with appropriate tests having been carried out or with any other evidence of competency having been produced, many young people of this age would be competent to drive vehicles covered by class 2 and class 3 licences.

A motor car driven at high speed is a greater danger to road safety than is a commercial motor vehicle driven at a normal speed. However, hardship could be caused to people in industry, as a young man or woman could be deterred from obtaining work as a driver. Because this clause needs to be amended, I will move an amendment in Committee. I stress that, in doing so, I am convinced it will be necessary for a person to prove to the Registrar of Motor Vehicles that he is competent to drive such a vehicle. I support the second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members who have spoken on the Bill for the time they have evidently devoted to it and for the homework they have done in examining its provisions. I have not gone through each speech made by honourable members to examine the many questions asked about the various clauses of the Bill in order to answer those questions at this stage. Instead, I ask honourable members in Committee to draw my attention to the matters on which they seek information, when I will do my best to answer them.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Duty to carry number plates, etc."

The Hon. M. B. DAWKINS: I said in the second reading debate that it was not necessary to register persons who sell number plates, although reflectorized plates will be used in due course. This provision will cause much hardship in the country, where people may experience difficulty in replacing a damaged number plate. I therefore oppose the clause.

The Hon. A. F. KNEEBONE (Minister of Lands): This provision has been inserted because for a long time the Registrar of Motor Vehicles has said that there should be some control over the manufacture of number plates. Certainly, if this manufacture were controlled, the introduction of reflectorized number plates would be assisted. Honourable members have no doubt seen a variety of nondescript plates on vehicles, some of which are merely a piece of board on which the number of the vehicles is written in chalk. The Hon. Mr. Dawkins said that hardship could be caused to people in the country. However, number plates are manufactured by persons in some

country areas, and the public will be able to obtain plates of a certain standard from those persons. For this reason, and because I think the standard of number plates should be maintained, I ask honourable members to accept the clause.

Clause passed.

Clauses 11 to 13 passed.

Clause 14—"Age of drivers to whom learner's permits may be issued."

The Hon. E. K. RUSSACK: I move:

In new section 78 (2) to strike out "the classification 'class 2', the classification 'class 3', or".

The amendment merely means that a person between the ages of 16 and 18 years will, having satisfied the Registrar of Motor Vehicles that he is competent to drive a motor vehicle of over 35cwt., be granted a licence to drive such a vehicle. I did not move to strike out "class 5", as I consider that to be a different situation altogether, where the lives of other persons are involved. I am moving this amendment because hardship could be caused in many instances, and young people could be deprived of the opportunity of obtaining employment.

The Hon. A. M. WHYTE: I support this amendment. In many instances 16-year-olds are driving heavy vehicles capably. In fact, there is less danger to life and limb from a lad driving his employer's 5-ton truck than there is from a lad racing down the street in an old bomb. This is a good amendment and is necessary to the satisfactory working of this legislation.

The Hon. C. R. STORY: I, too, support the amendment. As the Hon. Mr. Whyte has said, many young people between the ages of 16 and 18 are using their heads, as many young people have done over the years, in driving a 5-ton truck. They are safer than people who have in their hands a 120-horsepower vehicle in which they tear around the countryside. I see no reason for restriction in this case. Generally speaking, this is a good Bill, but I do not see why people between 16 and 18 years of age should be excluded, provided they can pass the necessary tests. That is the criterion. Now that the points demerit scheme is in operation, people soon lose their licences if they are not capable drivers. It can be argued that young people who take a 5-ton truck on to the roads may do much harm until they are delicensed. That applies equally to anyone with a licence, irrespective of age.

The Hon. M. B. DAWKINS: I also support this amendment. Many young people in rural areas learn to drive, within the law, on their parents' property at the age of 15, or even younger, and they are competent drivers by the time they are allowed to drive on the roads, at the age of 16. Many farmers in this State need their sons to drive their trucks on the road, when those sons are between the ages of 16 and 18. I agree that these young people would be much safer when driving a truck of over 25cwt. than some of the youngsters are who drive cars around at great speeds.

The Hon. A. F. KNEEBONE: This amendment proposes that the only restriction with regard to the application for and granting of a licence for any class of vehicle is in respect of class 5, because of age. Anyone aged 16 or over, if this amendment is carried, will be able to drive everything but a motor omnibus. He can qualify for any of the other classes of licence provided he passes the requisite test. The whole argument for this amendment is based on the age of responsibility. I have seen people under 18 years of age driving omnibuses. Why is there all this argument against them and not against those driving an articulated vehicle, which is much more difficult to handle than an omnibus? In recent years, there have been serious accidents, and in particular one in the Barossa Valley.

The Hon. C. R. Story: But that was not an articulated vehicle.

The Hon. A. F. KNEEBONE: It was a semi-trailer, and many semi-trailers have had accidents. I know to whom I would sooner entrust my safety—a lad of 18 rather than a lad of 16, when driving this type of vehicle. Some transport firms will not employ boys until they have reached an age at which they can take care of big vehicles. Under the amendment the onus is being put on the Registrar to say, "Very well; someone aged 16 can have this type of licence provided he passes his test." Some unscrupulous people would prefer to employ very young people to drive their large vehicles because the wages bill would not be so high. I oppose the amendment and ask the Committee not to support it.

The Hon. C. R. STORY: The Minister has been persuasive but has not really presented to us any evidence that people between the ages of 16 and 18 have been responsible for many accidents. I can think of three terrible accidents in the last 18 months involving the lives of many people, and in each case the vehicles concerned were in the hands of mature people,

experienced drivers. I refer to a petrol tanker, a gas tanker, and a bus, in which several people were killed in level crossing accidents. It is not so much a matter of age as of temperament and habit. I do not see that restricting people under 18 years of age will help combat the carnage on the road one iota. However, it will cause considerable hardship to city and country people and it will preclude many young men from obtaining jobs as drivers.

The Hon. M. B. CAMERON: No operator, whether unscrupulous or scrupulous, would put a person in charge of an expensive vehicle if he believed he were not capable of controlling it. I support the amendment.

The Hon. A. M. WHYTE: The amendment, which goes further than I want it to go, is an improvement to the Bill. Perhaps the articulated vehicle on the open road is in a different category from a van driven by a lad employed on a delivery run or a truck used for carting wheat during harvest. Certainly, it is different from the case of a lad driving a semi-trailer from Perth to Sydney.

The Committee divided on the amendment:

Ayes (14)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack (teller), Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), and A. J. Shard.

Majority of 10 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 15 to 19 passed.

Clause 20—"Amendment of third schedule of principal Act."

The Hon. A. F. KNEEBONE: In view of the announcement by the Minister of Roads and Transport in another place and in the press, this clause will become obsolete, and I intend to vote against it.

Clause negatived.

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from March 16. Page 3949.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which amends the Legal Practitioners Act, the Limitation of Actions Act, the Local Government Act, the Motor Vehicles Act, and the Wrongs Act. The Bill is another of the measures that have come from the Law Reform Committee. After carefully studying it, I support it. The amendment to the Legal Practitioners Act deals with the authority of a legal practitioner to continue conducting proceedings on behalf of a person who becomes of unsound mind. Up to the present, the rule in *Yonge v. Toynbee* has applied, but the position is now changed so that the legal practitioner's authority is not automatically extinguished. The legal practitioner can be relied upon to observe the ethics of his profession in deciding what to do in all the circumstances.

In connection with section 45 of the Limitation of Actions Act, I believe that all provisions dealing with artificial restrictions on people's rights ought to be removed, within reasonable limits. Having to exercise rights within a statutory period can work real injustices in some cases. If it was generally recognized that a person had three years in which to bring a claim in all circumstances, it would be a jolly good thing for the legal profession and the public at large. Artificial restrictions existing in some Acts should be a thing of the past. The Chief Justice has been fairly critical of the rather complicated provisions establishing time limits for the commencement of actions where tort-feasors are involved. This Bill should take care of those criticisms. Perhaps some of the insurers involved in settling claims under the Wrongs Act will not be very happy with some of these provisions, because insurance companies like to know where they are going in any one financial year, and I do not blame them for that.

Of course, some of the provisions in this Bill will not help them in that respect, but we must consider the interests of people who are entitled to damages under the Wrongs Act, and in many cases it is not possible for them to formulate their claims adequately within the restricted periods that have existed in the past. I am glad that this Bill changes that situation and gives the court power to extend the time. After all, the insurance company knows that it must meet the claim, and it should not get out of it just because of some technical provisions in the Statute. I support the second reading of the Bill in every respect.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Abrogation of rule in *Yonge v. Toynbee* (1910) 1 K.B. 215."

The Hon. A. F. KNEEBONE (Minister of Lands): I move in new section 68 to insert the following new subsections:

(2) When the mental unsoundness of a person on behalf of whom a legal practitioner is acting comes to the knowledge of the legal practitioner, his authority to act on behalf of that person shall, subject to subsection (3) of this section, cease and determine.

(3) Where it is necessary for the purpose of protecting the interests of a person of unsound mind in any legal proceedings or other business, the authority of a legal practitioner shall, notwithstanding that he knows of the mental unsoundness of a person on behalf of whom he is acting, continue for the purpose of completing those proceedings or that business.

The purpose of these amendments is to clarify the position where the client of a legal practitioner becomes insane. Under the amendments the position will be that the legal practitioner should cease acting where he knows of the client's insanity unless action is urgently required to protect the client's interests.

Amendment carried; clause as amended passed.

Clauses 7 to 16 passed.

Clause 17—"Rights as between employer and employee."

The Hon. A. F. KNEEBONE: I move to insert the following new subsection:

(3) Where a person commits serious and wilful misconduct in the course of his employment and that misconduct constitutes a tort, the provisions of this section shall not apply in respect of that tort.

The purpose of this amendment is to make it clear that an employee cannot escape liability for a tort where that tort consists of serious and wilful misconduct in his employment. Thus, if an employee was, for example, to steal money belonging to his employer's customers or clients, he could not escape civil liability for his misconduct.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

COMMERCIAL AND PRIVATE AGENTS BILL

Adjourned debate on second reading.

(Continued from March 16. Page 3955.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of the Bill, but I think it will need a good deal of attention when it reaches the Committee stage. The Bill sets up a new licensing board to deal with licensing commercial agents, commercial subagents, inquiry agents, loss assessors, security agents and security guards—a strange collection of categories of people whose work in many instances does not bear any relation to the work of the others. The same board will be charged with the duty of issuing annual licences. Some of the categories, mainly persons who have been registered as bailiffs and inquiry agents, have been licensed under the existing Statute for many years, and it is essential that some licensing system should be adopted for these kinds of person. I support the principle of licensing.

The proposed board, which is to be known as the Commercial and Private Agents Board, set up under the provisions of Part II of the Bill, will handle the registration of these people satisfactorily. I wonder, however, whether the board should not consist of five members rather than four members, as provided in clause 7. The trouble with having four members is that the Chairman, who is to be a legal practitioner, will have the casting vote if there is a deadlock. I should have thought it would be better to provide for a five-member board and, as a large percentage of the people who will be licensed under the Bill will be engaged in the profession of loss adjusting, it might be desirable to have some nominee on the board from the Fire and Accident Underwriters Association. Similar provisions exist in the volunteer fire fighters legislation, the Motor Vehicles Act and the Fire Brigades Act, and it would be desirable in this matter.

I should like again briefly to return to the matter of categories. Commercial agents and subagents are engaged largely in the collection of debts, either by actual attempts to collect money by correspondence prior to court action being taken, by repossessing goods or chattels subject to hire-purchase agreements or bills of sale, or generally by acting as collection agents or serving legal processes. This work is being done by firms in South Australia, some of which have acted very reputably in the past and, indeed, have provided a service to their clients, who come mainly from the business and professional community of Adelaide. These activities have proved successful and have been carried on in the best possible manner.

True, these firms carry much money on behalf of their clients, and I see no reason at all why the provisions relating to the keeping of proper books of account and the

auditing thereof should not apply to these agents. In saying that, I am not very happy about the provisions in the Bill which will apply not only to commercial agents but also to inquiry agents and which in certain respects attempt to impose severe restraints upon their activities. These provisions are set out in the definition of "harassment", which is made an offence under the Act and which is defined as follows:

> "harassment" means any act or conduct that tends to intimidate, embarrass, ridicule or shame any person, and without limiting the generality of the foregoing, includes—
>
> (*a*) any act or omission (including the positioning of a vehicle) from which it might reasonably be inferred by a person visiting or passing any premises that an occupant of the premises is being visited, or under surveillance by, a commercial or private agent;

I understand that some trouble has arisen in the past, where debt collecting agencies, which have a van on the side of which the name of the debt collecting firm is displayed in prominent letters, have, by stationing that van in a street ouside a person's house, caused embarrassment, in that neighbours could infer that the person being visited was a defaulter with his accounts. I see no reason why this conduct should not in some way be restrained. I should have thought it would be better for this kind of conduct to be limited to stationing a marked vehicle outside of premises or near premises. This would have been sufficient to cure any embarrassment and trouble that could arise in this respect.

The provision that one cannot station a vehicle in such a position or keep a premises under surveillance, coupled with clause 31, which provides that an agent shall not unlawfully enter or remain upon any premises or any area of land, whether enclosed or not, forming the yard, garden or curtilage of any premises, goes too far altogether. That provision will make it extremely difficult for commercial agents to go about their lawful business of collecting money or serving processes, and certainly it will make the job of inquiry agents, whose principal function is to gather information in divorce proceedings, quite difficult, if not impossible. I know that many people do not like the idea of inquiry agents. They say they are a poor race of men who snoop and inquire into the private affairs of people and who are, generally, a nuisance and whose activities are an infringement of civil liberties.

The Hon. T. M. Casey: You wouldn't go so far as to call them "bounty hunters", would you?

The Hon. F. J. POTTER: No, but I think anyone who talks in these terms is being a little unrealistic. We must face the fact that there is a Matrimonial Causes Act; that there is such a thing as divorce and separation in our community; and that important legal rights accrue for both husbands and wives in those legal proceedings, based upon the ability to put before the court clear evidence of a person's misconduct in one form or another. From this point of view, I do not in any way hesitate to defend the work of inquiry agents. It may well be that a wife's maintenance and that of the children of the marriage could depend very much on evidence being obtained of a man's infidelity. The converse applies to a husband whose wife is living with someone else: his legal duty to maintain her may be greatly affected if he cannot obtain evidence of that fact. An attempt is made in clause 31 (2) to define what is meant by an unlawful entry, but that subclause merely provides that an unlawful entry is when an agent enters or remains on the premises without any express or implied authority, indication or licence from an occupant of the premises. In other words, premises are not merely a house. The provisions of this clause are so wide that one cannot go through even the front gate of a house for the purpose of making a legitimate inquiry without the permission of the occupant of the premises. It is not even limited to getting the consent of the owner.

Much of the work involved in making divorce inquiries, perhaps for obvious reasons, occurs in rented premises. It is surprising how many inquiries resulting in evidence of people living together or of the commission of adultery occur in rented premises, particularly in blocks of flats. Under this provision, a person cannot obtain even the consent of the owner of a block of flats to step over the boundary line. This seems to be imposing such a severe restriction on inquiry agents, and indeed commercial agents, as to make it almost impossible for them to carry out their duties. I shall look carefully at the provisions of this Bill in that respect when we go into Committee. Also, we must not forget that there is a section in the Police Offences Act dealing with unlawful conduct. I do not see why that provision in itself is not sufficient and why we should go this far.

The Hon. D. H. L. Banfield: The Police Offences Act would not prevent the inquiry agent from using the evidence he had obtained.

The Hon. F. J. POTTER: I am in no way supporting an agent's remaining on the premises. Perhaps the honourable member does not know this, but there is an association of licensed inquiry agents, and it has laid down a code of ethics. I know that not all people engaged in this type of work are members of that association, but most of them getting the work are and, to my knowledge, they try to observe the terms of this self-imposed code of ethics.

The Hon. D. H. L. Banfield: What would you do with the others—give them an open go?

The Hon. F. J. POTTER: No. In my experience, most agents know very well that they cannot remain on premises if they are ordered from them by the occupants or the owners. They do not normally remain if so ordered, but it is absolutely essential for them to enter premises or to go into flats that may be occupied by people, to ascertain whether or not there are in fact people there.

Without that right, they may just as well not be in business at all. What the members of the public involved in this kind of trouble would think in those circumstances I do not know. Sometimes it is easy for people not involved in problems to say, "Oh, well, if people get into this sort of trouble they must put up with the consequences." Many people think like that.

The Hon. T. M. Casey: You are saying that a person should be able to go into premises even though he has not got permission, and should be able to hide behind a cupboard, or something like that?

The Hon. F. J. POTTER: No, I am not suggesting that. I am saying that under the provisions of this Bill he cannot even step inside the front gate. It is absolutely impossible for any inquiry agent to work under those conditions.

The Hon. D. H. L. Banfield: If a flat is on the third floor, an inquiry agent has to get to it.

The Hon. F. J. POTTER: In most cases, he only has to knock at the door to ascertain whether or not so-and-so is there. Often, his inquiry begins and ends at the front door, but my point is that he cannot even get to the front door under the provisions of this Bill, making it impossible for him to do his job.

The Hon. R. C. DeGaris: He cannot even go inside the front gate.

The Hon. F. J. POTTER: No; nor can he even station a vehicle in the street outside. Where are we going when we impose these kinds of restrictions? I think they were incorporated in this Bill in some haste.

The Hon. R. C. DeGaris: What would he do when he could not park his vehicle in the street outside?

The Hon. F. J. POTTER: I do not know. In most cases the inquiry agent would not be able to get anywhere without the use of a car. The Bill provides, too, for the registration of loss assessors. That is a new departure. From representations that have been made to me, I believe that the people engaged in that work in South Australia are not happy that they will be required to be licensed while people engaged in similar work in other States will not be so required, because, so far, other Governments have not seen fit to license those people.

The Hon. A. J. Shard: That is not a very good argument.

The Hon. F. J. POTTER: I am not saying it is but, of course, it is a fact.

The Hon. A. J. Shard: It is true, but it may not be the best thing to do. In other words, we must wait and do nothing here until the other States act?

The Hon. D. H. L. Banfield: In some cases.

The Hon. F. J. POTTER: I think the Chief Secretary has drawn a wrong inference from what I am saying.

The Hon. A. J. Shard: That is what you said.

The Hon. F. J. POTTER: I am saying that, when in other States registration or licensing under a Government licensing board is not required and suddenly it is being introduced here, it behoves us to ask why and try to answer the question why other States have not seen fit to impose any licensing.

The Hon. T. M. Casey: I believe they are licensed in Queensland.

The Hon. F. J. POTTER: I suggest the reason is that a national authority has now been set up to deal with overall standards in Australia for loss adjusters, or chartered adjusters in some cases, and a very high standard of competence is required for membership of that body. The people concerned are being licensed here merely because there is a provision in Part VII (general provisions) that a loss assessor "shall not settle or compromise or attempt to settle or compromise any claim in

respect of loss or injury arising out of the use of a motor vehicle or injury arising out of, or in the course of employment, after proceedings have been instituted in any court in respect of that loss or injury". I should have thought, first, that the wording of that provision went a little too far. However, why that provision could not have been incorporated in, say, the Motor Vehicles Act and left at that, I do not know. As it is, a loss assessor will be required to be licensed on an annual basis just for the provision to apply.

I know as a member of the profession that this matter caused much trouble about six or seven years ago but since then, the Law Society having taken up the matter with the Fire and Accident Underwriters Association and the loss assessors themselves, there has been almost total change in the situation, and we are now being required to include a provision that I think is about six years out of date. There is no provision in the measure dealing with knowledge of the institution of court proceedings, and I think we will have to consider these matters when we reach the Committee stage. I again question whether or not, just for the sake of that one little provision, it was necessary to have the whole matter of loss assessors covered by this licensing procedure.

The Hon. C. M. Hill: Is it true that this institute may soon be obtaining a Royal Charter?

The Hon. F. J. POTTER: Yes.

The Hon. C. M. Hill: Surely that indicates it is professional?

The Hon. F. J. POTTER: Exactly. Clause 41 sets out the matters relating to inquiries that the board has to make and information that the board has to be supplied with. When I look at the provisions of this Bill I am reminded of the provisions of the Builders Licensing Act. We all know the trouble that has arisen because of the regulations made under that Act, and we know how the disclosure of this, that and the other information has caused much heart-burning among builders. I have a pretty good idea that the same kind of information will be sought by this licensing authority as was sought under the Builders Licensing Act, and I know that disciplinary action, involving the loss of a licence, can be taken for all manner of conduct. I agree with this in the main, but I notice that, if the agent concerned is an undischarged bankrupt or has insufficient funds to pay his creditors, that is a ground for the board's acting against him. How this would affect a process server or inquiry agent, I do not know. I should like to see the scope of this provision reduced, although I know that it is relevant to the matter concerning a commercial agent (a firm) dealing with the collection of debts due to its client. I think I have indicated that when we reach the Committee stage definite amendments will have to be moved. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. F. J. POTTER: As I said earlier today in the second reading debate, there are provisions in this Bill that concern me and, I am sure, other honourable members, too. We want to look at them closely. One of the first of these provisions arises in clause 5—namely, the definition of "harassment". Some amendment will be necessary here to limit the definition of that word. I expect to be in a position by tomorrow to put amendments on honourable members' files. Therefore, I ask whether the Minister of Agriculture is prepared to report progress to enable us to have another look at three or four difficult clauses.

The Hon. T. M. CASEY (Minister of Agriculture): In view of what the honourable member has indicated, I am prepared to ask that progress be reported.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (LAW OF PROPERTY AND WRONGS) BILL

Adjourned debate on second reading.

(Continued from March 16. Page 3956.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill deals with certain legal aspects of the husband and wife relationship. The measure has been discussed by the Hon. Mr. Potter, and I think most members are acquainted with its provisions. The Bill comes to us as a recommendation of the Law Reform Committee, which over about the last two years has made many recommendations to up-date many of the old Statutes. Although that committee is doing an excellent job, it is still our job to investigate legislation and to ensure that it meets the present situation. The Bill covers many matters on which I am not an expert and on which I would have some difficulty in speaking. Nevertheless, I believe that one or two matters require further explanation in the Committee stage. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Clause 13—"Enactment of headings and sections 32-35."

The Hon. F. J. POTTER: When speaking a few moments ago, the Hon. Mr. DeGaris must have been thinking of my remarks in the second reading debate when he thought that perhaps a further explanation might be necessary. I said that I was examining the question of the proposed damages for loss or impairment of consortium and wondered whether or not this might cause problems. However, I am now satisfied that no problem will arise from this matter. The loss of consortium by a husband or wife during periods when injury has taken place to either spouse is a real thing. Many honourable members will know that it is often difficult to look after oneself and go about one's daily routine when one's wife is in hospital. This matter would be covered by impairment of consortium, which has a wide meaning. It covers the whole relationship (a very intangible and mystical thing) between husband and wife. I am satisfied that the provision is all right.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

SOLICITOR-GENERAL BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

EVIDENCE ACT AMENDMENT BILL

(Second reading debate adjourned on March 16. Page 3956.)

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Enactment of Part VIA of principal Act."

The Hon. Sir ARTHUR RYMILL: I move:

> In new section 59b (2) (*b*) after "output" second occurring to insert "and that all information upon which the data was prepared was preserved for a period of at least twelve months after the day on which the data was prepared".

The amendment is the same as was moved to a similar provision by the Hon. Mrs. Cooper in the last session. I think that that Bill was allowed to lapse. The Bill now before us is in a more extensive form and deals with other matters, but this clause has been included as it appeared previously.

I ask the Committe to agree to the amendment. Although the computer has pronounced on the matter, persons should be entitled for a reasonable time to see the data on which the computer has given its verdict, because we all know that things can go wrong with computers just as they can go wrong with people or with other forms of evidence. The Hon. Mrs. Cooper, who consulted computer experts, considered that it was right and proper to give the party involved a chance to check the computer evidence for a reasonable period, and I agreed with her. I supported her amendment and that is why, in her absence, I have moved the amendment again.

The Hon. A. J. SHARD (Chief Secretary): The only thing the Hon. Sir Arthur Rymill did not say was that the Government was still of the same opinion as it was on October 22, 1970. On that occasion, after complimenting the Hon. Mrs. Cooper on the work she had done on the legislation, I said:

> I very much regret that her amendment is not acceptable to the Government. It is necessary to keep the general purpose of the Bill in mind. That purpose is to render computer output admissible as evidence so that computers may be used in place of conventional methods as repositories for accounts and for the commercial records of banks and other commercial undertakings. This amendment provides that, before computer output can be accepted as evidence, the information from which the data was prepared must be available to all parties to the proceedings. This, unfortunately, frustrates the whole purpose of the Bill because, if the information has to be preserved in order to be available to all parties to the proceedings, there is obviously no point in having a separate computer storage.

I therefore ask the Committee not to accept the amendment.

The Hon. Sir ARTHUR RYMILL: I believe that my amendment does not frustrate the whole purpose of the Bill. Under the law at present the evidence would have to be preserved for at least six years, whereas my amendment provides that it has to be preserved for only 12 months.

The Committee divided on the amendment:

Ayes (11)—The Hons. M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, E. K. Russack, Sir Arthur Rymill (teller), V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, C. M. Hill, A. F. Kneebone, F. J. Potter, and A. J. Shard (teller).

Majority of 4 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (15 and 16) and title passed.

Bill read a third time and passed.

COMPANIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 14. Page 3802.)

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attention they have given to the Bill. At this stage I shall not reply at length to the debate because the clauses will be dealt with in Committee. I thank honourable members for the cooperation they displayed during discussions with the Parliamentary Counsel and the Registrar of Companies over the past week. The work that has been done will expedite the progress of the Bill during the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Formation of companies."

The Hon. F. J. POTTER: I said during the second reading debate that I considered there were valid reasons why partnerships should be restricted to the existing provision of 20 persons, the limit in Victoria and New South Wales being 50 persons. After further consideration, I believe the provision can be left as it is in the Bill, as there is probably a sufficient safeguard to enable expansion to 100 persons in that limited way. Accordingly, I do not intend to move my amendment.

Clause passed.

Clauses 9 to 11 passed.

Clause 12—"Enactment of Division IIIA of Part IV of principal Act."

The Hon. Sir ARTHUR RYMILL: I move:

> In new section 69 (1) (6) in paragraph (*a*) to strike out "or to his not being aware of a relevant factor or occurrence" and insert "and that the failure ought to be excused"; and to strike out paragraph (*b*) and insert the following new paragraph:
>
> (*b*) on any other grounds, the failure ought to be excused.

The first amendment is not a nation-rocking amendment. It merely widens the powers of the court to make an order. The second amendment is of even less consequence.

The Hon. A. J. SHARD (Chief Secretary): The new Division IIIA of Part IV requires a person having an interest in not less than one-tenth of the voting shares of a company listed on the Stock Exchange to disclose to the company the extent of his interest in the voting shares of that company. Since such a person might be resident outside the State, it would be difficult to enforce compliance against him if suitable sanctions were not included in the Act. To this end, section 69n empowers the court to make any one or more of the orders specified in the section, with the view to restraining a defaulter from disposing of, or exercising rights in respect of, those shares. The section provides, however, that the court shall not make an order if it is satisfied that the failure was due to inadvertence or mistake or to his not being aware of a relevant fact or occurrence, and that in all the circumstances the failure ought to be excused. The effect of the amendment to the Bill is that the court may excuse the failure on any reasonable grounds. A similar amendment was enacted in New South Wales, and the Government supports the extension of the court's discretion.

The Hon. Sir ARTHUR RYMILL: I should have pointed out previously that all my amendments are aimed at achieving more uniformity with the New South Wales legislation. I think the Government agrees that this is desirable and that, although we do not want uniformity merely for uniformity's sake, it is desirable to have uniformity if it can be achieved in a workable manner. Although my amendments are, I think, improvements to the Bill, they are, in essence, already embodied in the New South Wales legislation.

Amendments carried; clause as amended passed.

Clauses 13 to 24 passed.

Clause 25—"Repeal of Divisions I and II of Part VI of principal Act and enactment of Divisions in their place."

The Hon. Sir ARTHUR RYMILL: I move in new section 162c to insert the following new subsections:

> (6) Notice of an order made under subsection (1) of this section and of any revocation or suspension of the operation thereof shall be served on the company concerned and the order, revocation or suspension, as the case may be, shall be deemed to have been made on the date on which it is so served.
>
> (7) Notice of an order made under subsection (2) of this section and of any revocation or suspension of the operation thereof shall be published in the *Gazette* and the order,

revocation or suspension, as the case may be, shall be deemed to have been made on the date on which it is so published.

(8) A person aggrieved by—

(a) an order made under subsection (1) or subsection (2) of this section;

(b) the revocation or suspension of the operation of such an order;

or

(c) the refusal of an application for an order or for revocation or suspension of the operation of an order,

may, within two months after the making of the order, revocation, suspension or refusal, as the case may be, appeal to the court, and the court may confirm, set aside or modify the order, revocation, suspension or refusal and may make such further order as it thinks just.

These new subsections provide a right of appeal in respect of certain matters laid down in the clause. These rights exist in the New South Wales Act but do not exist in the Bill.

The Hon. A. J. SHARD: The amendment inserts three additional subsections in section 162c. That section provides that the Registrar may make an order relieving a company, or a class of companies, from complying with a specified requirement of the Act relating to the form or content of the annual accounts of a company, or of the directors' report required to be annexed to those accounts. The section also provides that the Registrar may revoke or suspend the operation of an order made by him. The new subsection (6) requires that notice of the making of an order, and the revocation or suspension of the operation of the order, be served on the company. The new subsection (7) provides that, where an order is made in respect of a class of company, the order and the revocation or suspension of the operation of the order shall be published in the *Government Gazette*. The new subsection (8) empowers a person who is aggrieved by a decision of the Registrar to appeal to the court from the Registrar's decision. The amendments are considered to be desirable, and are supported by the Government.

Amendment carried.

The Hon. F. J. POTTER: I move to insert the following new section:

165ab. (1) Notwithstanding the provisions of this Part, an exempt proprietary company that is not an unlimited company is not required to appoint an auditor at an annual general meeting, whether that meeting is the first annual general meeting held after the company is incorporated as, or becomes, such a company or is a subsequent annual general meeting, if not more than one month before the annual general meeting all the members of the company have agreed that it is not necessary for the company to appoint an auditor.

(2) The directors of an exempt proprietary company that is not an unlimited company are not required to comply with subsection (1) of section 166 if all the members of the company have agreed on a date not later than 14 days after the incorporation of the company that it is not necessary for the company to appoint an auditor.

(3) Where a company, by reason of the circumstances referred to in subsection (1) or (2), does not have an auditor the secretary of the company shall record a minute to that effect in the book containing the minutes of proceedings of general meetings of the company.

(4) An exempt proprietary company that is not an unlimited company and that at an annual general meeting did not appoint an auditor shall at the next annual general meeting of the company appoint an auditor unless the coditions referred to in subsection (1) are satisfied.

(5) The directors of a company that by reason of the circumstances referred to in subsection (1) or (2) does not have an auditor shall lodge with the Registrar with each annual return under section 158 or 159 a copy of all accounts and group accounts (if any) laid before the company at the annual general meeting held on the date to which the return is made up, or if an annual general meeting is not held on that date the annual general meeting last preceding that date, and shall include in or attach to each annual return a certificate signed by not less than two directors of the company stating whether—

(a) the company has, in respect of the financial year to which the return relates—

(i) kept such accounting records as correctly record and explain the transaction and financial position of the company;

(ii) kept its accounting records in such a manner as would enable true and fair accounts of the company to be prepared from time to time; and

(iii) kept its accounting records in such a manner as would enable the accounts of the company to be conveniently and properly audited in accordance with this Act;

(b) the accounts have been properly prepared by a competent person; and

(c) the accounts give a true and fair view of the profit or loss and state of affairs of the company as at the end of the financial year.

(6) Where—

(a) directors of a company state in a certificate in respect of a financial year of a company that—

(i) the company did not keep such accounting records as are required by this Act to be kept;

(ii) the accounting records of the company were not kept in the manner required by this Act;
(iii) the accounts of the company have not been properly prepared by a competent person; or
(iv) the accounts of the company do not give a true and fair view of the profit or loss or state of affairs of the company;

or

(*b*) a director of a company has been convicted under subsection (2) of section 375 of an offence in relation to a certificate under subsection (5),

the directors of the company shall within one month after the date of the annual return or the conviction (as the case requires) appoint (unless the company at a general meeting has appointed) a person or persons or a firm as auditor or auditors of the company.

(7) Within one month after a company that by reason of the circumstances referred to in subsection (1) or (2) does not have an auditor ceases to be an exempt proprietary company the directors of the company shall appoint (unless the company at a general meeting has appointed) a person or persons or a firm as auditor or auditors of the company.

(8) A person or firm appointed as auditor of a company under subsection (6) or subsection (7) shall, subject to this Division, hold office until the next annual general meeting of the company and subsection (1) shall not apply to or in relation to that company.

This is a clause that appears in both the Victorian and New South Wales legislation. It deals with the audit of exempt proprietary companies.

The Hon. R. C. DeGaris: It is the same provision in both States?

The Hon. F. J. POTTER: Yes, although in New South Wales at first sight it does not appear to be the same but the New South Wales Act has the same effect because it is a combination of that new section with the eighth schedule of its Act. I am following the Victorian Act because it is better to have this provision all in the one clause. It provides that, where an exempt proprietary company decides not to have an audit of its books, it must file a certificate of proper accounting records certified by a director of the company and must also file a copy of the annual accounts with the Registrar. This is a happy compromise and is the best way of solving the difficulty. It will bring our legislation into line with that of Victoria and New South Wales. That fact alone carries my argument a long way.

The Hon. D. H. L. Banfield: That argument can be used both ways.

The Hon. F. J. POTTER: Yes. I think I explained this fully in the second reading debate. I urge honourable members to accept the amendment. I do not know what the Chief Secretary's attitude will be but I suspect he will not perhaps be so co-operative on this amendment because I imagine from what was said in the second reading explanation that he thought some question of principle was involved here. I warn the Committee that, if this amendment is carried, some consequential amendments to other sections will become necessary, and later it will be necessary to recommit the Bill to incorporate those amendments. However, they are only consequential upon this new section being inserted in the Bill. It is a provision that is generally accepted as a compromise by the public and the business community as a whole. Indeed, this message has got through to the other States as well.

The Hon. A. J. SHARD: The Government opposes this amendment. The Companies Act, 1934, which was repealed by the Companies Act, 1962, required all companies to appoint a registered auditor, and to submit their accounts for audit annually. In some of the other States, however, their repealed Acts did not require proprietary companies to appoint an auditor, with the result that, when the uniform Companies Bill was drafted in 1961-62, a compromise was reached whereby an exempt proprietary company was not required to appoint an auditor if all the members of the company so agreed at, or before, the annual meeting in each year. Experience has shown that the provisions relating to the granting of the exemption from the requirement to appoint an auditor have not operated satisfactorily. During the past 10 years many small companies have failed; in many cases it has been found that proper books of account have not been kept and it has been impossible for the liquidator to determine the true financial position of the company. Creditors have suffered losses amounting to millions of dollars.

The Bill requires that every company, other than an exempt proprietary that is an unlimited company, shall appoint an auditor. (Unlimited companies are exempt by reason of the fact that all members of such companies are personally liable for all of the debts of the company, and creditors are not, therefore, in need of protection.) The proposed change in the law has the full support of the Joint Committee of the

Institute of Chartered Accountants and the Australian Society of Accountants, and was approved by the Standing Committee of Attorneys-General. However, when the Companies Bill was being debated in the Victorian Parliament, the Government introduced an amendment to the Bill, the effect of which is that the existing exemption conferred upon exempt proprietary companies is preserved, except that, if such a company does not appoint an auditor, it is required to lodge with the Registrar of Companies a copy of its profit and loss account and balance sheet each year. That unilateral action taken in Victoria was subsequently followed by the Government of New South Wales, but the concurrence of the other States and Territories of the Commonwealth was not sought. It is, therefore, incorrect to say that the failure to adopt the Victorian and New South Wales amendment constitutes a departure from uniformity. The reverse is the case.

It would be fallacious to believe that the publication of unaudited accounts would afford any protection to shareholders or to persons dealing with the company. Notwithstanding that those accounts must be certified by the directors of the company to give a true and fair view of the financial position of the company and that the Act provides penalties for the making of false statements, a breach of those provisions of the Act would not be discovered until the company had become insolvent and creditors and shareholders had suffered irrecoverable losses. It is common practice for persons who extend credit to a proprietary company to require the directors of the company to give personal guarantees in respect of the debts of the company. If unaudited accounts of such companies are made available to members of the public, it is more than possible that persons having dealings with the company would place undue reliance upon the accuracy of those accounts and might relax their usual vigilance, to their own detriment.

It has been suggested that the obligation to appoint an auditor would result in small companies facing additional costs that they could not afford. In answer to that assertion, it is stressed that persons who seek to shelter behind the shield of limited liability, or who seek to evade income tax or succession duties, have no valid basis to their claims that a compulsory audit is onerous and expensive. The cost of audits would represent an infinitesimal amount compared to the losses sustained by creditors of proprietary companies, and it should not be forgotten that the Bill already provides the means whereby a company may escape the requirement to appoint an auditor, namely, by converting to unlimited status. It is not unreasonable that persons who seek to avail themselves of the many benefits conferred on limited liability companies should be prepared to comply with legislation designed to protect persons who may suffer loss as a result of the operations of those companies. It is also significant that, notwithstanding the wide publicity given to the proposal to require all companies to appoint auditors, there has been little evidence of opposition to the proposal. I ask the Committee to reject the amendment.

The Committee divided on the amendment:

Ayes (13)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter (teller), E. K. Russack, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, A. J. Shard (teller), and A. M. Whyte.

Majority of 8 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER: I move:

In new section 166 (10) (*b*) before "the meeting" first occurring to insert "if such a resolution is not passed".

This amendment, which is in line with both the Victorian and New South Wales Acts, is really only a drafting amendment. I move it for the sake of uniformity and because it would then make perfectly clear the circumstances in which the operation of paragraph (*b*) comes into effect. I understand that there is no opposition to the amendment.

The Hon. A. J. SHARD: The amendment, which is not an important one, does not destroy the effect of the section, and the Government does not oppose it.

The Hon. F. J. POTTER: I had intended to move that new section 166 (17) be deleted. The subclause deals with the situation of an existing auditor of a company. Under its provisions, the auditor would be deemed to have been appointed under the provisions of the Act so that his tenure would become such that he could be removed only in the strict circumstances and under the procedure which the new Act provides. I do not think that that is a satisfactory situation, because I think that an auditor appointed under the old system ought to hold office until the next

annual general meeting of the company and then, when he is appointed or someone else is appointed in his stead, he should be given the full status as he is given under this new legislation.

It may well be that a company has been thinking for one reason or another of changing its auditor at the subsequent annual general meeting. The auditor, under the provisions of the Bill, has a much higher status and he could not be removed except in stringent circumstances. I have conferred with Parliamentary Counsel on this matter and I am now satisfied that if I merely removed subclause (17) there could be some difficulty, as there would be no clear status of auditors appointed under the old system. In order for this matter to be further studied, I do not now intend to move the amendment. However, I shall be asking for a recommittal of this clause, together with the other clauses which it will be necessary to recommit following the amendment carried by division a few minutes ago.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

In new section 166b (8) after "court" to insert "(after hearing the company, if the company so desires)".

This amendment, which appears to be minor, is important because a person aggrieved by the refusal of consent by the board to the resignation may appeal to the court and, as drafted, the company would have no right to appear on the hearing and make representations to the court. It is most desirable that the company should have the rights of appearance and representation. This provision has been inserted in the New South Wales Act.

The Hon. A. J. SHARD: New section 166 (5) enables an auditor of a company to resign from his office as auditor, if the Companies Auditors Board consents to his resignation. That consent is required to ensure that an auditor does not resign for the purpose of avoiding his responsibility to report adversely upon the accounts of the company, if the circumstances so require. Section 166 (8) empowers a person aggrieved by the board's refusal to consent to the auditor's resignation, to appeal to the court from the board's decision. The amendment seeks to include a provision whereby the company shall be given the opportunity of being heard, before the court arrives at a decision. Although it is unlikely that a company would wish to retain the services of a reluctant auditor, the amendment is not opposed.

Amendment carried; clause as amended passed.

Clause 26 passed.

Clause 27—"Enactment of Part VIA and Part VIB of principal Act."

The Hon. Sir ARTHUR RYMILL: I move:

In new section 175 (2) (*b*) after "court" second occurring to insert "and, if it sees fit, also make an order pursuant to paragraph (*a*) of this subsection".

New section 175 (2) provides:

Where an inspector gives a certificate under subsection (1) the court may inquire into the case and—

(*a*) order the officer to comply with the requirement of the inspector within such period as is fixed by the court;

or

(*b*) if the court is satisfied that the officer failed without lawful excuse to comply with the requirement of the inspector punish him in like manner as if he had been guilty of contempt of the court.

I have moved my amendment for the sake of uniformity because it seems proper that the new section should have not only the alternatives in paragraphs (*a*) and (*b*) but also the power to make an order ruling as to both matters. That is the effect of the amendment.

The Hon. A. J. SHARD: New section 175 provides that, if a person fails to comply with a requirement of an inspector who has been appointed to investigate the affairs of a company, the court may order that the person comply with the inspector's requirement or, alternatively, if the court is satisfied that the person failed, without lawful excuse, to comply with the requirement, it may punish him as if he had been guilty of contempt of court. The effect of the amendment is that, if the court punishes the person, it may also order that he comply with the inspector's requirement. The amendment is a logical one since the purpose of new section 175 is to ensure that the inspector is able to obtain information necessary for the successful completion of his investigation; so that, if the court punishes the offender, it should not be prevented from ordering that offender to comply with the inspector's requirement. The Government accepts the amendment.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

In new section 180s (1) to strike out "and that, in all the circumstances, the failure ought to be excused" and insert "and that the failure ought to be excused, or is satisfied on any other grounds that the failure ought to be excused".

This amendment brings the provision into line with a New South Wales provision, and it follows the earlier amendment. It is an alteration to the draftsmanship that slightly widens the court's discretion.

The Hon. A. J. SHARD: This amendment is similar to the amendment to clause 12. New section 180r provides that, if a person fails to comply with the take-over provisions, the court may make any one or more of the orders specified in that section. The purpose of the section is to ensure that, if a defaulting offeror resides outside the jurisdiction and is therefore able to escape the penal provisions of the Act, the court may impose sanctions in respect of the shares acquired by the offeror pursuant to the take-over scheme. New section 180s provides, however, that the court shall not make an order if it is satisfied that the failure to comply with the take-over code was due to inadvertence or mistake and that the failure ought to be excused. The effect of the amendment is that the court shall not make an order if, for any other reason, it considers that the failure should be excused. It is considered that no objection can be taken to that extension of the court's discretion, and the amendment is supported.

Amendment carried; clause as amended passed.

Clauses 28 to 34 passed.

Clause 35—"Priorities."

The Hon. F. J. POTTER: I move:

In new section 292 (1) (*d*) after "due" to insert "or accruing due".

This small amendment is very valuable from an employee's viewpoint. The interpretation of these words was dealt with in the High Court case *Stern v. Saywell,* and it would mean that the relevant date is the vital date, and that only amounts of long service leave, extended leave or recreation or service leave due at that date could be the subject of priority payment, whereas in most cases the service of the employee goes on after the date and is terminated much later. In these circumstances, the liquidator must be able to take into account that continuity of employment. I hope the amendment will effectively deal with that situation.

The Hon. A. J. SHARD: The honourable member has been kind enough to explain the purpose of his amendment and, as it has merit, I do not oppose it.

Amendment carried; clause as amended passed.

Clauses 36 to 39 passed.

Clause 40—"Balance-sheets and accounts."

The Hon. A. J. SHARD: As I have only just this afternoon distributed to honourable members proposed new clause 40a, I doubt whether they have had time to consider it. Because progress this afternoon has been satisfactory, I ask leave to report progress so that honourable members can examine the clause during the dinner adjournment.

Progress reported; Committee to sit again.

[*Sitting suspended from 5.29 to 7.45 p.m.*]

Clause 40 passed.

New clause 40a—"Suspension of fee where foreign company opens share registry but does not carry on business."

The Hon. A. J. SHARD: I move:

To insert the following new clause:

40a. Section 349 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) Where the Minister is satisfied that a company has become liable to pay a fee under subsection (1) of this section by reason of the fact that the company has failed to comply with subsection (2) of this section, the Minister may, if he considers it just to do so, remit that fee wholly or partly."

Section 344 of the principal Act provides that a foreign company which establishes a share registration office in the State is deemed to be carrying on business in the State and, by virtue of section 346, the company is required to be registered as a foreign company. However, section 349 provides that where a company is required to be registered as a foreign company by virtue only of the fact that it has established a share registration office, and the fees payable on the registration of the company would exceed $1,000, the amount by which the prescribed fee exceeds $1,000 is not required to be paid until the company commences to carry on active business in the State. To enable the Registrar to determine whether a company continues to be entitled to that benefit, section 349 requires the company to lodge with the Registrar annually a notice to the effect that it has not commenced to carry on business in the State. The section further provides that, if the company fails to lodge that notice, it becomes liable to pay the balance of the fee, payment of which had been suspended at the time of the registration of the company.

A large Victorian company voluntarily established a branch register in South Australia five years ago for the convenience of its shareholders who reside in this State. The fees payable on registration of the company amounted to about $19,000 but, by virtue of the concession conferred upon it by section 349, the payment of $18,000 was suspended. However, the notice to the effect that the company has not commenced to carry on business in South Australia has not been lodged annually with the Registrar and, although the failure to lodge the notice was due to an oversight on the part of the company's Adelaide representative, the company is now required to pay the suspended fee, notwithstanding that it has not commenced to carry on business.

It is considered that, in its present form, section 349 operates too harshly, and it is therefore intended to amend the section to empower the Minister to make an order relieving a company from the liability to pay the suspended fee if he is satisfied that the failure to lodge the notice with the Registrar was due to inadvertence. In order to afford relief to the Victorian company referred to earlier, the intended amendment empowers the Minister to make an order, whether or not the failure to lodge the notice occurred before or after the commencement of the amending Act. I ask the Committee to accept the amendment.

The Hon. R. C. DeGARIS: The Chief Secretary's explanation is reasonable, as I understand it. I am willing to accept the amendment provided that, if we find anything that requires clarification or discussion later, the clause will be recommitted.

The Hon. A. J. Shard: Yes.

New clause inserted.

Clauses 41 to 44 passed.

Clause 45—"Power to examine defaulting officers."

The Hon. F. J. POTTER: I move:

In new clause 367c (2) (*a*) (i) after "308" to insert "and has not received an answer within one month of the date of the letter to the effect that the company is carrying on business".

The amendment I have on file relating to clause 47 must also be inserted in this clause. As I understand it, the amendment is acceptable to the Government; in fact, it appears in the Acts of other States but it has been omitted from the Bill by oversight.

The Hon. A. J. SHARD: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 46 passed.

Clause 47—"Enactment of ss. 374a to 374g of principal Act."

The Hon. F. J. POTTER: I move:

After new section 374e (2) (*a*) (ii) to insert "and has not received an answer within one month of the date of the letter to the effect that the company is carrying on business".

This is similar to the amendment just passed.

The Hon. A. J. SHARD: The amendment is acceptable to the Government.

Amendment carried; clause as amended passed.

Clause 48—"False and misleading statements."

The Hon. R. C. DeGARIS: I move:

In new section 375 (2) after "respect" to insert "and is known by him to be misleading".

This amendment is almost similar to a material particular of the Misrepresentation Bill. I understand that the amendment is acceptable to the Government.

The Hon. A. J. SHARD: The existing section 375 (2) provides that it is an offence to include in any document required to be prepared for the purposes of the Act any statement which is false in a material particular and which is known to the person making the statement to be false. That section is being amended by the Bill to provide that it is also an offence if a person wilfully omits any matter, the omission of which renders the document misleading in a material respect. It is considered, however, that in keeping with the tenor of the section the person shall not be guilty of an offence unless he knows that the omission would result in the document becoming misleading, and it is sought to amend the Bill accordingly. The amendment is supported.

Amendment carried; clause as amended passed.

Clauses 49 to 53 passed.

Clause 54—"Repeal of ninth schedule of principal Act and enactment of new schedule in its place."

The Hon. R. A. GEDDES: Will the Chief Secretary say whether the Government will take any action to consolidate this Bill as

soon as practicable to enable industry successfully to operate under it?

The Hon. A. J. SHARD: I cannot commit the Attorney-General into promising a consolidation of the Act. However, because of the number of amendments that have been made to it, it would be preferable for the Act to be consolidated as soon as possible, and I am willing to suggest this to the Attorney.

Clause passed.

Clause 55 and title passed.

Bill reported with amendments; Committee's report adopted.

ADJOURNMENT

At 8.15 p.m. the Council adjourned until Wednesday, March 22, at 2.15 p.m.