LEGISLATIVE COUNCIL

Wednesday, March 22, 1972

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

QUESTIONS

GLENCOE LAND

The Hon. M. B. CAMERON: I seek leave to make a short explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. CAMERON: My question relates to the township of Glencoe, which is a small area in the southern part of the State. From time to time lately, people have expressed concern to me about the encroachment by pine forests on the better class of land, which is, of course, used for dairying in that area. Will the Minister consider zoning the better-class dairying land for that purpose or at least discuss with the Government a policy of using the poorer land rather than the better dairying land and, if such land is to become available for sale, will the Woods and Forests Department leave it to the private people in that area to buy it? There has been considerable concern about the fact that finance has been a problem for younger people, who have not been able to buy the land, with the result that more and more of this better-class land is going to the Woods and Forests Department.

The Hon. T. M. CASEY: I do not see the significance of the honourable member's question about preventing people from buying land. The situation is that land is sold in many ways and the honourable member realizes that it may be sold by private contract or by auction. There have been many occasions when the Government has been approached through the Woods and Forests Department for the purchase of land. The Land Board sets a valuation and a contract for sale is drawn up. We could look at the question from the other side and ask which is the more profitable—pine forests or dairying? This question cannot be answered in a few words, because times change. If we look at the overall situation of dairy production in Australia today, we have been warned that within 12 months or so we could see a downward trend in the sale of our dairy produce, particularly in the United Kingdom market. It is difficult to assess the situation at this stage. The Victorian Government is saying, "Well, land in Victoria is very suitable for dairying, and this is where the whole of the dairying industry should be concentrated." In the present light, I do not think that the Government would view the honourable member's question very favourably.

RURAL ASSISTANCE

The Hon. R. A. GEDDES: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. R. A. GEDDES: I direct my question to the Chief Secretary, even though it deals with agriculture, which is an all-embracing problem involving the Minister of Agriculture, the Minister of Lands and, possibly, the Treasurer. No doubt the Government would like to study the question.

The Hon. A. J. Shard: It's a policy question?

The Hon. R. A. GEDDES: Yes. The United Farmers and Graziers of South Australia Incorporated has issued a comprehensive report called the *Rural Economic Report,* which deals with the problems of the rural industry as the association sees them. Because of the thoroughness with which the organization has carried out its research in order to make its report, will the Government study it closely to see whether it would be possible to implement, where practicable, policies that would assist rural industry in South Australia?

The Hon. A. J. SHARD: The Government as such has not yet given any consideration to the report mentioned by the honourable member. However, I shall be pleased to confer with the Minister of Agriculture, the Minister of Lands, and the Treasurer, and obtain a report on what might be done in this regard.

CIGARETTE LABELLING

The Hon. V. G. SPRINGETT: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. V. G. SPRINGETT: Several times in the last year or two questions have been asked regarding the labelling of cigarette packets, and this matter was debated in the Council only a few months ago. In view of the announcement in this morning's *Advertiser* that Victoria is prepared to go it alone and have cigarette packets labelled with a health warning, will the Government give urgent consideration to joining With Victoria in the same procedure?

The Hon. A. J. SHARD: To the best of my knowledge, a Bill was passed dealing with the labelling of cigarette packets and, if I remember

correctly, it contained a clause saying that the legislation would be proclaimed when a majority or at least three of the other States had given effect to the legislation. Although the Government has not studied the matter since, I shall raise it in Cabinet, put forward the honourable member's point of view, and obtain a reply as soon as possible.

FILM INDUSTRY

The Hon. A. M. WHYTE: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. A. M. WHYTE: Mr. J. L. Hargreaves is reported in this morning's *Advertiser* as saying that Adelaide could become the Hollywood of Australia, as the State was ideal for the development of a major film industry because films of almost any description could be produced in this State. Mr. Hargreaves described the Premier as a champion of the arts and said that he had pledged full support for the production of two films to be made in Australia this year. Has the Government ever made finance available to help the film industry in South Australia; if not, is it proposed to assist in such a manner?

The Hon. A. J. SHARD: I have heard a great deal about films and what can be done with them from the tourist point of view. I know there has been a great deal of talk, a number of conferences, and much thought given to producing films, but I cannot say at the moment whether any specific sum of money has been made available to assist in film production. There may have been, but I cannot recall it. However, as Mr. Hargreaves said, the Premier is very interested in all forms of art and I will take up the question with him and bring back a report as soon as possible.

AGRICULTURE DEPARTMENT

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to the question I asked last week regarding employment in the Agriculture Department?

The Hon. T. M. CASEY: The Director of Agriculture has informed me that the staff establishment of the rural youth section of his department is one Senior Adviser and five Rural Youth Advisers and at present there are three vacancies. Action to fill the vacant offices is at present under consideration. The Hon. Mr. Story also asked me a question regarding staffing in the weeds section of the Agriculture Department where the staff establishment within the Agronomy Branch comprises the following offices: Senior Weeds Officer, two Research Officers, two Weeds Advisers, five Field Officers and three Field Assistants. Currently, three of the Field Officer positions are vacant following two resignations and one transfer to another Government department. Steps are in hand to fill all of these vacancies to bring the section up to strength.

ARTIFICIAL INSEMINATION

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. CAMERON: I was informed last week in the South-East that the conception rate from artificial insemination was very low indeed; one case was quoted in which one conception out of eight resulted on the first service, and another case was quoted of two out of 12. This leads to considerable added expense in having return of service. It was suggested that perhaps climatic conditions were responsible for this low rate of conception, but artificial insemination is used in much colder conditions than those prevailing in the South-East. Has this matter been brought to the attention of the Minister; it so, has any action been taken?

The Hon. T. M. CASEY: I will obtain a report from the Director of Agriculture, who is vitally interested in artificial insemination methods.

ABATTOIR

The Hon. R. A. GEDDES: Yesterday the Minister of Agriculture gave a reply to the Hon. L. R. Hart in relation to new killing equipment to be installed, at a cost of $200,000, for the Metropolitan and Export Abattoirs Board. Will this sum of $200,000 be a grant to the board or will it be a loan?

The Hon. T. M. CASEY: I will check that for the honourable member and bring back a reply as soon as possible.

WATERWORKS REGULATIONS

The Hon. H. K. KEMP (Southern): I move:

That the by-laws to prevent the pollution of watersheds and rivers, made under the Waterworks Act, 1932-1971, on December 9, 1971, and laid on the table of this Council on February 29, 1972, be disallowed.

As a member of the Subordinate Legislation Committee, which assented to the proposal, I feel it is absolutely necessary that this action be taken. These regulations were dishonestly promoted. In the details put before the Subordinate Legislation Committee, no mention whatever was made of section 55a, which is as follows:

No person shall construct or commence the construction of any dam or other obstruction so as to check, restrain or divert the full and free flow of water or any part thereof in any stream within a watershed without a written permit to do so from the Minister.

The watershed area, which now extends from Barossa as far south as the hundred of Encounter Bay, involves nearly the whole of our high-rainfall area. Since the first settlement of this State many people have depended for their livelihood upon the water that has been used to irrigate crops during the summer.

A huge area of potato crops, dairy pastures, etc., is watered from dams and underground water supplies. I realize that underground water supplies are not to be interfered with under these regulations, but we must remember that some important industries depend on their being able to block a creek and install a pump or to put a dam in a gully. Such practices must now cease. It is reasonable that the Engineering and Water Supply Department should have control over very large dams but, if the provision is strictly interpreted, the ultimate is that no-one will be able to provide any form of water catchment; surely that is going too far.

Some dams in the Adelaide Hills are probably larger than a reasonable size. I know of one such dam that is 40 acres in extent; most of the water in it is evaporated, although some is used. The regulations mean that no man with a small area of land will be able to provide a water catchment for fowls, sheep, etc. That is going too far.

Everyone in the Hills district happily accepts severe restrictions in connection with the disposal of animal carcasses and the maintenance of a reasonable standard for poultry sheds, stables and yards. There is certainly cause for objection when no-one in the Adelaide Hills is permitted to install even a fish pond. I suggest to the Government that there should be no restrictions on the installation of small water storages, as without such storages much water will be wasted. Most of the water that is used for the production of potato crops and other crops in the Onkaparinga Valley and in other streams in the Adelaide Hills would, if it was not retained by stopping creeks and temporary dams, otherwise run to waste.

If the motion is not carried, no additional water will be available for distribution in Adelaide or elsewhere in the State. Indeed, it will merely result in the wastage of much water and will place grave restrictions on people who have traditionally been using this water for a long time. This applies not only to dams that have been built but also to the temporary stops that are used in so many water courses to provide sufficient depth of water to enable it to be utilized.

Normally, the water that travels through the water courses in the Adelaide Hills until about the middle of November can reasonably be expected to reach the reservoirs. However, much of the water that runs in our creeks up until the middle or the end of December and into January does not get to the reservoirs, because it is stopped by temporary dams or other obstructions that are prohibited under the regulations.

The Government should examine this matter and consider the harm that will be done to many people if the regulations are not withdrawn. If necessary, a minimum size of dam on a creek could be fixed, as could the date by which an obstruction could be constructed. In spite of the great water storages that this State has in the Hills, the majority of water that runs through the Adelaide Hills is wasted. Why should not the people on whose land the water has fallen not have the privilege of using it?

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

BUILDERS LICENSING REGULATIONS

Adjourned debate on the motion of the Hon. R. C. DeGaris.

(For wording of motion, see page 860.)

(Continued from March 8. Page 3666.)

The Hon. A. J. SHARD (Chief Secretary): During the debate while I was absent in the early part of this session, some questions were asked. The Minister does not have the right of reply in a matter such as this but I have some replies to questions that go some of the way to giving a complete answer. When I conclude my remarks today, honourable members will find that they do not answer all the points raised during the debate, but there is a reason for that. I will ask leave to continue my remarks and try to get a complete answer by next Wednesday.

During this month's debate on the motion to disallow the Builders Licensing Board Regulations, 1971, the Hon. Mr. Dawkins referred to them as being voluminous. I think honourable members have perhaps lost sight of what we are discussing—the 17 regulations set out on pages 1 to 6 of the printed copy plus the accompanying forms, contained in the schedules. We are not discussing the board's publication *Guide to Applicants,* which explains both the Act and the regulations and sets out examples and policy guidelines for those who want to know more. Turning now to the details of recent speeches, I point out that the Hon. Mr. Story is not quite correct in two statements he made. The original regulations were not withdrawn but were disallowed in this Council. As soon as possible thereafter, on April 8 last year, the regulations we are now discussing were made. These regulations differed from the original regulations in that they took into account suggestions made by the Committee on Subordinate Legislation.

The second misconception is that the building industry has now reached complete agreement on this matter whereas at one time there was some divergence of opinion. I shall discuss later the suggested amendments themselves but point out now that they have been drafted by approximately 11 associations of various types with an interest in the building industry. There are at least half-a-dozen associations that do not subscribe to these amendments. Nevertheless, the Government attaches some weight to the request and is prepared to accede where harm will not be done to the operation of builders licensing.

Let me now discuss the matter of the brickmakers who were allegedly brought into disrepute. On August 2 last year a member of the public wrote to the Builders Licensing Board confirming oral advice that he was dissatisfied with brickwork and bricks used in his house under construction. He confirmed that a representative of the builder had visited the site on July 20, 1971, and the first comment of the representative was, "I can see what you mean." After discussing the matter, it was allegedly agreed that the main trouble was with the bricks being of irregular shape. The next day a representative of the brick company conferred on the site and apparently agreed that a "few" bricks were not up to standard and would be replaced by his company. There were other complaints but these have no relevance to the standard of bricks supplied. On August 19, 1971, the board wrote to the builder advising that the owner claimed bricks used were not of an acceptable standard and also that some of the bricks were not laid properly. The builder was told the board would be pleased to receive his comments on the matter. On September 7, 1971, an inspector of the board visited the job and reported that, in addition to some poor workmanship, the bricks were of poor quality in regard to straightness. On the same day the builder wrote to say he wanted to consult his brickmaker and association.

The board considered the various letters and reports at its meeting on October 4, 1971, and it was decided to instruct the inspector to obtain a copy of the Standards Association Code on brickwork, to obtain advice on methods of taking a sample survey in accordance with the code and to undertake such a test in regard to these bricks. It was decided to take up the matter of workmanship with the builder and also, provided they did not come up to standard, the complaint regarding the bricks themselves. On October 6, 1971, the Chamber of Manufactures issued a press release alleging that the brick manufacturer had received a letter from the board to the effect that the bricks were not up to standard. This was not so; the board merely conveyed the complainant's allegations to the builder in writing. Any publicity in the press resulted from this action and not from the board. On October 15, 1971, the inspector furnished a report indicating that the bricks complied with the code and concluding that the appearance was worse than usual because of the type of deep jointing used, which highlighted faults.

On October 18, 1971, the board considered the fresh evidence and decided that some matters of deficient workmanship only should be taken up by the board, and this was done on October 20, 1971. At the same meeting it was decided that brick facework would be satisfactory if it complied with standards set out in Australian Standard CA47, A21 and A140. The other case involving bricks at that time arose in July, 1971, when it was alleged that bricks were cracked, chipped and of an uneven colour. Allegations were made also regarding wall ties and workmanship. The board conveyed these allegations to the builder and sought his comment. He rang the Secretary on August 4, 1971, and said he had a solicitor acting for him. It was finally agreed that he had no objection to the board's inspector looking at the work. Subsequently, the board wrote to the builder on August 25, 1971, to the effect that the board considered he

had failed to use bricks of the best of their kind for the external facework and insufficient wall ties had been used, in contravention of the Building Act. The board asked for his proposals. Subsequently, however, it was found that both parties were represented by solicitors and the board withdrew. The board now has a policy of always withdrawing if the complainant is being advised professionally by a solicitor, engineer or architect.

I think honourable members can rest assured that this complaint was followed through by the board to its logical and just conclusion. Any brickmakers who were allegedly brought into disrepute can look to publicity from sources other than the board, which corresponded with no-one other than the parties involved. The Hon. Mr. Story referred to the Dale Building Company Proprietary Limited, which had its licence cancelled. The company has appealed and the matter is set down for hearing tomorrow. The case is, therefore, *sub judice* and I cannot discuss it further save to say that I am prepared to make files available next week to allay fears of unfair treatment. In all the cases mentioned, I might point out, the action taken by the board was pursuant to the Act itself rather than the regulations we are discussing. The Hon. Mr. Dawkins has mentioned fresh suggestions made by some sections of the industry, and I point out that Mr. Branson, of the Chamber of Manufactures, produced a copy on request only this morning. The Government will need to consider these suggestions, which seem to contain some requests that might be acceptable. I, therefore, seek leave to continue my remarks when I shall be in a position to state the Government's view.

Leave granted; debate adjourned.

INDUSTRIAL CODE AMENDMENT BILL (TRADING HOURS)

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

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

That this Bill be now read a second time.

This Bill, which amends the Industrial Code, 1967-1971, is intended to give effect to the policy of the Government in relation to certain alterations of shopping hours in the metropolitan area. Shop trading hours was one of the first issues with which the present Labor Government grappled. We found that, with the growth of the metropolitan area, it was untenable to have restrictions on the trading hours of some shops but not others within the metropolitan area, the area of which had not been altered since 1926. That situation we corrected, so the same trading hours now apply in the whole of the extended metropolitan area.

In recent months the Minister of Labour and Industry has had numerous discussions with representatives of the associations of storekeepers and of retail employees, and representatives of the employers and employees have had many discussions between them on this subject. The Minister has endeavoured to arrive at arrangements that would be acceptable to both the retailers and the unions, because it is the employers and employees in the industry who will have to make any new trading arrangements operate satisfactorily, not only for themselves but also for the benefit of the public. Unfortunately, it did not prove possible to reconcile the differing views.

The Bill has therefore been introduced in this form to give effect to the promise that the Government made towards the end of last year that legislation would be introduced to permit shops to trade until 9 p.m. on Fridays, and the Bill so provides for the extra trading hours within the metropolitan area as defined in the Act. There has been no demand for the extended trading hours to apply in country shopping districts. The Government's view is that the extra 3½ hours trading to suit the wishes of the public should not be introduced at the expense of the working conditions of shop assistants, who are the ones who give the service to the public. Accordingly, as well as providing for the extended trading times on Fridays, the Bill provides that shop assistants in the metropolitan area are to work their normal working week between Monday and Friday. They are one of the few groups in our community that until now have not been able to obtain a five-day working week.

The Government considers it appropriate that the five-day week, which applies to almost every other employed person in the State, should be granted to these employees, who will be expected to give additional service to the public in the metropolitan area with the longer trading hours. In fact, the granting to shop assistants of the five-day week was accepted in principle by the organizations of shopkeepers. The disagreement occurred about whether the five-day week should be limited between Mondays and Fridays as applies in other industries or whether shop assistants could be required to work on a roster under which in alternate weeks their ordinary week would be between Tuesdays and Saturdays.

Although it has been suggested that the amendments contained in this Bill will cause substantial increases in costs and therefore in prices, it must be recognized that any extension in trading hours would involve some increase in costs. However, with the profits being made by larger retail stores we cannot accept that there is no room for absorption of some of the additional costs that will be involved, and we do not accept the suggestions that this legislation will cause substantial increases in prices. Persons engaged in butcher shops (both employers and employees) have to work considerable overtime before opening their shops to the public and after closing times, particularly on a Friday, which I understand is their busiest day. The Government has therefore agreed with the representations received from both the employer and employee organizations in the meat industry that there is no need for butcher shops to open any longer than at present. I will now explain the Bill in detail.

Clause 1 is formal. Clause 2 provides for the Act proposed by the Bill to come into operation on a day to be fixed by proclamation. It is clearly necessary that some time should elapse between the passage of this measure and the formal introduction of the extended hours. This period will no doubt be utilized by the shopkeepers in making the necessary arrangements for late-night shopping and will also enable appropriate modifications of awards and industrial agreements to be made to give effect to proposed new section 221a of the principal Act. Clause 3 is intended to ensure that a place or yard used for the purposes of selling goods will be a shop for the purposes of the principal Act. This is not clear from the present context of the Act and is intended to resolve a question that has arisen on whether, say, secondhand car yards are shops.

Clause 4 amends section 221 of the principal Act which deals with closing times for shops. The amendment proposed at paragraph *(a)* provides that the present closing times will apply in shopping districts outside the metropolitan area. The first amendment proposed at paragraph *(b)* provides that in general the closing hours for a shop situated within the metropolitan area will be 5.30 p.m. on week days other than a Friday. 9 p.m. on a Friday, and 12.30 p.m. on a Saturday. Subclause (lb) of this amendment provides, in effect, that butcher shops will close at 5.30 p.m. on every week day and 12.30 p.m. on Saturdays except that, in the case where a butcher shop is conducted in conjunction with any other sort of shop, say, as part of a supermarket, that supermarket if it is situated in the metropolitan area may remain open until 9 p.m. on Friday if the part that is a butcher shop is kept closed to the public between the hours of 5.30 p.m. and 9 p.m. on a Friday. Thus, the closing hours for butcher shops operated exclusively as such are unchanged by this Bill. The amendments proposed at paragraphs *(c)* and *(d)* effect similar changes to the closing hours of hairdresser shops, which in the ordinary course of events close at 6 p.m. on week days.

Clause 5, in effect, provides that the ordinary hours of work of shop assistants will be worked between the hours of 8.30 a.m. and 5.30 p.m. on Mondays to Fridays inclusive, except in the case of shop assistants who are hairdressers, where the time within which ordinary hours shall be worked is extended to 6 p.m. Mondays to Fridays inclusive.

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

STATUTES AMENDMENT (LAW OF PROPERTY AND WRONGS) BILL

Read a third time and passed.

COMMERCIAL AND PRIVATE AGENTS BILL

In Committee.

(Continued from March 21. Page 4007.)

Clause 5—"Interpretation."

The Hon. F. J. POTTER: Before the Committee reported progress yesterday, I informed the Minister that considerable work was being done by members of the legal profession on two or three clauses of this Bill. I was informed this morning that the Law Society was now involved in this. I understood that information to this effect had been conveyed to the Attorney-General in another place. Amendments definitely will be forthcoming, and if an opportunity is given they may go to the responsible Minister and be accepted. Certainly, I will move the amendments here, but they are such that they need a little consideration. I am a trifle anxious about preparing amendments that may not effectively and properly deal with the situation to the satisfaction of the Government and also of private members. In these circumstances I ask the Minister whether he is prepared again to report progress and perhaps list this matter for consideration tomorrow.

The Hon. T. M. CASEY (Minister of Agriculture): I am prepared to ask that progress be reported.

Progress reported; Committee to sit again.

INHERITANCE (FAMILY PROVISION) BILL

Adjourned debate on second reading.

(Continued from March 21. Page 3999.)

The Hon. C. R. STORY (Midland): My attitude towards this Bill is much the same as it was when I spoke on a similar measure a few years ago. Although it is not in quite the same form as the previous Bill, it is substantially the same, and the reasons given in 1965 and those put forward by the Hon. Mr. Potter and others who have spoken on the present Bill set out very clearly my own feelings. If one goes back to basics, in many cases one finds a very clear line of relationship of one person to another as early as 1600. This has been continued down through the ages by our own British jurisprudence, and it is the very sound means by which our courts operate at present.

This situation is fairly indicative of what has been happening since the Government was returned, but that applies especially in this session, as we have had great numbers of Bills before the Council to protect the tiniest minority in the community. The new Attorney-General is a very conscientious and knowledgeable man, but he is not well experienced in regard to legislation. He did not have much experience as a Parliamentarian before becoming a Minister. I think that he has never really studied the fact that hard cases make bad laws. We are trying to block up every possible hole, and yet at the same time allowing as much permissiveness as possible. With this type of legislation there is tremendous conflict, because good people in the community, people of some standing, are being subjected to a tremendous tightening up of all laws. They are not going to break the laws, but they are restricted and inhibited in their daily avocations and in their civil rights, whereas the person who, in my opinion, is very often the wrongdoer is protected and given privileges that go far beyond those that should fall into the normal category of law.

Even at the risk of being dubbed a troglodyte, I say it is not good to legislate for a handful of people, imposing almost impossible situations on the vast majority of the community in South Australia. The Hon. Mr. Potter has once again given a lead to the Council on the ramifications of the legislation and the ridiculous situation which could (and no doubt would) come before the courts if this measure were allowed to go through in its present form.

I have always thought that adopted and illegitimate children have every right to the estate of the father or mother. Illegitimacy is not the fault of the child; it is the fault perhaps of some looseness on someone's part, or perhaps some misfortune. It is completely wrong in these circumstances to have the ludicrous situation where people can marry and, after they have been married for some considerable time, perhaps even after the death of one or the other, some children who had nothing to do with the deceased can put their case to the court, claiming an inheritance from the estate of the deceased. I do not think we should go nearly as deeply into such questions. If the Government accepts the amendments that have been foreshadowed, it will, on the one hand, go a long way toward giving a reasonable opportunity to people who are entitled to make a claim on an estate of a kinsman without, on the other hand, in any way imposing hardship on those people who would normally be legally entitled to make a claim on the estate. I do not support the Bill in its present form but I shall listen to the debate during the Committee stage and support those amendments that I believe will improve the Bill and make it work.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

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

In the definition of "legally adopted child" to strike out "(whether according to the law of this State or the law of another place)" and insert "according to the law of this State or a child adopted according to the law of another place, whose adoption is recognized under the law of this State".

Later I will move a further amendment dealing with the definition of "legitimated child". These amendments are designed to make it clear that where the Bill speaks of an "adopted child" or a "legitimated child" it means a child adopted or legitimated according to the relevant State or Commonwealth law, or a child adopted or legitimated according to the law of another country whose adoption or legitimation is recognized under the relevant law of the State or the Commonwealth.

The CHAIRMAN: Has the Minister any directions on the word "legally" appearing in this clause?

The Hon. T. M. CASEY: That should be deleted.

The CHAIRMAN: I will make that correction.

Amendment carried.

The Hon. T. M. CASEY: I move to insert the following definition:

"legitimated child" means a child legitimated according to the law of the Commonwealth or a State or Territory of the Commonwealth, or a child legitimated according to the law of another place, whose legitimation is recognized under the law of the Commonwealth or of this State:

I have already referred to this amendment.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—"Persons entitled to claim under this Act."

The Hon. T. M. CASEY: I move:

To strike out subparagraph (iii) of paragraph *(f)* and insert the following new subparagraph:

(iii) who satisfies the court that the deceased person acknowledged him as his child, or contributed to his maintenance.

This amendment is designed to give an illegitimate child the right to claim upon the estate of his father where his father acknowledged him as his child or contributed towards his maintenance.

Amendment carried.

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

At the end of paragraph *(g)* to insert "being a child who was being maintained wholly or partly or who was legally entitled to be maintained wholly or partly by the deceased person immediately before his death;"

These words will operate as a restriction of the category set out in paragraph *(g)* dealing with the child of a spouse of the deceased person by any former marriage of such spouse. I think this category, having regard to the fact that the word "children" does not refer to children under 18 years of age, is a very wide one indeed, and I think that with the wide discretion granted in clause 7 there should be some restriction of this category along the lines of the restriction set out in the New Zealand legislation, which is the legislation providing the widest possible categories I have been able to find.

I do not see that there is much warrant in extending this category any further than is provided in the New Zealand Statute. Some grave difficulties may arise if we allow any child of a former marriage of one of the spouses to have the right to seek from the court a share of a deceased estate. If the child is in the category covered by the words I have moved to insert, fair enough; that will take care of children under 18 years of age or even those under 21 years of age who have been recognized in some way or in respect of whom maintenance has been paid. That is a fair restriction, but to extend the provision further is going too far.

The Hon. T. M. CASEY: The Government is not willing to accept the amendment. The Hon. Mr. Potter, being a lawyer, should be the first to recognize that, if a person has difficulties in any sphere, he can take the matter to a court. If we start excluding people, we may reach the stage where we act unwisely and create injustices. I believe that the judges are better able to analyse each problem when it arises.

The Hon. F. J. Potter: If you carry it that far, you may as well open it to anyone.

The Hon. T. M. CASEY: People may make claims against an estate, and the judges will decide whether they are entitled to make a claim. I do not believe that we should put ourselves in the position of the judges: we should have enough confidence in our judges to entrust the work to them. Let us consider the case of a step-child. At some stage of the deceased's life he may have been responsible for supporting that step-child.

The Hon. R. C. DeGaris: That is covered.

The Hon. T. M. CASEY: There are other similar examples, too. We would be acting irresponsibly if we set ourselves up as judges.

The Hon. R. C. DeGARIS: The Minister has made out a case for having no categories at all. He seems to be concerned that step-children who were never maintained by the deceased may not have a claim under the amendment. If we take the Minister's arguments to the ultimate extreme, we may as well say, "Let us leave everything to the court." Why have any categories at all, if the court is to sort out all the matters referred to by the Minister? No-one can convince me that a step-child who was never maintained by the deceased and who might not even have been known to the deceased should be able to make a claim.

The Hon. R. A. Geddes: The step-child may be 40 years of age.

The Hon. R, C. DeGARIS: He could be 60 years of age. Because I do not believe that that category should be included, I support the amendment.

The Hon. F. J. POTTER: I do not want it to be thought that I lack confidence in our Supreme Court judges. They would certainly look fairly at the reasons for an application, but it is clearly within our jurisdiction to decide what categories are appropriate. I agree with the Hon. Mr. DeGaris that, if the Minister's arguments are taken to extremes, we may as well have no categories at all; we may as well say that any friend or acquaintance of the deceased will have the right to apply. This Committee should decide what categories will be allowed to apply to the judges, and it is then up to the judges to examine each application. The Minister has not explained why the Government wants to go further than any other existing Statute goes.

The Committee divided on the amendment:

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

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey (teller), M. B. Cameron, C. M. Hill, A. F. Kneebone, and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried.

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

In paragraph *(i)* after "person" second occurring to insert "if such deceased person dies without leaving a spouse or any children"; and in paragraph *(j)* after "child" to insert "who dies without leaving a spouse or any children".

My amendments limit the two categories in paragraphs *(i)* and *(j)* to situations that will allow a claim only if the deceased person dies without leaving a spouse or any children. The amendments are in line with the New Zealand Statute, which is the widest one I can find. I do not think that the claims of parents, however much merit they may have, should in any way interfere with a man's disposition of his estate among his own family. Those people should take priority. However, where a person dies without leaving children or a spouse, that is a different kettle of fish and perhaps in those circumstances a claim by parents would be allowable; but the Legislatures in other States have seen fit to have this limitation. It is only in New Zealand that parents are allowed any claim at all.

The Hon. T. M. CASEY: The Government cannot agree to this amendment, mainly on the same grounds as previously, that the honourable member is placing a restriction on some people who may have a legitimate claim on an estate.

Amendments carried; clause as amended passed.

Clauses 7 to 14 passed.

Clause 15—"Method of apportioning duty on estate."

The Hon. T. M. CASEY: I move to insert the following new subclause:

(2) Notwithstanding the provisions of any other Act, where an order is discharged, rescinded, altered or suspended, a due adjustment of the duty payable on the estate of the deceased person shall be made.

This amendment makes it clear that, where an order granting an applicant provision out of the estate of the deceased is made and that order is subsequently varied or discharged, a due adjustment of duty payable on the estate of the deceased should be made.

Amendment carried; clause as amended passed.

Remaining clauses (16 and 17) and title passed.

Bill read a third time and passed.

COMPANIES ACT AMENDMENT BILL

Bill recommitted.

Clause 25—"Repeal of Divisions I and II of Part VI of Principal Act and Enactment of Divisions in their place"—reconsidered.

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

In new section 162 (8) after "section 165a" to insert "or 165ab".

I said yesterday that further amendments would be necessary consequential on the amendments passed earlier. Since then I have conferred with the Parliamentary Counsel about these amendments.

The Hon. A. J. SHARD (Chief Secretary): This amendment is consequential upon the insertion of section 165ab in the Bill. Since the Government members did not support the insertion of that section, they will oppose this amendment.

Amendment carried.

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

In new section 165ab to strike out subsection (2) and insert the following new subsection:

(2) The directors of an exempt proprietary company that is not an unlimited company are not required to comply with subsection (1) of section 165b or subsection (1) of section 166 if all the members of the company have agreed on a date

not later than fourteen days after the date of commencement of this Part or of the incorporation of the company that it is not necessary to appoint an auditor.

If this amendment is not made the existing subsection (2) will clash with other provisions in the Bill.

The Hon. A. J. SHARD: This amendment seeks to remove an anomaly in the new section 165ab, as introduced by the Hon. Mr. Potter yesterday. Section 165b requires all companies that do not have an auditor at the commencement of the amending Act to appoint an auditor within one month after that commencement. If section 165ab is enacted, it will have to provide that section 165b does not apply to a company that complies with section 165ab. However, since the Government has opposed the enactment of section 165ab, the matter does not concern the Government members, who oppose it.

Amendment carried.

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

In new section 166 to strike out subsection (17) and insert the following new subsection:

(17) An auditor appointed by a company before the date of the commencement of this Part and holding office immediately before that date of commencement, shall, subject to section 166b of this Act, hold office until the annual general meeting next held after that date of commencement, but shall be eligible for reappointment.

I said yesterday that I wanted to draft a provision that would allow existing company auditors to hold office until the next annual general meeting of the company when, upon appointment or reappointment, they would come under the provisions of the new legislation. The amendment allows an existing company with an existing auditor to make up its mind finally at the next annual general meeting as to whether it wants the same man to continue or to make a change.

The Hon. A. J. SHARD: This is a new transitional provision in substitution for subsection (17) of section 166. It is a reasonable amendment, and should be supported.

Amendment carried; clause as further amended passed.

Clause 53—"Amendment of Eighth Schedule of Principal Act"—reconsidered.

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

In paragraph *(d)* to strike out "unless the company was an exempt proprietary company during the whole of the period covered by the accounts" and insert "unless, during the whole of the period covered by the accounts—

(a) the company was an exempt proprietary company and an unlimited company,
or

(b) the company was an exempt proprietary company and the accounts and group accounts (if any) of the company laid before that meeting had been audited in accordance with this Act";

in paragraph *(e)* after "accounts" to insert "and section 165ab did not apply to the company"; to insert the following new paragraph:

(fa) by inserting after paragraph *(h)* appearing under the heading "Certificate" the following paragraph:

(i) (8a) that all the members agreed pursuant to section 165ab of the Companies Act, 1962, as amended, not to appoint an auditor at the annual general meeting;

in paragraph *(h)* to strike out "item" second occurring and insert "items"; and in paragraph *(h)* to insert the following new item:

(8a) Strike out this paragraph if inapplicable. Note this paragraph is only applicable to an exempt proprietary company that is not an unlimited company, all the members of which agreed not more than one month before the annual general meeting not to appoint an auditor.

These amendments are consequential on the insertion of new section 165ab. I suppose that the Government will still cling to the principle that that new section should not be in the Bill; in that case I suppose that, technically, these amendments will not be acceptable to the Government. However, they are necessary if new section 165ab is to remain.

The Hon. A. J. SHARD: All the amendments are consequential on the insertion of new section 165ab, which the Government opposed, and it therefore opposes these amendments.

Amendments carried; clause as amended passed.

Bill read a third time and passed.

[*Sitting suspended from* 3.25 *to* 4.42 *p.m.*]

APPROPRIATION BILL (No. 1) (1972)

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

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

That this Bill be now read a second time.

Before dealing with the details of this Bill which appropriates, a further $1,746,000 for 1971-72, it may be useful to honourable members if I give a brief summary of the present trends on Revenue Account and the possible result for the full year.

REVENUE BUDGET 1971-72

On September 2 last, the Government presented a Revenue Budget which provided for a deficit of $7,346,000. In accordance with established practice, departmental appropriations included provision only for rates of pay effective at that time and, in order to give Parliament a realistic indication of the probable outcome of the year's activities, allowance was made for a further $4,750,000 prospective cost of wage and salary awards beyond the detailed departmental provisions. This figure was taken into account in arriving at the established deficit, but was not formally appropriated other than by the special provision for automatic appropriation of moneys required to meet further awards. As was explained at the time, any additional cost of new awards beyond the $4,750,000 could be expected in the normal course to be offset only partly by resultant increases in the taxation reimbursement grants.

If we leave aside for the moment the effects of the recent Premiers' Conference, there are several major factors which have tended to boost prospective receipts to a level somewhat in excess of estimate. Stamp duties on a variety of documents, receipts from hospital fees, and interest on fixed deposits held with the Reserve Bank are all running above estimate, and the Commonwealth has recently advised that it expects taxation reimbursement grants may be greater than originally expected, mainly due to the operation of the wages element of the formula which, on the Australia-wide basis used, is thought to exceed earlier expectations by a small percentage. As a partial offset to these factors, pay-roll tax figures to date indicate that for the full year receipts from this source may not be quite up to estimate.

On the payments side, public debt interest contributions and subsidies to country electricity suppliers are both running at levels which suggests that they will exceed estimate for the year as a whole. Greater expenditure on the eradication of fruit fly has been incurred as a result of recent outbreaks in the northern and south-western suburbs, and small excess expenditures for a variety of reasons are expected to be necessary in a number of other departments. As usual, a succession of minor salary and wage awards throughout the year has increased the scales for a variety of Government employees and will cause a number of departments to exceed their formal estimates. This year the national wage case has been deferred so it is not possible at this stage, to be specific about its probable effect.

At the February Premiers' Conference the Commonwealth made available to South Australia additional funds of about $1,600,000 for revenue purposes, $4,400,000 for loan works, $500,000 of authority for semi-governmental borrowing, and $700,000 for rural unemployment grants. As honourable members will be aware, the Government immediately set in train a number of projects and measures designed both to meet the State's needs for services and to have maximum impact on the unemployment problem. The approved allocations from Revenue Account included $500,000 for increased work on the maintenance of schools and hospital buildings, accelerated replacement of older Government motor vehicles, increased support of the needy, and a variety of widespread smaller provisions for maintenance, running expenses, and purchase of minor equipment.

These then have been the major influences on Revenue Account since the Budget was presented last September. The best estimate which can be made at this early stage is that they may in total reduce the prospective deficit from $7,346,000 to perhaps $4,000,000. In that case, the cumulative deficit on Revenue Account at June 30 next, including the $4,500,000 carried over from last year, could be about $8,500,000. However, with more than three months still to go, there could yet be factors which will change this picture. The two main factors which could lead to significant variation of this estimate are the timing and extent of the national wage award and the actual final calculation of the formula determining the tax reimbursement grant, which honourable members will recall has in recent years shown some surprising last minute variations.

It may be useful if I now explain briefly why a supplementary Appropriation Bill may be required in a year in which there is the expectation of improvement on the original Budget.

APPROPRIATION

Early in each financial year Parliament grants the Government of the day appropriation by means of the principal Appropriation Act. If the allocations therein should prove insufficient there are three other sources of authority for supplementary expenditure.

namely, a special section of the same Appropriation Act, the Governor's Appropriation Fund, and a Supplementary Appropriation Bill.

Appropriation Act—Special Section 3 (2) and (3): The main Appropriation Act contains a section which gives additional authority to meet increased costs due to any award, order or determination of a wage-fixing body, and to meet any unforeseen upward movement in the costs of electricity for pumping water through the three major pipelines. This special authority is being called on this year to cover the larger part of the cost to the Revenue Budget of a number of salary and wage determinations, with a small part of wage increases being met from within the original appropriations. It has fortunately not been necessary to call on the special authority to cover any part of the cost of pumping water, which will be clearly below the original estimate.

Governor's Appropriation Fund: Another source of appropriation authority is the Governor's Appropriation Fund which, in terms of the Public Finance Act, may cover additional expenditure up to the equivalent of 1 per cent of the amount provided in the Appropriation Acts of a particular year. Of this amount one-third is available, if required, for purposes not previously authorized either by inclusion in the Estimates or by other specific legislation. As the amount appropriated by the main Appropriation Act rises from year to year, so the extra authority provided by the Governor's Appropriation Fund rises but, even after allowing for the automatic increase inherent in this provision, it is still to be expected that there will be the necessity for a supplementary Appropriation Bill from time to time to cover the larger departmental excesses.

The main explanation for this recurrent requirement lies in the fact that additional expenditures may be financed out of additional revenues, with no net adverse impact on the Budget but a requirement for appropriation, and also that the appropriation procedures do not permit variations in payments above and below departmental estimates to be offset against one another. If one department appears likely to spend more than the amount provided at the beginning of the year, the Government must rely on other sources of appropriation authority irrespective of the fact that another department may be under-spent by the same or a greater amount. The appropriation available in the Governor's Appropriation Fund is being used this year to cover a number of individual excesses above departmental allocations, but on the present outlook the total so available is unlikely to be sufficient to provide for all the larger excesses.

Supplementary Appropriation Bill: Consequently, the Government has decided to introduce a Supplementary Appropriation Bill designed to cover the estimated excess expenditure in certain of the major areas of the Budget and so to relieve the fund to an extent which will leave ample appropriation authority therein to meet miscellaneous unforseen expenditures in the next three months or so. The proposals for additional appropriation of $1,746,000 in all are:

	$
Treasurer—Miscellaneous	390,000
Public Buildings Department . .	500,000
Education Department.....	300,000
Agriculture Department.....	316,000
Minister of Agriculture—Miscellaneous	40,000
Department of Social Welfare and of Aboriginal Affairs . .	200,000
	$1,746,000

DETAILS OF APPROPRIATIONS

I shall now explain in more detail the reasons for seeking further appropriation in these particular areas.

Treasurer—Miscellaneous—$390,000: At the time the Budget was brought down it was expected that some reduction would be possible in the provision for electricity subsidies in country areas because certain amounts in respect of previous years were paid last year, several of the country suppliers were operating more efficiently, and the approved level of tariffs had risen. However, since then the Electricity Trust has advised that final results for 1970-71 of many country undertakings were rather less favourable than earlier returns indicated, so that it has been necessary to make extra payments in respect of that year, and at the same time to revise upwards estimated subsidies for 1971-72. A further $240,000 is included in the Bill.

Interest on trust funds held at the Treasury will also be rather higher than originally estimated due principally to the new housing arrangements, finalized subsequent to preparation of the Revenue Budget, under which the Government pays interest on balances held in the Home Builders Accounts and the Debt Services Equalization Account. In addition, balances held on deposit with the Treasury have been somewhat higher than expected, thereby attracting more interest, but also

enabling the Government to earn correspondingly more from interest on fixed deposits with the Reserve Bank. An additional $150,000 is now included in the Bill.

Public Buildings Department—$500,000: The necessity to provide extra appropriation authority for the maintenance and repair of education and hospital buildings arises directly from the Government's decision to allocate in this area $500,000 of the funds made available to it at the Premiers' Conference for the purpose of increasing economic activity. Minor contracts for painting, etc., are being let as quickly as possible to provide greater employment opportunities in the private building sector.

Education Department—$300,000: In the primary, technical, and teacher education divisions, expenditures on service charges such as fuel, gas, electricity and water, on postage and telephone charges, and for materials and items of minor equipment, are running at levels which suggest that existing provisions will be inadequate. Accordingly, amounts of $80,000, $120,000, and $100,000 respectively have been included in the Bill for these purposes.

Agriculture Department—$316,000: Following the recent outbreaks of fruit fly in the Prospect, Parafield Gardens and Morphettville areas, the Agriculture Department has taken the usual extensive precautions and engaged in a concerted programme of stripping and spraying. As a result, the appropriations for both wages and contingencies will be exceeded, and the Government is now seeking extra authority of $244,000. The necessity to provide further appropriation for the purchase of motor vehicles for the Agriculture Department arises directly from a Government decision made after the recent Premiers' Conference to allocate funds for the accelerated replacement of older motor vehicles and the purchase of departmental vehicles to replace use of employees' private vehicles. An increased provision of $72,000 for this department, included in the Bill, is the largest individual appropriation. The requirements for other departments will be met from the Governor's Appropriation Fund.

Minister of Agriculture and Minister of Forests—Miscellaneous—$40,000: Parliament was recently informed that the Government considered the export marketing function of the Citrus Organization Committee should be maintained at this stage despite the decision of a poll of growers to refuse authority for an acreage levy, and that the Government intends to make a grant towards meeting losses pending a full review of the future of the committee. In accordance with that statement, a provision for a grant of $40,000, to cover losses estimated to be incurred this season, has been included in the Bill.

Department of Social Welfare and of Aboriginal Affairs—$200,000: When estimates of salaries and wages are prepared for the larger departments, it is established practice to allow for a certain volume of staff turnover through resignations and transfers and a consequent saving of expenditure on salaries and wages while replacements are arranged. This year has been an unusual one for this department, in that it has been able to maintain staff at a high level without much turnover and, as a result of this, the Government now finds it necessary to seek an extra $100,000 of appropriation authority. One of the areas to which the Government gave attention when additional funds were made available at the recent Premiers' Conference was relief of the ill, the unemployed, and the destitute. Appropriation of a further $100,000 is now required to cover the costs of an increase in relief scales and the provision of relief to greater numbers of people in distress.

I turn now to the clauses of the Bill, which is in the usual form. Clause 2 authorizes the issue of a further $1,746,000 from the general revenue. Clause 3 appropriates that sum and sets out the amount to be provided under each department or activity. Clause 4 provides that the Treasurer shall have available to spend only such amounts as are authorized by a warrant from His Excellency the Governor, and that the receipts of the payees shall be accepted as evidence that the payments have been duly made. Clause 5 gives power to issue money, other public funds or bank overdraft out of Loan funds, if the moneys received from the Commonwealth Government and the general revenue of the State are insufficient to meet the payments authorized by this Bill. Clause 6 gives authority to make payments in respect of a period prior to July 1, 1971. Clause 7 provides that amounts appropriated by this Bill are in addition to other amounts properly appropriated.

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

SUPPLY BILL (No. 1) (1972)

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

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

That this Bill be now read a second time.

It provides for the appropriation of $60,000,000 so that the Public Service of the State may be carried on in the early part of next financial year. As honourable members know, the annual Appropriation Bill does not normally receive assent until the latter part of October and, as the financial year begins on July 1, some special provision for appropriation is required to cover the first four months of the new year. That special provision takes the form of Supply Bills, normally two such Bills each year, and without this Bill now before the Council there would be no Parliamentary authority available for normal revenue expenditure from July 1, 1972. This Bill, for $60,000,000, is in the same form and for the same amount as the first Supply Bill passed 12 months ago. It should suffice to cover requirements through July and August. Accordingly, it will be necessary for a second Supply Bill to be submitted to the Council in the latter part of August to provide for requirements while the main Appropriation Bill is being considered during September and October.

A short Bill for $60,000,000 without any details of the purposes for which it is available does not mean that the Government or individual departments have a free hand to spend, as they are limited by the provisions of clause 3. In the early months of 1972-73, until the new Appropriation Bill becomes law, the Government must use the amounts made available by Supply Bills within the limits of the individual lines set out in the original Estimates and the Supplementary Estimates approved by Parliament for 1971-72. In accordance with normal procedures, honourable members will have a full opportunity to debate the detailed 1972-73 expenditure proposals when the Budget is presented.

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

ADJOURNMENT

At 5.30 p.m. the Council adjourned until Thursday, March 23, at 2.15 p.m.