STATUTES AMENDMENT (INDUSTRIES DEVELOPMENT, LAND SETTLEMENT AND PUBLIC WORKS STANDING COMMITTEES) BILL 1965

House of Assembly, 19 May 1965, page 104

Second reading

**The Hon. F. H. WALSH (Premier and Treasurer) moved**:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:

That it is desirable to introduce a Bill for an Act to amend the Industries Development Act, 1941-1958, to amend the Land Settlement Act, 1944-1959, as amended, to amend the Public Works Standing Committee Act, 1927-1954, as amended, and for other purposes.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. F. H. WALSH: I move:

*That this Bill be now read a second time.*

It makes certain amendments to the Industries Development Act, Land Settlement Act and Public Works Standing Committee Act, and its main purpose is to enable the committees established under those Acts to function more effectively. In addition, the opportunity is being taken to extend for a further two years the life of the Land Settlement Committee, which would otherwise expire in December of this year.

The first amendment, which is to the Industries Development Act, is made by clause 2, which inserts a new section 12a providing that membership of the committee is not deemed to be an office of profit within the meaning of section 45 of the Constitution Act. Section 45 of the last-mentioned Act provides, as honourable members know, that if any member of the Parliament accepts any office of profit from the Crown (except offices required by the Constitution Act to be held by members) his seat immediately becomes vacant. The Government has been advised that members of the Industries Development Committee hold an office of profit under the Crown. Both the Land Settlement Act (section 14) and the Public Works Standing Committee Act (section 15) contain express provision that membership of each of those committees is not to be deemed to be an office of profit, that holding office or accepting payment as a member of a committee shall not be deemed to be the acceptance or holding of contracts with the State Government, and that the seat in Parliament of a member is not to be vacated merely because he accepts payment as a member of either committee. Such a provision is not included in the Industries Development Act. A possible reason for this is that it may have been thought that section 54a of the Constitution Act would operate as a saving clause. Section 54a was inserted in the Constitution Act in 1939, and the Industries Development Act was not passed until 1941. But it will be seen that section 54a relates only to membership of any committee appointed by either or both Houses of Parliament. The Industries Development Committee is appointed, not by either or both Houses, but by His Excellency the Governor. There are, therefore, very strong grounds for argument that the members of the committee are and have been ineligible as members of Parliament, and members will be aware of the very considerable penalties which under the Constitution could attach to present and past members of the committee if this legislation remedying this oversight and validating what has happened is not passed. New section 12a is along similar lines to the saving sections in the Land Settlement and Public Works Standing Committee Acts. By subclause (2) the amendment is made retrospective to the commencement of the Industries Development Act in 1941.

Clause 3 of the Bill deals with the Land Settlement Act. By subclause (2) it amends section 8 of that Act. That section provides that four members of the committee shall form a quorum, but that when the committee meets for the consideration of its report or recommendations the quorum shall be six. This has given rise to difficulties in the past because, if only two of the seven members of the committee are away or indisposed, the committee cannot consider a report or make recommendations. It is proposed to reduce the quorum for this purpose to five. As I have already stated, the opportunity is also being taken by clause 3 (1) and (3) to extend the life of the committee for a further period of two years. I do not think that any honourable member will disagree with the Government in its view that the provisions of the Act should not be allowed to lapse. The amendments are on lines similar to those which have been passed every second, year for a long period.

I come now to clause 4, which deals with the Public Works Standing Committee Act. That Act provides, by section 5 (2) and section 7 (1) (c), that the holder of an office of profit under the Crown cannot be a member of the committee and that upon acceptance of any office of profit under the Crown the seat of a member on the committee becomes vacant. This means that any member of any Parliamentary or Standing Committee who receives payment for his services as a member is ineligible to be a member of the Public Works Standing Committee. It also means that a member of the Public Works Standing Committee cannot be appointed to any other paid committee. The Government is of the opinion that it should be open to all members of both Houses (except Ministers of the Crown) to serve, if the respective Houses so desire, on two or more committees. Accordingly, the statutory bar is being removed from the Act by clause 4. I point out to honourable members that neither the Industries Development Act nor the Land Settlement Act contain disqualification provisions along the lines of the provisions being deleted from the Public Works Standing Committee Act.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.