LEGISLATIVE COUNCIL

Thursday, November 6, 1975

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

GOVERNMENT OFFICE ACCOMMODATION

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking a question of the Minister representing the Premier.

Leave granted.

The Hon. R. A. GEDDES: In this morning's press it was announced that the Commonwealth Cabinet had approved a scheme whereby the Commonwealth Government would guarantee to pay the rent for office accommodation for up to 20 000 public servants for 15 years if private enterprise would build office buildings on the outskirts of Sydney and Melbourne. Will the Minister ask the Premier to take up this matter with the Prime Minister, pointing out that South Australia, and Adelaide in particular, has excellent areas for the building of office accommodation for public servants and that it is far better for the Commonwealth to decentralise by building in South Australia than to build in Sydney and Melbourne?

The Hon. D. H. L. BANFIELD: The honourable member has raised an interesting point, and I shall be happy to take up the matter with the Premier.

PORT AUGUSTA ABATTOIR

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question.

Leave granted.

The Hon. A. M. WHYTE: This morning's Australian Broadcasting Commission country news bulletin reported that an abandoned slaughterhouse at Port Augusta had been used by a person or persons for slaughtering stock and had been left in a most unsavoury condition. The stock inspector who made the discovery correctly drew attention to the fact that all meat entering Port Augusta for sale must be inspected at the Port Augusta abattoir. The report went on to say that meat slaughtered at this unacceptable slaughterhouse may have contributed to the recent spate of food poisoning in Port Augusta. Regardless of how unsavoury the conditions were for killing (and I take regard of the fact that this meat could possibly carry salmonella or some such disease), I am curious to know how in actual fact, unless the meat was allowed to go bad before it was eaten, it would have contributed to poisoning.

The Hon. B. A. CHATTERTON: The area of meat inspection and abattoir inspection is within the province of the Agriculture Department.

The Hon. R. A. Geddes: This was a health inspector's report. That is under the Minister of Health, isn't it?

The Hon. B. A. CHATTERTON: This was checked out by officers from my department because I also was very concerned about the report I heard on the A.B.C. news this morning. I asked the Agriculture Department to check this out to find out the situation, and the officers have reported to me. Apparently, the meat at this particular slaughterhouse was being prepared in shocking conditions; there were pools of blood and flies at the slaughterhouse. There were decaying carcasses and remains of animals nearby, all of which obviously did not meet the proper preparation of meat.

The Hon. M. B. Cameron: We have just had lunch.

The Hon. B. A. CHATTERTON: There appears to be a direct link between the meat at that slaughterhouse and the number of cases of food poisoning in the district. I think the whole incident is really disgraceful and certainly highlights the need for legislation in this area to protect public health and to ensure that meat is slaughtered and prepared under hygienic conditions. I think the present position, where the local councils have a health officer who is often very overworked and has the job of supervising many other areas of council activity, is unsatisfactory because he is not in a position to give as much attention to hygienic standards of slaughterhouses as is required. Certainly this example highlights that fact.

The Hon. A. M. WHYTE: I ask now: will the Minister of Health answer the question I have asked him?

The Hon. D. H. L. BANFIELD: I will seek a report for the honourable member.

SALTAI CREEK

The Hon. R. A. GEDDES: I seek leave to make a short statement before directing a question to the Minister representing the Minister of Works.

Leave granted.

The Hon. R. A. GEDDES: Early in October I asked a question on Saltai Creek near Port Augusta and I received a reply this week. I have three more questions to direct to the Minister in relation to this creek. When was the feasibility study made on the flow of water in Saltai Creek? What was the estimated cost of building the earthworks to build a dam or reservoir? Has a site been selected for a dam or reservoir on Saltai Creek?

The Hon. T. M. CASEY: I will refer the honourable member's questions to my colleague in another place and bring down a reply.

MEAT INSPECTION

The Hon. F. T. BLEVINS: I seek leave to make a short explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. F. T. BLEVINS: Last week I asked the Minister whether South Australia's primary producers would be affected by the Liberal and Country Parties' refusal to pass the national Budget. The Minister indicated his main concern was for our meat inspection service provided by the Australian Department of Agriculture. Considering the current improvement in export markets, it would be tragic if our export meat works had to close down due to lack of inspection as a result of Mr. Fraser and Mr. Anthony setting fire to our Constitution. Can the Minister inform—

The Hon. J. C. Burdett: Rubbish!

The PRESIDENT: Order! Interjections are out of order in Question Time.

The Hon. F. T. BLEVINS: Can the Minister inform the Council of any steps taken by the Australian Government to safeguard the salaries of Commonwealth meat inspectors working in South Australia?

The Hon. B. A. CHATTERTON: The honourable member has shown much concern about this area, which is a valuable export market. As I pointed out to him previously, the export of meat from Australia would be illegal if the meat was not first inspected by officials from the Australian Department of Agriculture. This was put in jeopardy completely by the refusal of the Senate to grant Supply.

However, I am happy to be able to report that the new Minister for Agriculture in Canberra (Dr. Rex Patterson) has informed me that he has been able to take some steps to ensure that the meat inspectors' salaries will be paid. These steps are somewhat unorthodox but quite legal. He has been advised by the Government's legal officers that payments to the meat inspectors will be possible under (I think it is) section 10 of the Meat Export Charge Collection Act, 1973, and he can make payments from the funds held in the trust accounts under that Act, so that this valuable export of meat from Australia will be able to continue.

RECREATION LEADERS

The Hon. N. K. FOSTER: I direct a question to the Minister of Tourism, Recreation and Sport. Can the Minister outline to the Council any steps his department is taking to assess the role of voluntary and part-time leaders in the field of recreation?

The Hon. T. M. CASEY: I am pleased to inform the Council that my department is currently involved in a survey being carried out by the South Australian Institute of Technology and the Department of Physical Education, Adelaide College of Advanced Education. The survey, which will last some 20 weeks, is part of a nation-wide survey being funded by the Australian Government. It is designed to investigate existing and future needs in the training of voluntary leaders, instructors, supervisors, and coaches involved in conducting leisure time activities. Another part of the study will attempt to determine present trends in leisure time activities. It is hoped that, by combining both aspects of the investigation, State and Federal departments of recreation will be able to draw broad policy guidelines as to the need to develop and fund the education of voluntary and part-time leaders.

HOMOSEXUALS

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, as the Leader of the Government in this place.

Leave granted.

The Hon. J. C. BURDETT: On October 29, I asked the Minister whether the Government would endeavour to obtain the tapes of a conversation between the Attorney-General and a reporter from the Australian Broadcasting Commission relating to homosexuals going into schools. Eventually, the Minister said:

However, I am willing to draw the attention of the Government to the honourable member's question.

The Hon. Mr. Hill asked:

And bring back a reply?

The Minister said:

I did not say that I would bring back a reply.

Has the Minister referred my question to the Government and, if he has, what is the Government's answer?

The Hon. D. H. L. BANFIELD: The position is that the Government has been made aware of the honourable member's question but has no intention of seeking the tapes from the A.B.C.

The Hon. C. M. Hill: Are you frightened?

The Hon. D. H. L. BANFIELD: What of? I have already given the explanation.

POULTRY INSPECTIONS

The Hon. R. C. DeGARIS: Will the Minister of Agriculture inform the Council what inspection services are provided for the slaughtering of poultry in South Australia and, if there are no inspection services, whether he intends providing such services for poultry meat marketed in South Australia?

The Hon. B. A. CHATTERTON: I can certainly get a report for the honourable member on what Government inspection services are available for the slaughtering of poultry. However, it is not the intention of the meat industry to provide such services, nor does the proposed legislation being drafted for a Meat Industry Bill include poultry within its provisions.

The Hon. R. C. DeGaris: Why not?

The Hon. B. A. CHATTERTON: Because the type of slaughtering that takes place is so vastly different and the area of slaughtering, slaughterhouses, abattoirs, and so on, normally used for all other livestock is in a completely different situation from that of the poultry industry. However, I shall get a report for the honourable member on the current situation in relation to poultry meat inspection.

STATUTE LAW REVISION BILL

Second reading.

The Hon. T. M. CASEY (Minister of Lands): I move:

That this Bill be now read a second time.

It proposes further corrective legislation to the Statute law of this State with a view to bringing a revised edition of the consolidated public general Acts from 1837 to 1975 a stage nearer to publication. The bulk of the legislation of this State has now been examined and corrective legislation, where necessary or desirable, and to the extent possible, has been prepared or is in course of preparation for incorporation and inclusion in that edition. In the explanation of the Statute Law Revision Bill, 1975, which was passed by Parliament earlier this year, honourable members were informed of the nature and volume of the work that has been involved in this project. It is hoped that the publication of the new edition will proceed as speedily as possible and that the volumes would become available as a permanent record of Acts in force as at the cut-off date. This would also enable the Statute Book to be kept under constant review and close scrutiny, as well as up to date.

This Bill is designed to facilitate the preparation of Acts for consolidation by making consequential and other clarifying amendments to, and correcting errors and removing inconsistencies and anomalies in, a number of Acts without altering policies and principles that have already been endorsed by Parliament. It also repeals certain Acts which are obsolete or no longer relevant and will never be invoked for the purposes for which they had been enacted. These Acts are listed in the first schedule to the Bill. The second schedule to the Bill contains, in the first column, the references to the Acts to be amended; in the second column, the proposed amendments to various provisions of those Acts; and, in the third column, the citations of those Acts (as amended by those amendments) where such new citations are necessary. In preparing the amendments in the second schedule precaution and care have been taken to ensure that no existing rights are affected and that no amendment to any Act changes any policy or principle that has already been established by Parliament.

Clause 1 is formal. Clause 2 (1) repeals the Acts set out in the first schedule. The reasons for the repeals of those Acts are now explained. The Radium Hill Water Supply Agreement Act, 1953, was enacted to authorise the execution of an agreement between the States of New South Wales and South Australia and the Broken Hill Water Board

for the purpose of enabling the Government of South Australia to obtain a water supply for Radium Hill from the Broken Hill Water Board. The Uranium Mining Act, 1949, as amended, was intended to cover the uranium mining operation at Radium Hill and the Port Pirie treatment plant, which produced uranium oxide during the period 1951 to 1961 under contract to the United Kingdom and the U.S. Atomic Energy Commissions. The conditions which affected that operation at that time no longer exist and the legislation is obsolete and for the most part irrelevant, and it is unlikely that the State will engage in the production of uranium in the foreseeable future without special legislation enacted for that purpose. As these Acts are no longer relevant and no longer being used they are being repealed.

The Surplus Revenue Act, 1938, provided for the Treasurer to apply not more than £100,000 of the surplus from the Revenue Account for the financial year ended June 30, 1938, to acquire shares in Cellulose (Australia) Limited. It also gave the Treasurer various other powers to protect his financial interest in the company. The Act was amended in 1951, to enable the Treasurer to acquire a further 20 000 ordinary shares in the company that were paid for from moneys standing to the credit of the Loan Fund. The shares purchased in the company have been sold and any other investment in the company would require fresh legislation. Such action is not contemplated, as future assistance, if any, should be sought and obtained through the Industries Development Act. Accordingly, as the Surplus Revenue Act, 1938-1951, no longer serves any purpose, it is being repealed. Clause 2 (2) deals with the case where an Act expressed to be repealed by this Bill is repealed by some other Act before this Bill becomes law. This is a possible eventuality, and this provision enacts that, in such a case, the enactment by this Bill that purports to repeal that Act has no effect.

Clause 3 (1) provides that the Acts listed in the first column of the second schedule are amended in the manner indicated in the second column of that schedule and, as so amended, may be cited by their new citations as specified, in appropriate cases, in the third column of that schedule. Clause 3 (2) deals with the case where an Act expressed to be amended by this Bill is (before this Bill becomes law) repealed by some other Act or amended by some other Act in such a way that renders ineffective the amendment as expressed by this Bill. This is another eventuality that could well occur. Clause 3 (3) deals with the case where an Act amended by this Bill is repealed by some other Act after this Bill becomes law but the repeal does not include the amendment made by this Bill. I now explain the amendments in the second schedule to the Bill.

Building Societies Act, 1975: The amendment to section 4 (1) merely corrects an erroneous citation of one of the Acts repealed by the amended Act.

Firearms Act, 1958: Section 9 (5) provides that a "licence shall not be granted except on payment of a fee of five shillings or such other fee as may be prescribed". Although the amount of 5s. is capable of conversion to an exact equivalent in decimal currency, the power to prescribe some other fee by regulation could well create a situation whereby a different fee could be prescribed by a regulation that might be subject to disallowance by Parliament at the time of the cut-off date for the new edition of consolidated Acts. Such a provision could also lead to confusion with the Act prescribing one fee and the regulations prescribing a different fee. To avoid this confusion, the schedule of amendments amends section 9 (5) by providing, in lieu of the existing provision, for the payment of such fee for the granting of the licence as may, from time to time, be prescribed. This would mean that all such fees will be prescribed by regulation but, as a transitional provision, a new subsection (6) is added that will have the effect of preserving the existing fee until regulations providing otherwise have been made and have taken effect.

The amendment to section 10 (2) and the new subsection (2a) inserted in section 10 follow the same principles in relation to the renewal of a licence as are contained in the proposed amendments to section 9. The amendments to section 41 (1) and section 41 (2) are consequential on the repeal of the Animals and Birds Protection Act, 1919-1938, by the Fauna Conservation Act, 1964, which, in turn, was repealed and superseded by the National Parks and Wildlife Act, 1972.

Fruit and Vegetables (Prevention of Injury) Act, 1927: The amendment to section 3 arises from the reference in the definition of "inspector" in section 3 to the "Vine, Fruit and Vegetable Protection Act, 1885, or the Vine Fruit, and Vegetable Protection Amendment Act, 1910", both of which Acts have been repealed and superseded by the Fruit and Plant Protection Act, 1968, which has only recently come into operation. The effect of the amendment is to extend the meaning of inspector to cover not only inspectors appointed under the repealed law but also those appointed under any corresponding subsequent enactment.

Fruit Fly Act, 1947-1973: This Act, as at present enacted, defines "fruit fly regulations" in section 2 as meaning the regulations made under the Vine, Fruit, and Vegetable Protection Act, 1885-1936, by proclamations which bear the dates mentioned in the schedule to that Act and which were published in the *Gazette* on the pages mentioned in that schedule. The Vine, Fruit, and Vegetable Protection Act, 1885, and its amendments, were repealed by the Fruit and Plant Protection Act, 1968, which was brought into operation by proclamation within the last few weeks, but there is also no reference to the expression "fruit fly regulations" in the Fruit Fly Act, 1947-1973, as at present enacted. That expression was defined for the purposes of section 4 of that Act and all the provisions of that section were repealed by Act No. 23 of 1953 (section 4) and Act No. 14 of 1955 (section 3). As the schedule to the Act applies only to the definition of "fruit fly regulations" and the definition now serves no purpose, both that definition and the schedule are being repealed by this Bill.

Liens on Fruit Act, 1923-1932: Section 8 of this Act prescribes fees which have never been altered since 1923. Those fees are capable of being varied by regulation under the Fees Regulation Act, 1927, and in order to conform with the policy already approved by Parliament in other legislation, that section has been amended to provide that all fees chargeable for the purposes of that section may be prescribed by regulation made under the Liens on Fruit Act itself. The amendments also preserve the existing fees until regulations providing otherwise have been made and have taken effect. The other amendment to the Act makes a decimal currency conversion.

Marine Stores Act, 1898-1963: Section 3 of the Act prescribes a fee of 5s. for every collector's licence. This fee is capable of being varied by regulations under the Fees Regulation Act, 1927. In order to avoid the problems that arise in the consolidation of Acts which, by their own provisions, prescribe fees that have been varied by regulation under the Fees Regulation Act, and in accordance with Government and Parliamentary policy as expressed by recent legislation, the amendment to section 3 strikes out the provision prescribing the amount of the

fee and that provision is replaced by a new section 3a which provides that there shall be paid for the issue of a collector's licence such fee as is for the time being prescribed and that, until regulations made and in force under the principal Act provide otherwise, the current collector's licence fee shall continue to be payable. The amendment to section 5 makes a conversion to decimal currency. The amendments to section 6 are a decimal currency conversion and the subsitution for the expression "police constable" of the expression "member of the Police Force" which is more generally applicable and not restricted to the rank of constable.

The amendments to section 7 consist of a decimal currency conversion and a drafting amendment. The amendments to sections 7a (3), 7b (1) ad 8 consist of decimal currency conversions. Section 10 of the Act, *inter alia,* prescribes an amount of fee payable for a dealer's licence. This amount has been varied by Act No. 15 of 1958 and later by regulation under the Fees Regulation Act, 1927. The earlier explanations relating to the amendment to section 3 and the enactment of section 3a are equally applicable here. The amendment to section 10 strikes out the provision prescribing the amount of a dealer's licence fee, and that provision is replaced by new section 10a, which provides that there shall be paid for the issue of a dealer's licence such fee as is for the time being prescribed and that, until regulations made and in force under the principal Act provide otherwise, the current dealer's licence fee shall continue to be payable.

The amendments to section 13 are a decimal currency conversion and a consequential amendment. The amendment to section 14 is a decimal currency conversion. The amendments to section 22 consist of substitutions of the general expression" member of the Police Force" in place of references to commissioned officers and other members of the Police Force, without altering the intention of Parliament, and a decimal currency conversion. The amendments to section 23 are consequential amendments consistent with earlier amendments and a decimal currency conversion. The amendment to section 24 is a consequential amendment consistent with earlier amendments. The amendment to section 30 confers the power to prescribe fees payable for the purposes of the Act. This amendment is consequential on the provisions of proposed new sections 3a and 10a.

The Partnership Act, 1891-1935: This amendment updates the definition of "court" in section 45.

Public Works Standing Committee Act, 1927-1974: The amendment to section 5(4) will bring the reference to the Public Service Act, 1916, up to date. The amendment to section 7(1) substitutes a reference to the Minister of Works for the reference to the Commissioner of Public Works.

Real Property (Registration of Titles) Act, 1945: The fee prescribed by subsection (3) of section 24 is no longer charged or payable, and that subsection is therefore struck out.

Road and Railway Transport Act, 1930-1971: Section 27e of the Act confers jurisdiction on the Industrial Court as constituted under the old Industrial Code, 1920, to deal with industrial matters, as defined in that Code, relating to the employment (as employees) of drivers of motor vehicles used for carrying passengers or goods for hire or reward. That code had been repealed and superseded by the Industrial Code, 1967; and the provisions of the Industrial Code, 1967, which had superseded the relevant provisions of the Industrial Code, 1920, have themselves been subsequently repealed by the Industrial Conciliation and Arbitration Act, 1972. It has therefore become necessary to repeal section 27e and enact a new section in its place. The new section, in effect, makes no change in the policy enacted by the old section but updates that policy and makes it consistent with the provisions of the 1972 Act. Sections 27f to 27q are being repealed as they had virtually been declared invalid by the High Court in 1957 (see *Pioneer Express Pty. Ltd.* v. *The State of South Australia,* 99 C.L.R. 227) and have not since been invoked. The amendment to section 30 (1) merely extends to the proving of a permit the principles already adopted in the Act, so far as the proving of a licence is concerned.

Sale of Fruit Act, 1915-1935: The amendment to section 3 has arisen from the reference in the definition of "inspector" in section 3 of the Vine, Fruit, and Vegetable Protection Act, 1885, or the Vine, Fruit, and Vegetable Protection Act Amendment Act, 1910, both of which Acts have been repealed and superseded by the Fruit and Plant Protection Act, 1968 (which has recently been brought into operation). The effect of the amendment is to extend the meaning of "inspector" to cover not only inspectors appointed under the repealed law but also those appointed under any corresponding subsequent enactment.

Sharebrokers Act, 1945: The amendment to section 3 (1) amends the definition of "approved auditor" (which is obsolete in that it relates to an auditor licensed under the repealed Companies Act, 1934). The amendment updates the definition by reference to the provisions of section 9 of the Companies Act, 1962, as amended (under which a person can be registered as a company auditor) or any corresponding subsequent enactment.

State Lotteries Act, 1966-1974: The amendments to section 4 (7) and section 13 (4) extend the references to the Public Service Act, 1936-1966, to include any corresponding subsequent enactment. The amendments to section 16 (6) and section 16 (8) alter the references to the Chief Secretary to references to the Minister of Health, as those references were obviously to the Chief Secretary in his (then) capacity of Minister of Health.

Statute Law Revision Act, 1974: The amendment to this Act is consequential on the repeal of the Wild Dogs Act, 1931, as amended, by the Vertebrate Pests Act, 1975.

Statutes Amendment (Miscellaneous Metric Conversions) Act, 1975: The amendment to this Act is linked with the amendment to the Stock Mortgages and Wool Liens Act, 1924-1935, which is also included in this Bill. The amendments have arisen from representations by the Law Society of South Australia Incorporated pointing out to the Government that the international paper size prescribed for stock mortgages by the amendment made by the Statutes Amendment (Miscellaneous Metric Conversions) Act, 1975, was not practicable or suitable for photocopying. In order to meet the difficulties mentioned by the Law Society and to enable the other provisions of the Statutes Amendment (Miscellaneous Metric Conversions) Act, 1975, to be brought into operation without delay, the Government has decided to strike out from that Act the references and amendments applying to the Stock Mortgages and Wool Liens Act, 1924-1935, and to amend the last mentioned Act, by altering the paper size to that recommended by the Law Society, the alteration to take effect as from a day to be fixed by proclamation. The Government intends, if this amendment is approved by Parliament, to defer the making of the proclamation bringing the Statutes Amendment (Miscellaneous Metric Conversions) Act into operation until this Bill becomes law.

Stock Diseases Act, 1934-1968: The amendment to section 8a (1) strikes out from paragraph XIV of that section the reference to the Animals and Birds Protection Act, 1919-1938, as that Act and its amendments had been repealed and superseded by the Fauna Conservation Act, 1964, which in turn has been repealed by the National Parks and Wildlife Act, 1972. A reference to the last mentioned Act is substituted in place of the repealed and obsolete Act.

Stock Mortgages and Wool Liens Act, 1924-1935: The explanation of the amendments to this Act has been included in the explanation of the amendment to the Statutes Amendment (Miscellaneous Metric Conversions) Act, 1975.

Surveyors Act, 1935-1971: The amendments to this Act are only of a formal nature and do not alter the policy of the existing legislation in any way.

Swine Compensation Act, 1936-1974: The amendment to section 14 strikes out subsection (2a), which has been redundant since the enactment of the Swine Compensation Act Amendment Act, 1974, which enacted subsection (2) of that section in substantially identical terms to the provisions of subsection (2a).

Swine Compensation Act Amendment Act, 1962: The amendment to this Act strikes out an erroneous and meaningless amendment to the principal Act which was never incorporable or corrected. It purported to strike out the words "this section" in subsection (*c*) of section 13 of the principal Act and insert other words in their place, but a subsection designated as "(*c*)" has never existed in that section. The amendment was obviously intended to amend subsection (2) of section 13, and that subsection was re-enacted by section 3 (*b*) of the Swine Compensation Act Amendment Act, 1964, which included the words erroneously sought to be inserted in "subsection (*c*)" of that section. The erroneous amendment made in 1962 is now being struck out as it was rectified by the 1964 amendment.

Tatiara Drainage Trust Act, 1949-1968: Section 53 of this Act provides that every rate shall be of an amount fixed by the trust for each "pound" of the ratable value of all ratable property within the district. Conversion of "pound" to its exact equivalent would not be appropriate under the Decimal Currency Act, 1965, in this case, and substitution of the word "dollar" for the word "pound" would not be permissible without legislative authority. Section 75 (2) provides that a person shall not vote at an election unless he is at least 21 years of age on the day of that election. This is not consistent with policy already endorsed by Parliament in other legislation, and any alteration to the qualifying age can be made only by amending legislation. The amendments to this Act contain the necessary corrective legislation to amend those sections, and the opportunity has also been taken of including amendments for making other conversions to decimal currency at the same time in order to minimise the use of footnotes where those conversions would otherwise have had to be made pursuant to the Acts Republication Act.

Unclaimed Moneys Act, 1891-1962: The schedule to this Act would be out of date if the Act were consolidated in its present form; the proposed amendments to the Act also include conversions of amounts expressed in the old currency into decimal currency. One of the amendments to the schedule to the Act is a substitution of an amount of $600 for the amount of £350 in the second column, as that schedule is only a hypothetical example of the form of register required to be kept under section 3, and $600 would represent a more likely and appropriate amount as the "first dividend on 600 shares" in a company and substitution of $700 for £350 would have made the amount of the dividend incompatible with the number of shares in the example shown in the schedule.

Veterinary Surgeons Act, 1935-1968: The amendment to section 7 (1) merely strikes out a redundant word. The amendment to section 21 redesignates as subsection (2a) the subsection numbered (3) inserted by Act No. 50 of 1965 as a subsection numbered (3) already was in existence in that section. The amendment to section 30a (1) merely corrects a grammatical error in the section.

Volunteer Fire Fighters Fund Act, 1949-1957, as amended by Statute Law Revision Act, 1965: The amendment to section 2 amends the definition of "fire control officer" consequentially on the enactment of the Bush Fires Act, 1960, which repealed the Bush Fires Act, 1933-1946. The amendments to sections 13 (3) and 13 (4) are consequential on the enactment of the Workmen's Compensation Act, 1971, which repealed the Workmen's Compensation Act, 1932-1947. The other amendments make conversions of amounts expressed in the old currency to their equivalents in decimal currency.

Wills Act, 1936-1975: Before consolidating this Act under the Acts Republication Act, it would seem appropriate to repeal section 7 which is now obsolete. That section provides:

> Subject to the Married Women's Property Act, 1883-1884, no will made by any married woman shall be valid except such a will as might have been made by a married woman before the first day of August, eighteen hundred and forty-two.

The Married Women's Property Act, 1883-1884, was repealed by the Law of Property Act, 1936 (now Law of Property Act, 1936-1974), the provisions of which are clearly inconsistent with section 7 of the Wills Act.

Wrongs Act, 1936-1974: The first amendment to section 3 is consequential upon the enactment of sections 23a, 23b and 23c by the Wrongs Act Amendment Act, 1940. The second amendment to section 3 is consequential on the enactment of Part III by the Wrongs Act Amendment Act, 1939, and the addition of further sections to that Part by subsequent amending Acts. The amendment to section 8 makes a conversion to decimal currency. The amendments to section 25 (2) are consequential on the amendment to that section by section 16 (*b*) of the Statutes Amendment (Miscellaneous Provisions) Act, 1972. Section 26a of the Wrongs Act, 1936-1974, as presently enacted, deals with an insurer or nominal defendant referred to in section 70d of the Road Traffic Act, 1934-1950. Quite apart from the fact that most of the Road Traffic Act, 1934, and its amendments had been repealed by the Road Traffic Act, 1961, that particular section had been repealed and superseded by various provisions of Part IV of the Motor Vehicles Act, 1959, and a new section is now being substituted for the present section 26a which clarifies the provisions of the previous section and is more meaningful.

The amendment to section 27a (1) extends the reference to the Workmen's Compensation Act, 1932-1950 (which has been repealed and superseded by the Workmen's Compensation Act, 1971) to any corresponding subsequent enactment. The amendment to section 27a (3) is consequential on the repeal of subsection (5) of that section by the Statute Law Revision Act, 1952. The two amendments to section 29 (1) are consequential on the abolition of the South Australian Harbors Board and the assumption of its responsibilities by the Minister of Marine. The amendment to section 29 (5) makes a conversion to decimal currency. The amendments to section 29 (7) extend the references to the repealed Workmen's Compensation Act,

1932, to any corresponding subsequent enactment. I commend the Bill to honourable members.

The Hon. J. C. BURDETT secured the adjournment of the debate.

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 1670.)

The Hon. C. M. HILL: I am pleased to see that the Government has at last yielded to growing pressure to assist in this problem of succession duties. The improvements are overdue. I have found the subject of succession duties referred to more than any other single matter when talking to people about their problems in their houses in metropolitan Adelaide during the last 12 months or so. It has, of course, been a big issue in country areas for a long time. In the Adelaide metropolitan area, I believe it would not be unrealisitic to say that tens of thousands of houses have appreciated in the last few years simply because of the general inflationary spiral. This increased value has caused husbands and wives, particularly wives, very grave fears as to how succession duties will be met. Previously, the subject was of no real worry to such people, but in vast areas of metropolitan Adelaide these changes in property values have given rise to this fear of the future. I am thinking not so much of suburbs where property values have always been high, although of course the problem of succession duties has existed there and still will, but of the average suburb where years ago very few people had to worry about this matter. This is where this comparatively recent fear has developed, quite understandably. It is the housewife who, thinking of what the future might hold for her if her husband should die, has been particularly worried. Therefore, I say again and stress that I am very pleased that such people will, to a large extent, be relieved of this fear and worry. Accordingly, I support the Bill, and if it can be further improved in the Committee stage along the lines previous speakers have suggested, then I shall support those amendments.

Having mentioned those in households who will be assisted by this measure, I also express satisfaction concerning the variation in the rural rebate and the other changes affecting country people. This Bill will meet some of the genuine objections made over the past few years by people with rural interests. These people come under the category of business people and, generally speaking, their particular business operations involve high capital investment, low percentage returns on such investment, and usually minimal liquid funds. Therefore, when confronted with high succession duties, families have had to borrow heavily, if this has been possible, or have had to sell portion of the farm thereby risking the residue's being an uneconomical unit. Any in this sector who gain some relief from this Bill will welcome this measure.

I now refer to business people who, I believe, have been overlooked by the Government in this Bill but who are in urgent need of consideration. It is a great pity that they have been overlooked and I hope that, if the present Government again reviews this legislation, consideration will be given to them. These people are in metropolitan Adelaide and other urban centres and own and operate their own businesses, some quite small and others large. In some cases their capital investment is comparable in size with that of the rural landowner. Indeed, if one aggregates the value of separate matrimonial homes with the capital investment in such businesses, the comparison is more correct, because usually in the

country the matrimonial home is part of the farm. Therefore, these people have a considerable capital investment, and in some cases low percentage returns.

Quite often, especially in the economic times now existing, their cash and negotiable holdings are small. These people urgently need relief from heavy succession duties. I submit that it is in the State's best interest that these businesses prosper and not be crippled by high succession duties. These are family businesses. Some expand and become South Australian companies of considerable size. The Government should do its best to see that they become economically viable, and remain so, after the death of the founder, or founders, or major shareholders. They contribute markedly to employment. They need to retain as much capital as possible for expansion. They are part of South Australia in every sense.

It does seem rather cruel and contradictory to me when I hear, on the one hand, of families in such businesses encountering great hardship owing to high succession duties; and, on the other hand, of small oversea interests (for example, a craftsman from Milano) being assisted with State money to establish a jewellery-making business in South Australia. I do not think it is unreasonable to say that South Australian business is being drained of funds and restricted in growth via succession duties while financial assistance is being given to the newcomer, who almost certainly will not be contributing any succession duties to the South Australian Treasury.

Therefore, I believe that such South Australians as those to whom I have referred and those people with their own businesses here should enjoy some relief, just as other sections of the community enjoy relief under this Bill. I am not advocating less relief for those whom the Bill helps but that, in general terms, all people in business, whether in the rural sector or the urban sector, should be assisted in the same proportion as the rural sector is helped by this Bill. I think that is a fair approach to this problem.

Therefore, I welcome very much indeed the help that will be given to individuals in some metropolitan suburbs where the problems of succession duties have not existed before but where now, simply because of the capital appreciation of their property, the problem is serious. I am pleased that some people in the rural sector are being helped by this Bill, but I stress that I hope that, if the present Government reviews this legislation again in the future, it will give full consideration to those people who own either small or large businesses in urban areas of the State. I support the second reading.

The Hon. J. A. CARNIE: I intend to be brief in what I have to say on this Bill because I believe that over the years most of the things to be said about succession duties have been said, if not by me when I was in another place, by other people. When the question of succession duties is raised, it is always a matter of some emotion; it has involved more petitions to this Parliament than any other single thing. It has caused many cases of genuine hardship, because many anomalies in the Act have arisen over the years. This matter has been raised in Parliament by country members in particular, including me, over many years. I am pleased that some of the submissions we have made are at least bearing fruit. The Bill that the Government introduced in 1970 eased some of the burden, and this Bill eases more of the burden, of succession duties. For that reason, I welcome it but, like other members, I still believe it does not go far enough.

The Hon. R. C. DeGaris: What burdens does it relieve for children?

The Hon. J. A. CARNIE: I did not say it relieved all burdens on everyone. I said that I do not think it goes far enough. However, it relieves many burdens on some sections of the community. As I was saying, the Liberal Movement policy on this matter is quite clear in its policy speech:

The Liberal Movement will exempt altogether from duty the matrimonial home passing to the surviving spouse.

This Bill does not do that, but I admit it goes a very long way towards it. As such, I commend it. I was also very pleased to see that the rural rebate is being extended in the way that it is. In particular, it brings back the rebate that used to apply to joint ownership and tenancy in common. The removal of this provision previously was unjust and it was unfair to those people who had used this method to lessen the impact of succession duties. Also, the fact that rural rebate has no limit will lessen, to some extent, the impact that inflation is having on land values. I said earlier that country members have raised the matter of succession duties for many years. That is probably because of the proportion of this tax that is paid by rural property owners.

Yesterday, the Hon. Mr. DeGaris mentioned the percentage of succession duties paid by the rural sector. That bears repeating. I am not sure that my figures are exactly the same as his, but they are for 1971-72, when Commonwealth estate duty assessments on primary producers amounted to about 29 per cent of the total duties assessed for persons in all industries; by contrast, primary producers constituted only 4·6 per cent of the taxpayer population. That tax being unequally distributed in this way, it is not surprising that country people in particular have been loud in raising their voices against the unfair imposition of succession duties. In conclusion, I am pleased that relief is being given in two major areas—the matrimonial home and rural holdings. For these reasons, I support the Bill.

The Hon. D. H. LAIDLAW: As the Minister of Health so rightly said when introducing this Bill:

Rapid inflation over the last few years has meant that the incidence of succession duty has fallen with increasing severity upon beneficiaries of deceased persons. The Government believes that relaxation of the incidence of duty is justified in two main areas.

One of these is rural property, and it is indeed pleasing that rural property will be assessed at half the rate applicable to other property and that the concession does not diminish as the value of succession increases. I compliment the Government for acting in this way, because the Labor Party has not been sympathetic in the past to the plight of farmers, especially the larger ones.

I am however most disappointed that the Government did not see fit (and in this I support the Hon. Mr. Hill's remarks) to include concessions in this Bill with respect to the estates of proprietors of small businesses. We read repeatedly in the press that during the next year or so many small firms will be forced out of business because inflation is making it so much more difficult to finance stocks and the like. I know of several instances in Adelaide recently where the controllers of small, efficiently run businesses have died and their families will be forced to sell out at give-away prices in order to pay death duties.

I do not propose to move an amendment to this Bill to provide relief in this area, because the Government would need time to calculate the cost of any such scheme, but I do suggest that some much needed help should be given to these people as quickly as possible.

It may be too much to hope that the Government would once again be so generous as to offer open-ended relief as it has done to its new favoured friends, the farmers, but some rebate of duty on a reducing scale should be allowed in the estates of deceased persons who have been actively engaged, say, for three years prior to death in managing a solely owned business, a partnership or a private company.

Inflation and economic uncertainty in Australia during the past two years have caused the value of even "blue chip" shares to fall dramatically, and the practice of valuing property for succession duty at date of death only has caused hardship to widows and other beneficiaries. May I give an example. The index of all ordinary shares on the Sydney Stock Exchange stood at 508 in April, 1974, but six months later it had dropped to 286.

An acquaintance of mine died in April last year and he held some Broken Hill Proprietary Company Limited and Myer shares, which would be regarded as the safest of investments. At his death, they were valued at $44 100, and six months later they were worth only $27 000, a drop of 38 per cent. His widow, unfortunately, had to pay duty on the $44 100.

I suggest that the practice of valuing at one date should be varied and that both the Commissioner of Succession Duties and the executors of the estate should be given the option of averaging the value of assets with a readily assessable value over three dates: for example, six months prior to death, at death, and six months after death.

If this had been allowed in the case of my acquaintance, his widow would have been assessed for duty on the B.H.P. and Myer shares at $37 700 instead of $44 100. I hope the Government will consider allowing this option to average values of certain types of assets, because it would help alleviate cases of substantial hardship, such as the one I have just quoted. I support the second reading.

The Hon. ANNE LEVY: I support the Bill. I do not wish to make many comments regarding it, because succession duty is not an area with which I have great familiarity, but I want to make several comments on the speech yesterday of the Hon. Mr. DeGaris and the document he has circulated to us. While I appreciate the effort he has put into these calculations, and also the difficulty of getting data on which to make such calculations, it should be pointed out that the estates on which he has made these calculations are not a representative sample of estates in South Australia. I checked the 48 estates presented in the document against the frequency of estates of different size and did a statistical analysis, comparing the frequencies of the estates of different size referred to in the sample with the figures expected on the basis of a truly random sample from South Australian estates. There was a statistically significant difference between the figures, showing that the estates quoted by the Hon. Mr. DeGaris cannot be taken in any way as representative of estates in South Australia.

I think also that, in his calculations, the Hon. Mr. DeGaris has made improper comparisons. If we want to see the effect of this Bill, we must compare the duty on estates with the Bill against the duty on the same estates without the Bill. Only in this way could we see the effects of the changes made in the Bill. The Hon. Mr. DeGaris provided a statement based on 1970 values for the 48 estates. However, he then said we should take an average inflation effect of 30 per cent since 1970 and work out the duty payable on these estates with the Bill on the increased value. He did not work out the duty payable on those estates with inflation, but without the Bill's

having been brought in. To get the effect of inflation, the proper comparison would have to be between the inflated values with the Bill and the inflated values without the Bill. Comparing the inflated values with the Bill with the non-inflated values of five years previously without the Bill is not a meaningful comparison.

People can die only once. For the purpose of this argument, they die in 1970, or they die in 1975. If we are considering 1975, and considering the values of estates at this time, the inflated values with and without the Bill are the proper comparison. I have not done these calculations. They would be extremely lengthy, and I admire the effort the Hon. Mr. DeGaris has put into producing the figures. However, the comparisons in the last column of his table are, I think, meaningless comparisons, and it would be much more—

The Hon. R. C. DeGARIS: Will the honourable member give way?

The Hon. ANNE LEVY: Yes.

The Hon. R. C. DeGARIS: I agree that the comparison, if looked at in the way the Hon. Miss Levy is looking at it, is not valid. However, I made calculations to ascertain whether the Bill takes into account the effect of inflation from 1970 to 1975. To look at it from that angle, it must be done in the way I did it. The reason it was done that way was to see whether the Bill catered for inflation between 1970 and 1975. That is the only comparison that is valid in the figures I have given.

The Hon. ANNE LEVY: I still do not agree with the Hon. Mr. DeGaris. If we want to look at the effect of this Bill we must look at its effect on the assets of people who die in 1975, and look at what duty they would pay without this Bill, comparing it with what they would pay with the Bill. That is the only way to determine the effects of this Bill on the individual and also the only way to determine its effects on State revenue. Any other comparison is not a valid one.

The Hon. R. C. DeGaris: In relation to revenue, I agree.

The Hon. ANNE LEVY: The Bill is concerned with inheritances between spouses, and that area, as well as the area of rural rebates, is where changes are being made. The Hon. Mr. DeGaris said that the overall effect of this Bill would be to give a 13·8 per cent benefit to estates. However, as the Bill is concerned with the effect on spouses, we should perhaps look at these separately, and not average spouses with all other types of inheritor.

Looking at the same 48 estates, regardless of how valid a sample they are, the figures presented by the Hon. Mr. DeGaris show that, with regard to widows and widowers, the benefit achieved by this Bill is a reduction of 49 per cent of the duty payable by those types of inheritor. That is on the 1970 values, and far more calculation would be required to show the effect on the 1975 values.

The Hon. R. C. DeGaris: Therefore, there must be a steep increase in the duty payable by children.

The Hon. ANNE LEVY: Not at all. If there is overall a 14 per cent decrease, and if there is a decrease of 49 per cent by spouses, the other inheritors need not change at all to achieve the average of 13·8 per cent. It does not follow that, if one is 49 per cent down and overall it is 13 per cent down, all the others have to be up. That is not a logical deduction.

Finally (and this has, to some extent, already been brought out by the Hon. Mr. Laidlaw), I realise that allowing for inflation is a difficult procedure. The Hon. Mr. DeGaris has just assumed a 30 per cent inflation rate in a five-year period. That is probably a most inaccurate yardstick to use.

The Hon. R. C. DeGaris: What would you say the inflation rate has been?

The Hon. ANNE LEVY: It has varied considerably, according to the type of estate concerned. As the Hon. Mr. Laidlaw said, many shares have fallen in value. If assets had been in mining shares in 1970, they would not be worth half now what they were worth then.

The Hon. R. C. DeGaris: What do you think would be a fair figure?

The Hon. ANNE LEVY: I do not think one can give a fair figure without having information regarding the proportions of the assets: what assets are in different types of equity.

The Hon. R. C. DeGaris: What would have been the rise in value of a metropolitan house property in that period?

The Hon. ANNE LEVY: I think it would have been about 100 per cent for metropolitan house properties. On the other hand, the value of industrial shares has fallen by about 25 per cent, and mining shares by about 50 per cent. So, in order adequately to study the effect of inflation, one must look at estates to see which types of asset were held, and make allowances accordingly.

The Hon. R. C. DeGaris: I did that, and I came up with that figure.

The Hon. ANNE LEVY: I have not got all the data on which the Hon. Mr. DeGaris made his calculations. However, it seemed to me that the 30 per cent figure, while perhaps giving some idea of trends, could in individual cases be extremely misleading, and that the only way to examine this matter properly would be to undertake a much more thorough investigation. I am not suggesting that the Hon. Mr. DeGaris should have done that, as I realise that these can be extremely involved calculations. If the matter were examined properly, it would be a difficult and lengthy procedure.

The Hon. R. A. GEDDES secured the adjournment of the debate.

SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT BILL

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

The Hon. T. M. CASEY (Minister of Lands): I move:

That this Bill be now read a second time.

It makes a number of disparate amendments to the principal Act, the South Australian Film Corporation Act, 1972. The need for these amendments arises from a continuing review of the operations of the corporation under that Act. These amendments can perhaps best be explained by an examination of the clauses. Clauses 1 and 2 are formal. Clause 3 amends section 4 of the principal Act by interesting a definition of "film" that is technically more accurate than the existing one. A consequential amendment is also made by this clause.

Clause 4 amends section 5 of the principal Act and reconstitutes the composition of the corporation by increasing the number of members from three to six. At the same time the requirement that the Chief Executive Officer of the corporation (the Director) also be Chairman has been omitted. With the growth of the activities of the corporation, this form of organisation does not now appear suitable. If the amendments to this section are

agreed to, it will be possible for the Director to be a member of the corporation, but he will not necessarily have to be such a member.

Clause 5 makes certain consequential and formal amendments to section 6 of the principal Act. Clause 6 amends section 10 of the principal Act with a view to clarifying the powers of the corporation. Clause 7 amends section 11 of the principal Act by vesting, by Statute, all rights in the corporation in films produced for the Government. A further clarificatory amendment is also made by this clause. Clause 8 amends section 18 of the principal Act by reconstituting the South Australian Film Advisory Board in the manner set out in that clause, and clause 9 is consequential on that reconstitution.

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

PAY-ROLL TAX ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Some weeks ago I indicated to the Council that, following a meeting of State Premiers in May, 1975, a report by Treasury officials on certain matters relating to the Pay-roll Tax Act, 1971-1974, had been completed and that a Bill to amend that Act would be introduced during the current Parliamentary session. The purpose of this Bill, which I now take leave to introduce, is a two-fold one; first, it seeks to solve problems relating to the general exemption level; and secondly, it seeks to close a loophole in the Act, the use of which is becoming increasingly prevalent and is causing a significant revenue loss. Regarding the first matter, the Government, as well as members of the business community, has been concerned for some time at the effect inflation has had on the general exemption level and the burden which has been placed on small businesses in meeting their pay-roll tax commitments. Members will be aware that the present general exemption level of $20 800 has not been varied since 1957.

The report which has been submitted by State Treasury officials to their Premiers was unanimous in the view that:

(*a*) Although some increase in the general exemption level for small businesses was justified, there appeared to be no real justification to continue the exemption provision for large organisations.

(*b*) It was desirable to maintain uniformity in the States' pay-roll tax legislation, particularly as many companies operated in more than one State.

As a result of that report, all States have now agreed to raise the exemption from its present level of $20 800 to a new level of $41 600. That is to say, a business with a pay-roll of $41 600 or less will not be required to pay pay-roll tax. Regarding the recommendation concerning large businesses, New South Wales, Western Australia and Tasmania have agreed to adopt the recommendation, and those States intend progressively to reduce the exemption of $41 600 so that it is completely eliminated at a pay-roll level of $104 000. Victoria and Queensland intend progressively to reduce the exemption of $41 600 back to $20 800 at a pay-roll level of $72 800, at which stage a $20 800 exemption will be available on all pay-rolls in excess of $72 800.

In the interests of maintaining substantial uniformity, my Government intends to follow New South Wales, Western Australia and Tasmania in this matter and increase the exemption level to $41 600, and then progressively reduce it so that it is completely eliminated at a pay-roll level of $104 000. That is to say, a business with a pay-roll of $41 600 or less will pay no pay-roll tax; and a business with a pay-roll of $104 000 or more will not not qualify for any exemption and, as a result, will pay $1 040 a year more in pay-roll tax. Between those two extremes, businesses with a pay-roll of less than $72 800 will receive a benefit of up to $1 040 a year, whilst a business with a pay-roll in excess of $72 800 will incur additional pay-roll tax of up to $1 040 a year. On the evidence available, whilst about 60 per cent of present registered employers will benefit from the provision of this Bill, the impact on State Revenue is not likely to be significant.

Regarding the second matter (that is, tax avoidance) the Pay-roll Tax Act has always recognised individuals, separate companies, and separate partnerships as separate employers for the purposes of the Pay-roll Tax Act. This situation existed when pay-roll tax was a Commonwealth tax, and did not change when it became a State Tax. The Act contains an exemption from tax for the first $20 800 of wages paid by an employer in a year, which this Bill is now seeking to increase to $41 600. At a taxable rate of 5 per cent this represents an annual pay-roll tax benefit of $2 080 at the proposed exemption level.

The exemption was designed for administrative reasons and assisted the small business man. It is being exploited by larger organisations to reduce their pay-roll tax liability and in some cases to avoid the tax altogether. Because every employer is entitled to claim the exemption, an organisation which chooses to operate, for instance, through two subsidiary companies can obtain twice the pay-roll tax exemption that can be obtained by an organisation operating through one company with two branch offices. Again, a partnership of four individuals, which organises its operations so that each partner employs a section of the staff, can obtain four times the exemption under the Act.

As the rate of pay-roll tax has risen, some organisations have taken advantage of this aspect of the legislation to create additional employers in the form of additional companies, partnerships or trusts. Whilst there are obviously new companies formed on a *bona fide* basis as part of the normal development of an organisation, the Government has become aware of specific cases where action has been taken presumably to avoid pay-roll tax by the splitting of one organisation into a number of parts, each claiming a general exemption. In one instance, an organisation has split itself into 25 separate organisations, presumably with the intention of taking advantage of the exemption provisions, and I understand that in one of the Eastern States an organisation split itself into 1 000 separate employing organisations in order to avoid its tax commitments. The situation is now one where the objective of the exemption provisions is capable of being misused. This is a situation which a responsible Government cannot permit to continue both in the interests of protecting the State's revenue and on grounds of equity.

All States have agreed that they must legislate to prevent this tax avoidance and, in fact, Victoria has already done so. Clauses that are designed to overcome tax avoidance in this

Bill are substantially those that have been agreed by all other States which will be including similar provisions in their legislation. The opportunity provided by this Bill has been taken to make several miscellaneous amendments which will be explained in the explanation of the clauses of the Bill. It is intended that the provisions of this Bill have effect from January 1, 1976.

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on January 1, 1976. Clause 3 is formal. Clause 4 provides for amendments of section 3 of the principal Act, which contains the definitions of terms used in the Act. Attention is drawn to the definition of "group", which relates to the provisions designed to eliminate avoidance of pay-roll tax. In effect, these provisions provide that, where persons who are single employers at law at present are in reality part of one organisation, those persons shall constitute a group, and that group will be entitled to a deduction, if at all, based upon the aggregate of the pay-rolls of the numbers of the group.

Clause 5 provides for amendments of section 11 of the principal Act, which fixes the existing deduction, or "general exemption", as it is referred to in the marginal note to the section. Paragraphs (*a*) and (*b*) of this clause are not connected with the main purposes of this Bill, but are intended to empower the Commissioner to make retrospective determinations relating to the provisional deductions that employers are entitled to make from their periodic payments of pay-roll tax. Paragraph (*c*) of this clause limits the operation of this section to the period ending on December 31, 1975. Clause 6 provides for the enactment of a new section 11a of the principal Act, which sets out the proposed deduction of $41 600, tapering to nil for a pay-roll of $104 000, to have effect for the period commencing on January 1, 1976. Clause 7 provides for amendment of section 13 of the principal Act, which relates to the annual adjustment of pay-roll tax paid during a financial year, and varies the operation of this section so that it relates only to the period ending on December 31, 1975.

Clause 8 provides for the enactment of new sections 13a, 13b and 13c of the principal Act. These sections provide for annual and periodic adjustments of pay-roll tax paid during financial years after January 1, 1976, when the new deduction is to have effect. This system is substantially the same as the present system under which deductions may be made from the amounts of pay-roll tax which are periodically payable, with a final adjustment to the correct amount for a full financial year, where the employer paid wages for the full financial year or for a part of a financial year where the employer paid wages only during that part of the financial year. These provisions, however, do not apply to employers who, by virtue of the provisions of proposed new Part IVA, are members of a group. The deductions and annual or periodic adjustments for these employers are regulated separately by provisions of that new Part.

Clause 9 provides for the amendment of section 14 of the Act, which provides for the registration of employers who may be liable to pay-roll tax. The clause amends this section so that employers with a monthly pay-roll of $800 are required to register and so that employers who are members of a group are required to register whatever may be their pay-rolls. Clause 10 provides for the amendment of section 16 of the principal Act, which relates to the exemption of employers from the duty to furnish a monthly pay-roll tax return. The amendment will enable the Commissioner to review and vary existing exemptions having regard to the new deduction amount.

Clause 11 provides for the amendment of section 17 of the principal Act. This amendment is intended to correct an existing problem and empowers the Commissioner to require further returns whether or not the periodic returns required under the principal Act have been furnished.

Clause 12 provides for the enactment of new Part IVA of the principal Act relating to the grouping of employers who are practising pay-roll tax avoidance. Proposed new section 18a sets out a definition of "business". Proposed new section 18b provides for the grouping of businesses carried on by corporations which are related in terms of section 6 of the Companies Act, 1962, as amended. Proposed new section 18c provides for the grouping of businesses which use the same employees. Proposed new section 18d sets out the circumstances in which a person may be regarded as having a controlling interest in a business, and provides for the grouping of each business in which the same person has such a controlling interest. Proposed new section 18e provides that regulations may be made specifying the circumstances in which businesses are to constitute a group or declaring that specific businesses are to constitute a group. The existence of this provision is intended to forestall any further attempts to avoid pay-roll tax by means of the splitting of businesses.

Proposed new section 18f is intended to ensure that where employers are grouped under the provisions of Part IVA there is only one group in respect of those employers. Proposed new section 18g provides that the grouping provisions of Part IVA are to operate independently of each other. Proposed new section 18h provides that beneficiaries under discretionary trusts are to be deemed to be beneficiaries to the majority of the value of the interests in the trust. Proposed new secion 18i empowers the Commissioner to exclude employers from a group, having regard to criteria set out in that provision. Proposed new section 18j provides that the members of a group may nominate one of their number to be the designated group employer for that group. The designated group employer for a group is to be the only employer of that group entitled to claim a deduction. Proposed new section 18k sets out certain definitions of terms for the purposes of proposed new sections 18*l* and 18m, and fixes the prescribed amount, that is, the amount of the deduction, in relation to groups. Proposed new sections 18*l* and 18m correspond in relation to groups to proposed new sections 13b and 13c which provide for the annual or periodic adjustment of pay-roll tax paid by a single employer.

Clause 13 provides for amendments of section 20 of the principal Act relating to assessments by the Commissioner. These amendments are consequential to amendments already dealt with. Clause 14 provides for the amendment of section 25 of the principal Act by increasing penal tax in view of the rates of interest currently available on money. Clauses 15 and 16 provide for amendments to sections 26 and 27 of the principal Act that are consequential on those provided by clause 14. Clause 17 provides for amendment of section 28 of the principal Act. This amendment is consequential on those provisions of proposed new Part IVA which provide for the grouping of businesses which are carried on by trustees. Clause 18 provides for the amendment of section 36 of the principal Act to provide that appeals to the Supreme Court under the principal Act are to be instituted by notice of motion.

Clause 19 provides for the amendment of section 39 of the principal Act and is consequential to the enactment of new sections 11a and 18j. Clause 20 provides for the

amendment of section 45 of the principal Act by requiring that the public officer of a company appointed in compliance with this section be a natural person resident in the State. Clause 21 provides for amendment of section 46 of the principal Act to make it clear that that section does not affect the operation of proposed new Part IVA in relation to trustees. Clause 22 provides for the amendment of the regulation-making section, section 57, and authorises the making of regulations empowering the Commissioner to require evidence regarding whether or not a person is a member of a group.

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

PUBLIC FINANCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 1662.)

The Hon. C. M. HILL: This short Bill has only one operative clause, which seeks to add a further section to the Public Finance Act, 1936, as amended. The Government has seen the possibility of increasing the revenue of the State by about $500 000, by enabling the Government to invest in the money market and, when any business operation (and the State in this sense can be seen as a business operation) can see such a possibility, every aspect should be fully considered and examined with a view to obtaining such additional revenue. The new section 32ea (1) provides:

> The Treasurer may deposit public moneys of the State on such terms and conditions as he sees fit, with any approved dealer.

The definition of "approved dealer" is as follows:

> "Approved dealer" means a person who is a dealer in the short term money market and, in relation to whom, at the material time the Reserve Bank of Australia stands as a lender of last resort or any other dealer in the short term money market who is for the time being declared by regulation under this Act (which the Governor is hereby empowered to make) to be an approved dealer.

This definition of approved dealer raises some doubts, because there are two classifications of approved dealers with whom the Government seeks to deposit funds. The first group stands with the Reserve Bank of Australia behind them as a lender of last resort, and dealers in this group cannot be questioned in any way whatever. However, the next group which the Government seeks the power to lend money to are dealers who, merely by gazetting of the regulations (regulations can be gazetted between sessions of Parliament, so that Parliament itself does not know anything about it at all until Parliament meets at a later date), can be approved so that sums of up to $8 000 000—that being the approximate sum the Government estimates it has at its disposal—can be deposited with such dealers.

Can the Leader of the Government in this Council say whether the Government believes that there is any risk attached to these dealers, who may be approved dealers but who have not the Reserve Bank behind them as a lender of last resort? It appears it would be better for the definition to deal only with the first group described. Has the Government any need to deal with other dealers, who are not in this first category and who, by mere gazettal, become eligible as dealers? I question this. It may be highly reputable short-term dealers on the money market who have not this association with the Reserve Bank but, conversely, there may be some people with whom it would not be in this State's best interests to treat with. Can the Leader of the Government say, first, whether there is any need for the inclusion of this second category in the provision and, secondly, does the Government believe there is any risk attached in treating with such dealers who fall within the second category of the definition?

Concerning the workings of the money market, I understand that these approved dealers are business people to whom money is lent from the private or public sector. No-one borrows from such people. Approved lenders invest most of their funds in Commonwealth Government short-term securities, as well as investing some of their funds on bank-endorsed bills. I emphasise that the majority of funds deposited by approved dealers, once the funds are lodged with them, are lodged with the Commonwealth Government in short-term securities. That is an important aspect to consider.

My next point concerns whether or not this change sought by this Bill is contrary to the spirit of the Financial Agreement. Certainly, the Minister has had some qualms about this, because in his second reading explanation to the Council he stated:

> In recommending this measure, I am conscious that the release of liquid funds to money market dealers may, in certain circumstances, run contrary to national economic policy. However, I do not believe that a State should have to take its support for those policies to the extent of by-passing opportunities to earn revenue. This view is shared by the Reserve Bank, which has indicated that it is its responsibility to control the money supply in the financial sector through the various devices presently available to it, including variation of the Government's current account interest rate if it considered that to be an expedient measure at any time.

The Minister has admitted that this provision in the Bill may, in certain circumstances, run contrary to national economic policy. The Act we are amending by this Bill is tied closely to the Financial Agreement. In fact, it flowed from or resulted from the Financial Agreement. It is interesting to consider this closeness between the two measures that is amplified in the preamble to the Public Finance Act, 1936. The preamble is as follows:

> WHEREAS by the Financial Agreement dated the twelfth day of December, nineteen hundred and twenty-seven, and made between the Commonwealth and all the States, the Commonwealth has taken over the debts of the States: AND WHEREAS the Financial Agreement provides that the States can no longer borrow money except in accordance with that Agreement: AND WHEREAS by reason of the conversion loans raised by the Commonwealth pursuant to the Commonwealth Debt Conversion Act, 1931, all securities issued by the State in respect of loans previously raised in Australia have been converted into securities of the Commonweath: AND WHEREAS it is expedient to re-enact the law relating to the public finance of the State, with such amendments as are necessary, having regard to the changes resulting from the Financial Agreement and the conversion loan: NOW THEREFORE BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Then follows the Act. That preamble surely indicates the closeness of the Financial Agreement to the Public Finance Act. I am concerned that the spirit of the Financial Agreement should not be ruptured in any way. I have not been able to complete my inquiries as to whether other States have introduced corresponding legislation.

The Queensland Government is able to deposit money with the money market, but I do not know whether it deals with approved dealers who have an arrangement with the Reserve Bank or any other class of approved dealer. I express this cautionary note because the Government has said that there may be some conflict. The Government ought to be very careful with any measures that may raise queries concerning that principle.

The Hon. R. C. DeGaris: Is the Government taking a lead from Mr. Bjelke-Petersen?

The Hon. C. M. HILL: I do not know whether the Government is following Queensland's precedent. Every time Queensland or its Premier is mentioned here, honourable members opposite turn somersaults in their seats, but on this occasion the Government is apparently going hand in hand with the Queensland Government.

One aspect that causes me to support the measure is my extreme confidence in and admiration for the Under Treasurer and the senior Treasury officers of this State. I know that they do not have the final say in connection with policy, and quite properly so. However, they are very influential public servants. Because of my admiration for them, I do not really have any serious doubts that anything untoward may flow from this Bill. I hope that the Government deals only with the first category of approved dealers that has been written into the definition.

It has been put to me that this group cannot present any risk at all, because it is guaranteed by the Reserve Bank, but I point out that that is not so. What is really meant by the term "lender of last resort" is that, if an approved dealer must realise on securities and repay money and if at that moment he cannot do so, he can, by agreement, lodge those securities with the Reserve Bank and the bank provides the money in that instance. So, whilst it is not exactly a normal system of guarantee, nevertheless it amounts to almost the same thing. So, if the Government deals only with approved dealers in that category, there is no risk. Perhaps the Government had a reason for widening the definition. Personally, I hope that the Government does not resort to the second category of approved dealer.

Further, I hope that the Government does not gazette regulations between Parliamentary sessions and deposit money with people whom Parliament perhaps would not approve. Parliament ought to have the right to consider a regulation of this kind in such serious circumstances. I ask the Minister to deal with this aspect when he replies to the debate. Subject to his reply, I am willing to support the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank the honourable member for his attention to the Bill, and I assure him that it does not in any way contravene anything in the Financial Agreement. I also assure him that the Government will not be lending money to people where there is any risk involved, because we are not in business to take risks with money which we find so hard to get.

The Hon. R. C. DeGaris: So, you won't be dealing with Mr. Khemlani?

The Hon. D. H. L. BANFIELD: I think he has left town for good. The Government will consider the points that the Hon. Mr. Hill has raised.

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

PUBLIC FINANCE (SPECIAL PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from November 5. Page 1660.)

The Hon. R. C. DeGARIS (Leader of the Opposition): My first reaction on listening to the second reading explanation of this Bill and on reading the Bill was to view the Bill with some disfavour on the ground that, if such an emergency arose as the Government contemplates, Parliament should be called together at that time to deal with the problem; that would be preferable to the Government's taking the action that this Bill provides for. On further considering the matter, I am willing at this stage not to oppose the second reading, but I make the proviso that I will continue my examination of the Bill over the weekend and I will take further advice on what the Bill does.

The Bill provides the Treasurer with powers until February 29, 1976, to provide moneys from available resources to cater for any short-fall in Commonwealth funds and to borrow moneys for this purpose. When moneys are received from the Commonwealth, they will be applied to reimburse the Treasurer's advance. Under the Bill, the Treasurer may borrow for temporary purposes any sums against the issue of Treasury bills or by overdraft with the Reserve Bank or out of any moneys in the trust account for the purpose of meeting this contemplated short-fall of moneys from the Commonwealth. There are matters in the Bill about which I am still uncertain and of which I would like to make a closer examination. For example, in clause 5 the Bill states:

> At any time during the period concluding on the prescribed day the Treasurer may borrow for temporary purposes any sum or sums (a) against the issue of Treasury bills—

a point I am not very sure on—

> or by overdraft or out of moneys lodged on deposit with the Treasurer.

Those moneys, of course, belong to many South Australian organisations. I have forgotten what the amount of money is but it is in the vicinity, I think, of $30 000 000. For that reason I ask the Minister to allow the adjournment of the debate until next week to enable honourable members to analyse the questions the Bill poses. I am not opposing the Bill, but I would like to look at the Bill over the weekend in relation to certain matters.

The Hon. R. A. GEDDES secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (ELECTIONS)

Adjourned debate on second reading.

(Continued from November 5. Page 1673.)

The Hon. R. A. GEDDES: I rise to speak to this Bill briefly. It is a constitutional Bill and, because I understand members have proposed amendments, I intend to support the second reading to allow those amendments to be debated. Then it is my intention to vote against the Bill. A lot of water has passed under the bridge in the total political scene since this Bill was introduced. More people know more about Upper Houses than they ever did before. Be that as it may, what is happening in another part of the nation is not applicable to the debate at this point. The Hon. Mr. Blevins gave an interesting—

The Hon. N. K. Foster: It has some similarities.

The Hon. R. A. GEDDES: I see no similarity between a Bill designed to bring simultaneous elections in South Australia and what is happening or may happen in Canberra.

The Hon. R. C. DeGaris: It's on the same day now in South Australia.

The Hon. R. A. GEDDES: It has always been on the same day and this Bill is a trick to cook the books to make the elections on a day convenient to the Government.

The Hon. D. H. L. Banfield: The point is that some honourable members have had extended terms here without facing the people.

The Hon. R. A. GEDDES: I do not appreciate what the Minister has said because I have indicated I do not intend to vote for the Bill.

The Hon. D. H. L. Banfield: Do you like the idea of sitting for eight years?

The Hon. R. A. GEDDES: The Hon. Mr. Blevins said members on the Opposition side of the Council have had an extremely easy run for the minimum number of elections in order to maintain their seats in the Council. However, it must not be forgotten that the rules applying at that time applied also to members of Central District No. 1, of which the Hon. Mr. Shard, the Hon. Mr. Kneebone and the Hon. Mr. Banfield were members for quite some time.

The Hon. C. M. Hill: Did we hear any complaint then?

The Hon. D. H. L. Banfield: We are not objecting to the Bill to put that position right. Are you?

The Hon. R. A. GEDDES: One must not forget either that the Hon. Mr. Loveday, when he was the member for Whyalla in the House of Assembly, passed 12 years of his political life in Parliament without an election.

The Hon. N. K. Foster: That's a reflection on his being a very good member.

The Hon. R. A. GEDDES: It is a reflection also that the major political Party in South Australia saw no need to contest the election in Central No. 1, because of the standard and quality of the men representing it.

The Hon. D. H. L. Banfield: Hear, hear!

The Hon. R. A. GEDDES: That is all history—the way certain members were elected in this Council is history. It must be remembered that this Council, when the majority for the Liberal Party was 12 to six, voted for a complete change of the electoral system for members in this Council. They saw the wisdom and merit and need for change, and they agreed to that constitutional change at the time. I bring this point into the debate because I see no relevance in criticising members elected by the system at that time. Those self same members saw the need to change the system and they voted for that change when it was appropriate to do so. This having been done at the Government's request, the Government now wants to jerry the time that elections will be held for this Council. I refer to a statement made by the Leader of the House (Mr. Banfield) on October 16 when he was debating a motion criticising certain Senators in the Federal scene for opposing Supply. In part of Mr. Banfield's speech he said:

> If an Upper House was so far to depart from being a House of Review to becoming merely a Party instrument as to wait for any situation in which it believed that the Government of the day was temporarily unpopular, and then force an election for Party advantage, continued responsible Government in Australia would become impossible.

Those are wise words and they are correct, but if this Bill is passed and the Government is able, when it wishes, to go to the people and take one-half of this Council at the same time, this Council will become more of a Party hack than before.

The Hon. R. C. DeGaris: It denies the very principle the Minister made.

The Hon. F. T. BLEVINS: Will the Hon. Mr. Geddes give way? I want to ask him a question. It is apparently alleged in the President's screed that we may do this. When I spoke in this debate on Thursday the Hon. Mr. Geddes said that what I said in relation to his election was incorrect. Would he please tell me where I was incorrect about his electoral record?

The Hon. R. A. GEDDES: I will have to look up the *Hansard* report to see.

The Hon. F. T. BLEVINS: Would the Hon. Mr. Geddes give way long enough for me to read the relevant portion of *Hansard.* I did not realise his memory was so short or I would have read it the first time.

The Hon. R. A. GEDDES: I have already given way to the honourable member and I now wish to continue my debate.

The Hon. C. M. Hill: The Hon. Mr. Blevins has not given way once yet.

The Hon. N. K. Foster: Nor likely to, either.

The Hon. R. A. GEDDES: Mr. Banfield, in his speech on October 16, said that the South Australian Legislative Council for the last 119 years had always observed the principles of a House of Review. He referred to a time when I believe conflict may have occurred when Mr. Premier Verran was in charge, when the Supply Bill had other things added to it. At no time have the traditions of the forefathers of this State in his Council contemplated or denied Supply to any Government since Government has been operative in South Australia.

If this Council is to take part in elections at the whim of the popular Government in another place I predict that it would be very easy for members of this Council to consider themselves as politically viable as members of the House of Assembly and they could quite easily deny Supply or deny any other measure to the Government capriciously without any concern because they would know only too well that they would have to face the people at the same time.

The Hon. D. H. L. Banfield: What are you frightened of if you are fair dinkum?

The Hon. R. A. GEDDES: I think the Hon. Mr. Burdett made the point in his second reading speech that the members of the Council are elected, by design, so that they do not have to be worried about the political environment at the time.

The Hon. D. H. L. Banfield: You believe in life appointment, then, if you do not believe in the worry of an election.

The Hon. R. A. GEDDES: I believe in the continuity of constructive thinking being maintained.

The Hon. F. T. Blevins: Very poor!

The Hon. R. A. GEDDES: Let me pose this hypothetical question: if the Australian Labor Party had control of this Council and another Party had control of the House of Assembly, would it be unfair to say that the A.L.P., if it so thought, would not wish to cause embarrassment to the Government if a Supply Bill was before it, particularly remembering that as from the next election all members of this place will be elected in a proper way, according to the popular concept?

The Hon. C. J. SUMNER: Will the honourable member give way?

The Hon. R. A. GEDDES: Yes.

The Hon. C. J. SUMNER: In talking about second Chambers, does the honourable member think that a second Chamber would be more adequately fitted to carry out its role as a House of Review (assuming that that is what it should do) if it had powers that were somewhat more limited than the present powers of this Chamber—for example, the limited powers that the House of Lords has at present?

The Hon. R. A. GEDDES: I believe that a House of Review should have reasonable powers of review and should be able to control the Government if the Government needed controlling. I do not agree with the taking away of powers from the House of Lords; it is regrettable that the House of Lords can now withhold legislation for only 12 months, or a certain period of time, and that from then on the Government can continue with its legislation.

The Hon. N. K. Foster: A fine mediaeval mind!

The Hon. R. A. GEDDES: The case before the House of Lords at the moment as reported in the press is very interesting.

The Hon. N. K. Foster: But it is hardly relevant to this debate.

The Hon. R. A. GEDDES: The statement made that the House of Commons is losing its control to the power of the unions in Great Britain and that the House of Lords is coming back into its correct priority is very interesting (that statement was made only recently), particularly bearing in mind the way in which the Council will be elected under the list system. There is no need for the powers of this Council to be whittled away at the whim of a certain political philosophy or political Party. Let the people say whether they think this Council is being capricious, foolish or unwise. Since 1965, when the late Frank Walsh became Premier, and excluding the two years when Steele Hall was Premier, 1 272 Bills were passed by this Council, of which 290 were amended and only 34 were rejected. That again refers to the motion moved by the Hon. Mr. Banfield in October when he said that the Labor Government had faced a hostile majority in the Legislative Council for a long time. That shows the record of this Council.

The Hon. N. K. Foster: But the important thing is the type of Bill rejected: we may reject only one Bill in a thousand.

The Hon. R. A. GEDDES: That is the record of this Council and that is why I lend my argument to rejecting the concept of having simultaneous elections when it is convenient for the Government in another place.

The Hon. N. K. Foster: You have not faced the electors for many years.

The Hon. R. A. GEDDES: I support the Bill so that we may debate the amendments.

The Hon. N. K. FOSTER: I am amazed that in the year 1975 we have to draw to the attention of the Tory members opposite what this place has stood for since its inception over 120-odd years ago. It amazes me that someone can stand here in the year 1975 and make a speech endeavouring to say that he will oppose a constitutional amendment that takes away the privileges and rights of honourable members here because of a coincidence that may occur from time to time which brought about an earlier election in the House of Assembly than if it ran its three-year term of office. It is amazing that members here still want to defend that privileged position to which they think they are all entitled; indeed, our forefathers in their unscrupulous way sought to impose their will upon the future generations of this country.

Before going into some detail about what the previous speaker said, particularly in regard to the fact that he would not read *Hansard* correctly in relation to the statements made by my colleague, the Hon. Mr. Blevins, I digress for a moment to say that I was shocked and amazed and am critical of the press in this State that the Hon. Mr. Blevins's contribution to the debate in this Chamber last week was not reported. Certainly, in all fairness, it should have been reported. It was a very good and telling contribution that was made to this debate by the Hon. Mr. Blevins and I believe that the press should have certainly given it some publicity.

I will deal with the selfish attitude of the Hon. Mr. DeGaris's colleagues in a few moments. But let me continue with my remarks about the contribution of my colleague, the Hon. Mr. Blevins. It was a well thought out contribution; it struck hard at the consciences of members opposite. They were ticked off one by one and those members who had sought the privileges to which they were accustomed and had sought to prosper under this ancient constitutional provision interjected and tried to deny these things.

The most recent denial was that of the Hon. Mr. Geddes, who has just left the Chamber. He would not have faced his electors for some 16 years. This is not provided for even in the New South Wales Legislative Council, where the people of New South Wales have no say whatever as to who is elected to the Upper House there. Those members are elected for a 12-year term of office, but here a member can go on for 14 years, 16 years, or 18 years, taking advantage of this ancient provision in the Constitution; it is no more than that. The election to the Upper House in New South Wales, for the information of the Hon. Mr. DeGaris, is by their so-called peers. Would he agree with that?

Would the Leader have the courage to get up in this place and say that, in fact, we should have the right between ourselves to choose who comes into this place, to remain here unfettered, without responsibility, and without recourse to the people outside for 14 years? Would he do that? Silence is assent; he says he would.

The Hon. R. C. DeGaris: Rubbish!

The Hon. N. K. FOSTER: If the honourable member would not do it, then why would he get up here and defend the position which means that he can stay here for a considerable number of years beyond the six-year term, as the Constitution sets out—for three times as long as that or even longer, in some cases? By his silence he has said that he would do that if he could get away with it in this year of 1975.

The Leader of the Opposition in the House of Assembly, last June, had his challenge taken up to go to the people. It probably would not have been taken up to the extent to which it was taken up, except that the Hon. Mr. DeGaris, sitting in this place, saw a two-fold opportunity. He was prepared to goad the Leader in the House of Assembly to renew the challenge, to the point where he had convinced everyone within his Party that the Railways (Transfer Agreement) Bill would be rejected in this Chamber. What was the motive of the Hon. Mr. DeGaris in this? Did he think for a moment that the Government would have been defeated? I know that, at the time the election was called, he did not think the Government would be defeated, although during the course of the campaign he had some reason to think that it would be, because of events outside this State.

The Hon. J. C. Burdett: Are you talking about the Bill?

The Hon. N. K. FOSTER: Of course I am. The Hon. Mr. Burdett should get his nose out of the paper and listen. He should get his nose out of the Murdoch press and listen to what I am saying.

The Hon. J. C. Burdett: When you talk about the Bill I will put the paper down.

The Hon. F. T. Blevins: He is talking about the Bill, just the same as the Hon. Mr. Geddes did.

The Hon. N. K. FOSTER: The Hon. Mr. Burdett, by his interjection, as far as I am concerned has displayed his guilt and his association with the Hon. Mr. DeGaris. They saw an opportunity, and this is how it was worked out: the election would take place for the House of Assembly. "That means", said the Hon. Mr. DeGaris, "that I will not front the people of this State. I will get an extended period of office." That is point No. 1. However, he was out of favour; he was making public statements that he did not want to be a Minister or a shadow Minister, but after the election he was going mad all over the place, as well as in the Chamber, saying that he was not offered a shadow Minister's position by the new Leader of the Opposition in the other place.

The second thought that crossed their infamous minds, was this: "The writing is on the wall. We were jammed into a position in this place in 1973 which left no room for manoeuvre, and we had to support a reformed system of voting for members of the Legislative Council. These reforms will ultimately mean that the Labor Party will capture control of the Council." The Hon. Mr. DeGaris said, "I am not going to put my trust in the people of this State. I, as a member of the Liberal Party, will not be able to argue sufficiently to ensure that it will not come to fruition." So, point No. 1, the Hon. Mr. DeGaris will get a longer term in this place. Secondly, he was saying, "The Labor Party may well be denied an opportunity of the election that normally ought to be held in 1978, or earlier." He was saying, "At least the Labor Party will not be able to capture the Council by the early 1980's, because we'll cling to this ancient constitutional provision, and I'll put off the day." That is what the rejection of the Bill was all about.

The Hon. R. C. DeGaris: You're a great dreamer.

The Hon. N. K. FOSTER: I do not know about that. It would not be a bad idea if the Hon. Mr. DeGaris were to do some sane thinking occasionally. Let me, because of the previous speaker's remarks regarding the Constitution and the matter that seemed to be concerning him about the position in Canberra, say quite clearly to everyone in this Chamber, on either side, that, at the Constitution Convention meetings that took place in this country prior to Federation, discussions were certainly held on the basis of determining the term of office of members of the Commonwealth Senate. The system operating under the South Australian Constitution in relation to members of the Upper House was closely examined, but our founding fathers would not buy it. They were not socialists who were looking at the Constitution at that time: let me hasten to remind the Hon. Mr. Hill and the Hon. Mr. Burdett of that. However, they would not have anything whatever to do with the South Australian system. The report of the Constitution Review Committee in 1958 to 1960 went over all this again, and the findings and recommendation of that committee were totally against anything of the sort resembling the set-up here. This meant, of course, that at the time they also laid the foundation of the present problems in relation to what is happening in Canberra at the moment.

Before getting on to that, however, one thing has just occurred to me: not only did our founding fathers baulk at even the mere suggestion that they should place in the Constitution provisions similar to those relating to this Upper House; they did just the opposite, when we really think about it. The Hon. Mr. Burdett is a legal eagle, as are you, Mr. President, with all due respect. In your position, Sir, you cannot interject, but you know as well as I do that they did the reverse, providing that, where there was a vote for half the Senate, the Senators could be elected by the people and not take their places in the Chamber for almost 12 months. Let that sink in!

The only ones who could take their seats immediately were mainly those appointed (that is, of course, where Mr. Bjelke-Petersen has taken an unfair advantage of the position) in the case of an extraordinary vacancy. Bjelke-Petersen has been so low, of course, as to appoint a person to the Senate to replace a person who died. The new person is named Field, and his appointment has no association with what the proper concept or convention should be in relation to filling extraordinary or casual vacancies in the Senate. I repeat, for the benefit of shadow Ministers on the front bench, that not only would the founding fathers not buy the South Australian Upper House system but they went completely the other way and in fact said that Senators could not take their seats in the Senate until perhaps almost 12 months later.

If honourable members opposite think I am being a bit rough with them, let me reaffirm what I have said. They should just bear in mind that provision is also made for the case of a double dissolution in the Senate. Whilst the Constitution lays down in broad terms that the period of election will be for six years in the Senate, in the case of a double dissolution (as, I remind honourable gentlemen, occurred in 1974, in case they have forgotten the year) Senators could be elected, depending on the date on which the election was held, and if they had been elected for a period of only two months the Constitution makes quite clear that they could be taken already to have served 12 months. Let any member on the front bench of the Opposition deny that.

Was there not an argument in the Senate regarding who should take the short-term appointment and who should take the long-term appointment? Was there not bitterness, and was it not made clear by the Liberal Party at the declaration of the Senate poll in Currie Street that they were crooked because one person who used to be their Leader had got sufficient of the votes in South Australia to be able to obtain one of the long-term appointments? Have not members opposite whined about that, and are they not still doing so? This double dissolution matter is two-pronged. One cannot turn one's back on the fact that these provisions were given much consideration before they were finally agreed to and put in constitutional form.

The Hon. R. C. DeGaris: Regarding the double dissolution, the same thing could happen under our Constitution.

The Hon. N. K. FOSTER: I am pleased that the Leader has at least woken up, after I have had to belabour the point for the last five minutes. The Hon. Mr. Geddes has talked about the House of Review, the Senate. I should like to see any member from either side of the Chamber, and of any political persuasion, seriously and in all sincerity tell us that we can have a House of Review based on Party preselection and voting systems here or in any other Parliament. You just cannot do it.

The Hon. R. C. DeGaris: You can.

The Hon. N. K. FOSTER: You cannot. The Hon. Mr. Geddes went through an exercise in mathematics and said that a couple of hundred Bills had been passed by this august Chamber and only 34 Bills rejected.

The Hon. R. C. DeGaris: That's right.

The Hon. N. K. FOSTER: What does that mean in real political terms? I put that question to the Hon. Mr. DeGaris. They could have passed 499 of 500 Bills, but

the one they rejected could have been the one on which all sense of fair play and convention was abandoned.

The Hon. R. C. DeGaris: Which one of those 34 do you want back?

The Hon. N. K. FOSTER: If the Leader will just shut up for a minute—

The PRESIDENT: Order!

The Hon. N. K. FOSTER:—he will see that that is a stupid argument. Senator Withers can get up in the Senate and say, "We have passed all these Bills, but we will not pass the present Budget." I say this to the members of the same political persuasion as the present (and almost the past) Commonwealth Leader of the Liberal Party (one of many in a few short years): whatever may be the outcome of this matter (on which I have my own opinion), that gentleman has destroyed himself for all time as Leader. He has also destroyed the Liberal and Country Parties, and he has taken away the right of the Senate, if ever it had that right, to do what it has been proposing to do during the last few weeks.

The Hon. J. C. Burdett: It's Bill No. 31. You seem to have transgressed on this Bill, and I seek no privilege

The Hon. N. K. FOSTER: All Opposition members have transgressed on this Bill, and I seek no privilege from the Chair. I know that you, Sir, in all fairness, will not permit me to go beyond any of the bounds to which this debate has already been taken by members opposite who have preceded me. A convention has been destroyed for all time by one Fraser, and I suppose we should give him a vote of thanks. His colleagues will not stick up for him, and he has not got the courage to say that he will reject the Budget; rather, he will delay its consideration. I can be on the opposite side of anyone; politics is a blood sport, as has been seen so often in Canberra in the last few months. However, I would prefer someone to have courage and to stand up for his convictions.

The Hon. Mr. Geddes referred to the House of Review. I have said all I want to say about that matter. I could, for 20 minutes, refer to the reports of the Constitutional Review Committee regarding this matter, as well as to what the founding fathers said about the Senate's being a States' House. It has never been a States' House, and it never will be. I say clearly to members opposite that it will not be while it is elected on the basis of a Party system, under which members are preselected.

The Hon. R. C. DeGaris: Would you like that system changed?

The Hon. N. K. FOSTER: I would change it. I would abolish the Upper Houses (in Canberra and here), and I make no apologies for saying that. This Council should not exist. An Upper House does not exist in Queensland.

The Hon. J. C. Burdett: That's a good State.

The Hon. N. K. FOSTER: It is no defence to the present occupants of the Treasury benches in Queensland that there is no Upper House in that State. I remind the Hon. Mr. Burdett that Mr. Bjelke-Petersen is able to go on television and claim victory in an election when he has received less than 20 per cent of the popular vote. So, members opposite should not refer to the renegade Premiers of New South Wales and Queensland.

The Hon. C. M. Hill: He's got the numbers on the floor of the House.

The Hon. N. K. FOSTER: Obviously, the Hon. Mr. Hill supports the right of a Government to have only 18 per cent of the popular vote. If that Government has got the numbers on the floor of the House, that is all that matters! But it is not so. This brings me back to what I said initially: this is what this thing is all about. Members opposite want to stay in this place forever. They do not give a damn about the people: all they care about are their own achievements and those of their Party, and they are willing to denigrate people in their own Party to achieve that selfish and narrow end.

This is a short and simplistic Bill. A kid attending the Norwood High School said to me one day, "I have read the Commonwealth Constitution. It doesn't cover many pages. In fact, it's quite a light book but, even if I lived to be 100 years old and had my life doubled, I would not be able to read all the legal arguments and opinions that have been put forward regarding it." If members opposite do not get the message from that, they never will. They have spoken volumes about this measure, but it does no more and no less than what they want to read into it.

Why do they not face the electors on the basis of the period for which they were elected, less that period of time during which the House of Assembly is, for many reasons, put to an election? I refer also to the speech made yesterday by the Hon. Mr. Cameron. He said:

> I do not support this Bill in its present form.

In what form would he support it? The Hon. Mr. Cameron continued:

> We have clearly indicated that it should be a six-year term—a six-year maximum and a six-year minimum.

Of course, that is what is provided for. However, the Hon. Mr. Cameron does not take into consideration the time at which an election is held. In fact, he does not want to consider it at all. I was surprised to hear him say:

> It is a falsification of democracy to try to interfere with the term of office of Upper House members.

That is so much rubbish, and I am sure the honourable gentleman would agree with me. I put it to him because of the differences that he has had with his original Party: a set of circumstances could arise in which fewer than 11 members were required to be elected to this place on July 12 last, either as a result of deaths, by-elections, appointments, or confirmation of appointments. No more than four or six may have been required. Indeed, I put it to the two Liberal Movement members in this Council that they may not even have been here at all had that situation arisen.

I conclude on the note that it is no good for the Opposition to start talking about the House of Lords. I remind members opposite that the power of the House of Lords was taken from it. Why? Because the House of Lords abused its power. That is what it is all about. That is what members opposite have been doing for years. That is what has led to the situation of members opposite desperately trying to defend their position and seeking to go back to the earlier days of this Council. Members opposite abused the power and stopped progress so far as electoral reform was concerned for as long as they could, and now they have the hide to say that they supported it.

Members opposite indicated no such thing in their long years of association as a Party in this place. They have done no better for the people they purport to represent than when the Council was first mooted, before it came into being in the last century. Members opposite should realise that 1975 is here. They cannot compare the provisions prescribed for the Commonwealth Upper House with those relating to this Council and argue whether it should be a

Chamber of Review or whether it should represent sectional interests, which members opposite have implied when suggesting that anyone elected to this Council should be undisturbed for a period of six long years, extending to 12 years as I have said.

Members opposite allied themselves with that frightful system evident in New South Wales and, although they do not seek a similar situation here, they certainly want to defend their own selfish, false position in this Council. I commend this Bill to the Council, and I only hope that members opposite will support it. I hope that that once great Party represented on the other side of the Council will sense its responsibilities in this year, 1975, and that members opposite will permit themselves to be counted and regarded as members not completely devoid of principle. They should support this Bill, as will members of this side of the Council.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for sticking to the Bill during this debate! They have given much attention to it. The main opposition to the Bill appears to stem from the Opposition, because its members have to face the electorate a little more often. What are members opposite frightened of? The Hon. Mr. Burdett said that the Bill will lessen the power of the Council if members have continually to consider the effect of an election. What a statement for the honourable member to make—that he is worried about elections.

Why should members opposite adopt that attitude? Why should they be immune from the people if they are the ones who put the Government in the position where it has to face an early election? The Hon. Mr. Geddes referred to the number of Bills that had been passed and said that only about 3 per cent of the Government's Bills were negated by the Council. It does not matter what the percentage is. Indeed, it need be only one Bill that is negated to cause the Lower House to face an election while members opposite sit in this Council keeping their seats warm. Yet members in another place who have already passed the Bill concerned have to face an election. It does not matter whether the Council has passed 1 500 Bills if it does not pass the Bill considered by the Government to be vital. The statement by the Hon. Mr. Geddes does not mean a thing. He also referred to the fact that—

The Hon. R. A. Geddes: I was at least quoting facts.

The Hon. D. H. L. BANFIELD: Of course, the honourable member was quoting facts, and I am quoting facts. If this Council rejected a vital Government Bill (only one of the many Bills about which the honourable member spoke), the Government would have had to go to the people. Does the Hon. Mr. Geddes deny that?

The Hon. R. A. Geddes: It didn't happen.

The Hon. D. H. L. BANFIELD: I did not say it did happen. What happened was that 3 per cent of the Government's Bills were negated in this place. That is what happened, and that is factual, too. It would have needed only one Bill to be negated: if it were a vital measure at the time, the Government would have to face an election. The Hon. Mr. Geddes said that my colleagues, the Hon. Mr. Shard, the Hon. Mr. Blevins, the Hon. Mr. Kneebone and I were in the same position as were members opposite in 1965 when we represented districts and when our term of office was extended because of an early election.

Of course I was in the same position, and I do not deny that. The only difference between honourable members opposite, who came up for election in 1965, and me is that I am trying to correct that position; I am trying to ensure that this does not happen in the future. I did not get any pleasure from not facing an election for an extra two years. I believed that the electors were being denied their rights, because they could not get at me if they had wanted to.

Members opposite were happy to have their term of office extended. The Hon. Mr. Geddes said that members representing Central No. 1 were not opposed at the election by members opposite. Of course we were not opposed by members opposite at election time, because of the set-up that then existed: there were four Government members and 16 Opposition members. Members opposite were not willing to put up Liberal and Country League candidates just in case they won that seat, even though the Government on a popular vote might obtain 54 per cent or 55 per cent of that vote. Members opposite did not want the Government benches to be completely empty, and they were not willing to take a chance.

The Hon. C. M. Hill: What about the by-election?

The Hon. D. H. L. BANFIELD: How can the Hon. Mr. Hill ask, "What about the by-election?" when less than 10 per cent of the vote elected members opposite. That is the sort of situation condoned by members opposite. We were happy about the by-election because, as a result of the actions of members opposite, members were elected by less than 10 per cent of the voters. Even in those days the Opposition was not happy to have full adult franchise. Now, it is not happy to have elections, merely because they would lessen the strength in this Council if members were worried about elections. Members opposite do not want elections, because they have to worry about them. The Hon. Mr. DeGaris said that we should maintain a differentiation between the two Houses. We already have that, because the election will bring out only half the members of the Council at a time. Surely that is a difference between the two Houses.

The Hon. Mr. Geddes said that there should be a continuity of thinking. There is such continuity if only half the Council members come out at an election. There is this differentiation between the Houses. There is no real reason for opposition to this Bill other than the fact that members opposite want to retain control of this place for as long as they can. Clearly, that is the only reason why members opposite are not willing to face an election at the same time as an election for the Lower House, unless they have served at least six years of their term.

As the Hon. Mr. Foster so ably put it, in 1975 one would not believe that members opposite could still think along those same lines. One would not think that they could still want to hang on to the so-called permanent will of the people. I trust that honourable members will carry the second reading unanimously.

The PRESIDENT: This Bill is of such a nature as to require it to be passed by an absolute majority of the whole number of members present. I have counted the Council, and such a majority is present. Ring the bells.

The Council divided on the second reading:

Ayes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron (teller), J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Majority of 1 for the Ayes.

The PRESIDENT: To enable the Bill to be considered in Committee, I exercise my vote under section 26 of the Constitution and indicate that I concur in the second reading.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Casual vacancies."

The Hon. R. C. DeGARIS (Leader of the Opposition): In view of the amendments that I have on file, I shall oppose clauses 3 and 4.

The CHAIRMAN: I suggest that the Leader speak to his amendments as a whole.

The Hon. R. C. DeGARIS: Yes, Mr. Chairman. All the contributions made by honourable members supporting the Bill have stressed two points: first, the right of members elected for three years to be allowed reasonably to complete that period; and, secondly, the claim that it is not democratic for members elected for six years to have that period extended. However, I point out that the only way in which the period can be extended is for the House of Assembly to exert its right to go to the people before its three-year term has expired.

The Hon. D. H. L. Banfield: Or, it can be sent to the people by the Opposition here.

The Hon. R. C. DeGARIS: No.

The Hon. N. K. Foster: You did it.

The Hon. R. C. DeGARIS: No. It was a decision of the Lower House: nothing more and nothing less. It is the Government's right in the House of Assembly to take that action, but it was not forced by this place. The Upper House's decision on the Railways (Transfer Agreement) Bill was correct. The present Constitution Act is satisfactory; under the Commonwealth Constitution, Senate elections can get out of phase with House of Representatives elections, but under our Constitution Act elections cannot get out of phase. Senators cannot serve for more than six years, but in this Council honourable members can serve for more than six years if the Lower House, by its own action, shortens that House's term.

The Hon. T. M. Casey: It resulted from what you did.

The Hon. R. C. DeGARIS: No. Also, without any action being taken by this Council, the House of Assembly can go to the people by its own action purely to capitalise on what the Government thinks is an emotional situation that may work to its advantage in the short term. This is where this Bill goes haywire.

The Hon. T. M. Casey: Can this Council go to the people at any time?

The Hon. R. C. DeGARIS: Why should this Council not have the right to determine when it can go to the people? That is one thing that this Bill does not cover. If the Minister wants to include that, I shall be happy to see it included. In making a decision to go to the people before the completion of its three-year term, the House of Assembly should not be able to force the Legislative Council to go to the people at what the House of Assembly may believe is an opportune moment for an election. This concept is quite normal. It is an accepted procedure with variations to it in the relationship between two Houses of Parliament in any Western-style democracy. The only point that honourable members have made to which one can give any credence is that the members of the Upper House should not go beyond their elected term.

The Hon. N. K. Foster: What is that?

The Hon. R. C. DeGARIS: Six years.

The Hon. N. K. Foster: All right.

The Hon. R. C. DeGARIS: The only way to overcome that is to allow elections to be held for the House of Assembly in less than a three-year period if it so desires, but the Upper House can be forced to the people, if the Government so desires, after it has fulfilled its elected period of six years. That is the very point that the Hon. Mr. Foster was beefing about in regard to the Senate position, how our Federal founding forefathers looked at the system in this State and rejected it. I am prepared to accept that if the honourable member is so keen about it.

The Hon. N. K. FOSTER: No. Mr. Chairman, on a point of order, the Leader is misconstruing what I said.

The CHAIRMAN: Order! That is not a point of order. The honourable member must make his point of order. This is a Committee debate. If he is not in accord with what the Leader said, he will get many opportunities later to speak.

The Hon. N. K. Foster: It is an amendment of intrigue.

The Hon. R. C. DeGARIS: This amendment takes the point that honourable members who are supporting the Bill have been making. I do not agree that the extension of time is anything to complain about. It is reasonable, because it keeps the elections for both Houses phased. If honourable members opposite feel that this election is undemocratic, I am prepared to accept that point and say, "Very well; because of what they are saying, honourable members opposite must agree that members are elected to this place for six years and should serve that term." Why not? If they have been elected for a six-year term, why should they not be allowed to serve it if the Council so desires? That is all that this amendment does. It takes the point and places this Council in exactly the same position in regard to tenure as the Senate; whereas, if the House of Assembly wants to go, on an emotional point, to the people before the three-year term has expired, it can do so, but members elected to this Council have a right to serve their six-year period. I do not see anything undemocratic about that. I hope the Government will support the amendment.

The Hon. C. M. Hill: It should satisfy all the criticisms they are making.

The Hon. R. C. DeGARIS: Yes, it should. Two points have been made. One is that a Government elected for three years has the right to serve those three years.

Th Hon. C. J. Sumner: Should it choose to do so.

The Hon. R. C. DeGARIS: Yes. By the same token, people elected to this Council should have the right to serve six years. That is exactly the same point. The point being made by members supporting the Bill that simultaneous elections are democratic I do not agree with but, if they want it that way, I am prepared to accept it. My amendment provides that, if the House of Assembly wants to go to the people before the end of its three-year term, it can do so; but the term of six years for this Council must continue and, when that six years is up, the Government has this option: "You must go to the people; you have served your six-year term" or, "We will not bother; we will let you go on until the next House of Assembly election." I do not think the Government, on its arguments so far, can oppose my amendment.

The Hon. M. B. CAMERON: I support the amendment athough I am motivated to say that it does not quite

cover my point about being similar to the Senate. As I understand the system of the Senate, the Government can bring about an election for half the Senate before the end of the term of the sitting Senators, but the new Senators do not take their seats until after the prescribed six years; but an election can be held before that time. That would be the only difference.

The Hon. R. C. DeGaris: It is not a big difference; it is not a very good idea.

The Hon. M. B. CAMERON: It is not quite the point that I put. It would be a way of making sure that elections did not get too far out of phase. That is not covered by the amendment, but I support it.

The Hon. N. K. FOSTER: I want to correct some of the impressions that the Hon. Mr. DeGaris sought to give when referring to my contribution to the debate, in endeavouring to convince this Committee I had supported an amendment that provided for something similar to the Senate elections. If the honourable member read the relevant sections of the committee's report and its observations, he would see that I spelled out, giving chapter and verse, the point that the Hon. Mr. DeGaris refuses to see but, I suspect, understands. I support the Bill as brought in by the Government as being fair and equitable, as it removes the abuses and privileges, no more and no less, and any other way in which the Hon. Mr. DeGaris wants to see it is quite false and most misleading.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the amendment because it completely negates the purpose of the Bill as presented to this Chamber. The Bill made sure that, when there was an election for the Lower House, there would be an election for half of the Upper House, in most cases. That was the main purpose of the Bill. The amendment empowers the Governor to call a special election for the Legislative Council to be held within three months after the Legislative Council has completed a maximum term of six years. If honourable members opposite care to take a poll amongst people outside and ask them whether they are or are not sick of elections, they will get an 80 per cent answer that they are sick of elections. This amendment will bring about more unnecessary elections for the people. The Government thinks that would be most undesirable. I ask the Committee to oppose the amendment.

The CHAIRMAN: The question is that clause 3 stand as printed. Honourable members should bear in mind the debate that has ensued on the proposed amendment. We can regard the question whether the clause stand part of the Bill as a test case of the whole situation. Those in favour of the clause say "Aye", those against say "No". I think the Ayes have it.

The Committee divided on the clause:

Ayes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. M. B. Dawkins.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the subsequent amendments to be considered by the Committee, I give my casting vote to the Noes.

Clause thus negatived.

Clause 4—"Term of service of Legislative Councillors."

The CHAIRMAN: The question is "That clause 4 stand as printed." Again, this is the second part of a series of amendments moved by the Hon. Mr. DeGaris.

The Committee divided on the clause:

Ayes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. M. B. Dawkins.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the principal amendment to be moved by the Hon. Mr. DeGaris to be considered by the Committee, I give my casting vote in favour of the Noes.

Clause thus negatived.

New clauses 4a and 4b.

The Hon. R. C. DeGARIS: I move to insert the following new clauses:

4a. Section 14 of the principal Act is amended by striking out the word "Whenever" and inserting in lieu thereof the passage "Subject to section 14a of this Act, whenever".

4b. The following section is enacted and inserted in the principal Act immediately after section 14 thereof:

14a. (1) The Governor may, at any time after any member of the Legislative Council has completed the minimum term of service provided for by section 13 of this Act, issue a writ for a special election for members of the Legislative Council to be held within the period of three months next following that completion.

(2) Sections 14 and 15 of this Act shall respectively apply and have effect in all respects as if, on the day on which a special election provided for by subsection (1) of this section is held—

(*a*) the House of Assembly had been dissolved; and

(*b*) a general election of the House of Assembly took place.

These new clauses have been explained in relation to the other two amendments.

The Committee divided on the new clauses:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. C. W. Creedon.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable this amendment to be considered by another place, I give my casting vote to the Ayes.

New clauses thus inserted.

Clause 5 negatived.

Title passed.

Bill reported with amendments. Committee's report adopted.

The Hon. D. H. L. BANFIELD (Minister of Health) moved:

That this Bill be now read a third time.

The PRESIDENT: As this is a Bill to amend the Constitution, it will require to be passed on the third reading by an absolute majority of the whole number of members of the Council. I have counted the Council and, that majority being present, I put the question, "That this

Bill be now read a third time." For the question say "Aye", against say "No". There being a dissentient voice, there must be a division.

The Council divided on the third reading:

While the division bells were ringing:

The Hon. N. K. FOSTER: I rise on a point of order. It seems to me that it is unwise to call for a division in this place while the division bells for another place are ringing. How the hell will anyone hear them?

The PRESIDENT: Order! The point raised by the honourable member is not a point of order. It is being attended to.

Ayes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

The PRESIDENT: There are 10 Ayes and 9 Noes. This, of course, does not mean that the Bill, at this stage, has been passed by a constitutional majority. To enable the Bill in its amended form to be considered by another place, I indicate, pursuant to section 26 of the Constitution, that I concur in the third reading of the Bill.

Third reading thus carried.

Bill passed.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 1661.)

The Hon. J. C. BURDETT: I support the second reading. I first read this Bill, in isolation from the principal Act, when I got up this morning. When I read clause 2, which enacts new section 8, my hackles rose. The powers given therein are wide indeed. An authorised officer may, for the purposes of the Act, require any person to furnish him with any information which he requires, to answer any questions orally, or on oath or affirmation, or to produce any books, papers and documents, at a time and place specified by the officer. Those are indeed wide powers.

There is not the usual provision in such clauses that a person is not required to incriminate himself, and the officer may specify the time and place where the questions are to be answered. He could, for instance, require a man in Mount Gambier to answer questions in Adelaide. I drove into Parliament House determined to oppose this clause. However, having examined the Act, I have found that section 8, which was enacted in 1948, is practically identical.

The Hon. C. J. Sumner: Even worse.

The Hon. J. C. BURDETT: No; it is not quite as bad as that. So, I suppose I cannot say much about it now. However, I can understand why Sir Arthur Rymill used faithfully to oppose the renewal of this legislation when it was introduced every year. The only alterations to section 8 are as follows: first, under the old section, the questions, and so on, had to relate to any goods or services or to any other matter arising under the Act. This has been deleted but, as the questions can only be for the purposes of the Act, I do not think that this has much significance. Secondly, the clause also does away with the requirement that the authorised officer must also give notice in writing of the place where the question is to be answered.

As a matter of prudence, no doubt the notice will always be in writing. The amendments to section 8 are almost purely drafting amendments. The fines under section 15 of the Act have been increased from $200 to $500 and from $1 000 to $2 000.

In his second reading explanation, the Minister said this was in recognition of the decline in the value of money. The Government therefore recognises the decline in the value of money to this extent since 1966, when the present fines were fixed.

Finally, as has been the practice since 1948, the Bill extends the Act for a further year. Until 1973, the Bill was renewed each year, but in that year a Bill was introduced that sought to put the Act on the Statute Book indefinitely. There were amendments and a conference, as a result of which the legislation was extended for two years to 1975. This Bill renews it for one year until 1976. The Government has reverted to the old practice, about which I am pleased. When a Prices Act Amendment Bill was before the Council in 1974, the Hon. Mr. Geddes stated:

> Unfortunately, there is no appeal against a decision of the Commissioner. I have discussed at length with the Parliamentary Counsel the need for an appeal under the legislation, but he says that there is no possible way: once the Commissioner has made a decision, it is final.

I am reading from page 2289 of *Hansard*, 1974. He continued:

> The Government should consider this point. In these days of changing monetary values, changing capital structures, and changing profitability, I am sure there is a vital need for changing the concept of price control and the administration of the principal Act. I therefore ask the Government to review the legislation while it is planning Bills for the next session, with all its pomp and glamour and with all the Government statements about what it will do for the people of the State. I point out that the legislation can result in hardship for industry, and therefore the price of the essential product to which I have referred should be set at a profitable level.

The Government does not appear to have done what the Hon. Mr. Geddes asked, that is, to provide such a system and an appeals system. I again ask the Government, as the Hon. Mr. Geddes asked last year, to consider this point. I support the second reading.

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

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 1675.)

The Hon. C. M. HILL: I support this short Bill. The Government (and I now use a political expression) could not do its sums when it introduced a Road Maintenance (Contribution) Act Amendment Bill earlier in 1975.

The Hon. R. C. DeGaris: Did it make the wrong approach?

The Hon. C. M. HILL: I am not sure what approach it made, but it set down a formula in the Bill, resulting in an answer of 0·017c per tonne kilometre to be charged under the Road Maintenance (Contributions) Act. However, the answer the Government wanted was 0·17.

The Hon. B. A. Chatterton: It is a matter of one decimal place.

The Hon. C. M. HILL: Yes. However, in this Bill, in case it has again made an error, the sum has been deleted completely.

The Hon. A. M. Whyte: The Government should delete the whole legislation, because it imposes a most iniquitous tax.

The Hon. T. M. Casey: Playford introduced it.

The Hon. C. M. HILL: It could leave the charge as it is at 0·017. Members on this side would be happy for the original figure to stand. As the Government was unable to do its sums when it first dealt with this matter earlier this year it now seeks to amend the Act through this Bill and the Government merely uses the answer it sought in creating the following new paragraph:

> (c) To ascertain amount payable, multiply by 0·17 the number in Column 4, which will give the amount payable in cents. Then reduce to dollars and cents.

It appeared that this situation resulted from a printer's error. The situation should be corrected and, accordingly, I support the Bill.

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

COMMUNITY CENTRES

Adjourned debate on resolution of the House of Assembly:

> That this House resolves that the providing of community centres by the Government of this State shall be a public purpose within the meaning of the Lands for Public Purposes Acquisition Act, 1914-1972.

(Continued from November 7. Page 1674.)

The Hon. JESSIE COOPER: I rise to support the resolution and endorse the remarks of the Hon. Mr. Hill. I believe it is sensible to add extra facilities to our existing school establishments, especially those at secondary level, so that such facilities can be used for a wider range of community and social activities than has been the case in the past. This sort of progressive move in the educational field has my full support. In fact, ever since I entered Parliament I have spoken along these lines.

It has been a matter of astonishment to me, after seeing the use made of schools in other parts of the world, that Australian schools are not utilised more fully. In Europe the school day usually spans about nine hours, as well as one or two hours on Saturdays. In Asia, schools are often used for two sessions daily; at night they become thriving centres of adult education.

I have never forgotten the first night I spent in Hong Kong. I was taken to a school and saw 3 000 adult Chinese people in a five-storey school building all engaged in different educational and sporting activities. It is over 10 years since I succeeded in getting the then Minister of Education to agree to open school swimming pools in the summer vacation in South Australia. That move was a small start in the right direction, and it was important for both children and parents in this State.

Today, the establishment of schools is extraordinarily costly. Schools cover a wide sphere of activity for full-time students and also contain other numerous facilities which, considered in the light of the further construction foreseen under this resolution, will make it possible for school establishments to become 16-hour-a-day institutions rather than the six-hour-a-day utilities they presently are, Similarly, they could be used for 52 weeks a year instead of being currently used for less than 40 weeks a year.

I refer especially to our modern schools and the facilities they provide: lecture halls, cinema demonstration rooms, libraries, technical instruction areas, athletic and sporting areas, swimming pools and, I hope in the future, more parking facilities. It appears proper that these facilities in conjunction with other community-centre requirements should be given extended use, especially in more crowded urban areas.

In this respect I refer to the growing problem created by lack of car-parking space at centres of sporting activity and at secondary and adult educational centres owned by the State. I earnestly request the Minister of Education to consider closely the problem of motor vehicles in these areas. It is just as important to provide parking facilities around Government-owned community facilities as it is to provide similar facilities adjacent to beaches, hotels and large factories.

I am amazed that plans can be made for extending schools catering to adult matriculation classes if no provision for car-parking facilities has been made, as has been recently reported to me. In this case, cars already stretch in every direction along adjoining streets, and the position will obviously be worsened next year when the building extensions are completed. This is short-sighted planning indeed, there being no problem as far as land space is concerned—just lack of thought. I hope that this resolution will be successfully passed and that the new programme will be carried out expeditiously.

Resolution agreed to.

PRISONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 1660.)

The Hon. R. C. DeGARIS (Leader of the Opposition): A proclamation published in the *Gazette* on April 11, 1974, changed the title of the permanent head of the Prisons Department to Director of Correctional Services. This change applied where the previous title of the permanent head was used in the Prisons Act only, but there are many references to the old title, Comptroller of Prisons, in other Acts and regulations. All that this Bill does is provide that, where in such Acts and regulations the term "Comptroller of Prisons" is used, the term "Director of Correctional Services" should be substituted. I suport the Bill.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 1659.)

The Hon. ANNE LEVY: Mr. President, I wish to raise a point of order. Standing Order 124 provides:

> No question shall be proposed which is the same in substance as any question or amendment which during the same session has been resolved in the affirmative or negative, unless the resolution of the Council on such question or amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

This Bill is identical in wording to an amendment moved on September 17 by the Hon. Mr. Burdett to the Criminal Law (Sexual Offences) Amendment Bill. I therefore ask that you rule that the Bill now before the Council is out of order.

The PRESIDENT: It seems to me that the question involved in the point of order is a matter of whether the Bill now before the Council is the same in substance as any question or amendment that was dealt with previously. I ask the Hon. Mr. Burdett, who introduced this Bill, whether he agrees that his Bill is the same in substance.

The Hon. J. C. BURDETT: The amendment is not the same in substance as the Bill. I ask you, Mr. President, to compare the Bill with the amendment. The amendment did two things, both of which were substantive: first, it referred to the question of advocating or encouraging an unnatural sexual practice within the precincts of any school; and, secondly, it sought to make illegal certain

advertisements. The Bill does not do the second of those things. There was only one amendment: there were not two amendments.

The Hon. C. J. SUMNER: As you have said, Mr. President, the crucial question is whether this Bill raises the same problem in substance as any question or amendment that was considered earlier this session. The only difference between the terms of the Hon. Mr. Burdett's amendment moved to the Criminal Law (Sexual Offences) Bill and the terms of the Bill now before the Council is that in his earlier amendment there was a proposed new section 68b (2) relating to advertisements, which provision is not in the Hon. Mr. Burdett's present Bill. All the wording that relates to the situation in and about schools is precisely the same in both cases.

The PRESIDENT: The wording is exactly the same.

The Hon. C. J. SUMNER: The only difference is that in the previous amendment there was a new subsection concerning advertisements.

The PRESIDENT: It dealt with two offences instead of one.

The Hon. C. J. SUMNER: Yes. The substance is more or less the same, provided that one does not consider new subsection (2). It would be absurd if one could consider the substantial matters again merely by putting into a Bill something that was completely extraneous to what had happened previously in order to get the Bill considered. In other words, there could have been a question previously in the session which was defeated and someone, not happy with that, could propose a Bill later in the session, and insert a clause that might not be strictly relevant in order then to argue that the matter was not in substance the same. To allow that to occur would be to defeat the object of Standing Order 124. There would be no point in having that provision if, by that subterfuge, you could get around it. So it is quite clear that the matter, in substance, has already been dealt with and defeated in this Council, and it would be completely wrong to consider the Bill now before us.

The PRESIDENT: I draw the honourable member's attention to the provisions of Standing Order 274, which may be relevant to this matter, because we must remember that this is now a Bill to amend an Act that has been passed in the same session. Consequently, I cannot, I think, uphold the Hon. Anne Levy's point of order at this stage. However, I commend her for raising what may well have been an interesting point. If it had not been for the fact that the Act had been passed, I should have had to uphold her point of order, but I do not do so. Therefore, I ask her to proceed with her remarks on the Bill.

The Hon. ANNE LEVY: In that case, I think any remarks I might make, despite your ruling, Mr. President, on this Bill would be virtually identical with those I made at the time of the Hon. Mr. Burdett's recent amendment, which was defeated in this Chamber. As the wording is absolutely identical, the remarks I made at that time are just as applicable now as they were then.

The Hon. R. C. DeGaris: A subtle change has taken place, hasn't it?

The Hon. ANNE LEVY: At this stage, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. C. J. SUMNER: Mr. President, I wish to make a further submission on your ruling, because I believe, after some consideration of the matter, that it is quite erroneous. I wish to raise the point of order again.

The PRESIDENT: I am sure the honourable member can raise it on the next day of sitting. In the meantime, we can all have a chance of looking at it.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The amendments in this Bill follow from the principles established by the Family Relationships Bill. At present, where a child is born outside marriage, the mother of the child is obliged to furnish a certificate acknowledging her parenthood. No information regarding paternity of the child is to be stated unless the father chooses to sign the certificate jointly with the mother. This is plainly discriminatory. Parenthood entails substantial obligations and it is wrong in principle that the law should require the mother to acknowledge her relationship, thus exposing herself to these obligations, while it sanctions an avenue of evasion for the father. The present Bill ameliorates the position slightly by providing that the mother may specify the father's name and, if she does so, the alleged father will be invited to acknowledge paternity of the child.

The Bill removes present provisions of State law dealing with legitimation. The subject is covered fairly comprehensively by the Commonwealth Marriage Act and it is inconsistent with the policy of the recommendations of the Law Reform Committee to retain provisions in the State law providing for legitimation. However, a provision is retained under which the Registrar-General will make a note of the legitimation of a child in the register.

Clauses 1, 2 and 3 are formal. Clause 4 provides for the procedure to be followed in registering the birth of a child born outside marriage. The mother is not obliged to state the paternity of the child but, if she does, the alleged father will be invited to acknowledge paternity. The amendment also deals with reregistration of birth upon legitimation of a child. Clause 5 makes consequential amendments. Clause 6 repeals Part IX, which covers legitimation. Clauses 7 and 8 make consequential amendments to the schedules.

The Hon. R. A. GEDDES secured the adjournment of the debate.

INHERITANCE (FAMILY PROVISION) ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The Bill contains amendments that are consequential on the provisions of the Family Relationships Bill. The rights of parents and children under the principal Act are extended to persons who enjoy that relationship by virtue of the Family Relationships Bill. The Bill changes only slightly the rights that an illegitimate child enjoys under the principal Act, but hitherto a *de facto* spouse had no rights under the principal Act. The rights of a spouse under the principal Act are extended to any person who is adjudged under the Family Relationships Act to have been a spouse of the deceased, either on the date of his death or at some earlier date. It should be observed that the extension of the principle to a putative spouse who did not enjoy that status at the date of the deceased's death brings the position of the repudiated *de facto* spouse into parity with that of a former lawful spouse of the deceased who was divorced prior to the date of his death.

Clauses 1 and 2 are formal. Clause 3 strikes out the definitions that are now no longer required by virtue of the provisions of the Family Relationships Bill. New definitions of "child" and "spouse" are inserted to make clear that the Act will apply to relationships recognised under the new Act. Clause 4 amends section 6 of the principal Act. Some of the paragraphs of this section have now been rendered redundant by the provisions of the Family Relationships Bill. These provisions will be removed. The position of a repudiated *de facto* spouse is brought into correspondence with that of a divorced wife. The right of an illegitimate child to claim against the estate of his father will henceforth not be subject to any qualification. However, a parent seeking provision out of the estate of a deceased child will still have to satisfy the court that he cared for, or contributed to the maintenance of, the deceased child during his lifetime.

The Hon. R. A. GEDDES secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The provisions of the Bill clarify the provisions of the principal Act relating to a married woman's property rights. The principal Act is amended to make it clear that a married woman has, and has had since the provisions relating to the status of married women were first introduced in the 1870's, the same power to dispose of property by will, or to make any other form of testamentary provision, as is possessed by a man. The Bill also provides that a husband and wife are to be treated as separate persons both for the purposes of the law of intestate succession and for the purpose of acquiring an interest under an instrument by which a settlement or disposition of property is made.

Clauses 1 and 2 are formal. Clause 3 amends section 92 of the principal Act. The effect of this provision is to make clear that a married woman has the same capacity to dispose of property by will as is possessed by a man. Clause 4 amends section 95a of the principal Act. This section at present provides that, in interpreting any instrument, husband and wife are to be treated as two separate persons. The effect of this amendment is to extend that principle to the law of intestate succession. Clause 5 repeals section 113 of the principal Act, which deals with the law of escheat under which property of an intestate may vest in the Crown. As the law of intestate succession is now to be codified in the Administration and Probate Act, section 113 is removed.

The Hon. R. A. GEDDES secured the adjournment of the debate.

WILLS ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The provisions of this Bill follow from the recommendations of the twenty-eighth report of the Law Reform Committee of South Australia, relating to the reform of the law on intestacy and wills. These amendments provide that in cases where a document clearly is intended to be a will but fails to comply with some legal technicality, it may be treated as a will and admitted to probate. Various other amendments are made to modernise, and remove anomalies from, the principal Act.

Clauses 1, 2 and 3 are formal. Clause 4 removes an antiquated restriction upon the right of a married woman to dispose of her property by will. A corresponding amendment is to be made to the Law of Property Act making quite clear that the testamentary capacity of a married woman is exactly the same as the testamentary capacity of a man. Clauses 5 and 6 make drafting amendments to the principal Act. Clause 7 repeals and re-enacts section 10 of the principal Act. The amendment is made purely for drafting reasons. The effect of section 10 is to provide that, where a power of appointment is exercisable by will, the will is to be executed in accordance with the Wills Act rather than in accordance with any special procedures prescribed in the instrument by which the power is created.

Clause 8 repeals and re-enacts section 11 of the principal Act. This section at present enables a soldier on active service to dispose of his property by nuncupative will. The new provision is extended to any member of a military, naval, or air force of the Commonwealth who is on active service. Clause 9 repeals and re-enacts section 12 of the principal Act. The main purpose of this re-enactment lies in the inclusion of new subsection (2). This new subsection will allow the Supreme Court to admit to probate a document that has not been duly executed in accordance with the formalities prescribed by the Wills Act, if it is satisfied that there can be no reasonable doubt that the deceased intended the document to constitute his will.

Clause 10 makes a drafting amendment to section 25 of the principal Act. Clause 11 repeals subsection (2) of section 25c of the principal Act. This section is not necessary in view of the provisions of the new section 10 of the principal Act. Clause 12 repeals section 25d of the principal Act. This amendment is consequential upon the proposed repeal of section 23 of the Administration and Probate Act.

The Hon. R. A. GEDDES secured the adjournment of the debate.

WRONGS ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The provisions of this Bill follow the provisions of the Family Relationships Bill which give recognition to an established *de facto* relationship. The Bill provides that, where a person dies as a result of a wrongful act, a person who was his putative spouse at the date of his death will have an action to recover damages from the wrongdoer, compensating financial loss flowing from the death in the same manner as a lawful spouse. A putative spouse will have an action for solatuim, the solatium to be divided between the putative spouse and lawful spouse if one exists. A putative spouse will have an action for loss of consortium, and a person will be able to claim damages where a business enterprise conducted jointly by himself and his putative spouse is prejudiced through injury to his putative spouse.

Clauses 1, 2 and 3 are formal. Clause 4 enacts a definition section in the Act. The main purpose of this amendment is to gather together certain definitions that are at present spread throughout the principal Act. In addition, new definitions of "putative spouse" and "spouse" are included, with the intention that the benefits conferred by the principal Act on a lawful spouse should be available in appropriate cases to a *de facto* spouse. Clauses 5 and 6 are consequential upon clause 4. Clause 7 enacts a number of procedural provisions consequential upon the inclusion of "putative spouses" amongst the categories of person who may bring an action against a tort feasor whose wrongful act has caused the death of a person upon whom the claimant was financially dependent.

Clause 8 makes drafting amendments to section 23a of the Act and amendments consequential upon the enactment of the Family Relationships Act. Clause 9 makes similar amendments to section 23b, which provides for payment of solatium where a tort feasor has caused the death of a spouse. Where the deceased is survived by a lawful and a putative spouse, the solatium is to be divided between them. Clause 10 makes a consequential amendment.

The Hon. R. A. GEDDES secured the adjournment of the debate.

ADJOURNMENT

At 5.53 p.m. the Council adjourned until Tuesday, November 11, at 2.15 p.m.