HOUSE OF ASSEMBLY

Wednesday, November 2, 1966.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

CROWN LANDS ACT AMENDMENT BILL.

His Excellency the Governor, by message, intimated that the Governor's Deputy had assented to the Bill.

QUESTIONS

CITRUS INDUSTRY.

Mr. MILLHOUSE: Earlier this afternoon Justice Travers gave judgment in the action *Kalliontzis and another v. the Citrus Organization Committee of South Australia.* His Honour dismissed the appeal, although he said that in his view Mr. Kalliontzis and his wife should have been granted a licence by the committee; but for technical reasons (I think I can accurately sum it up in that way) he felt unable to allow the appeal. However, in concluding his judgment the learned judge said, referring to the Citrus Industry Organization Act passed by this Parliament last session:

> In my opinion, the Act is unsatisfactory as it stands and it should be amended to clearly state whether it is or is not intended to authorize the committee to deprive some sections of the industry of their livelihood and, if so, and if it is being done in the interests of the industry, whether consideration should at least be given to whether what remains of the industry will in some way compensate them for their loss. Also the appeals section should either be wholly repealed or alternatively amended to give the court all the rights which are ordinarily exercised by the court on the hearing of an appeal under the Justices Act. The appeals section, as it stands, is simply wasting the time of the court and of the litigants.

He then says the appeals shall be dismissed and he makes no order as to costs, which I think also illustrates His Honour's feelings on the matter. In view of the comments to which I have referred (and because I guess he has not yet been able to consider them fully), will the Minister of Agriculture consider the matters which His Honour raised and to which I have referred with a view to recommending to the Government urgent action to amend the Citrus Industry Organization Act?

The Hon. G. A. BYWATERS: The honourable member has an advantage over me in that he has the judgment, which I have not yet seen. However, I will undoubtedly receive a copy of the judgment and I will certainly fully consider the matter, but until I have looked at it I am not prepared to say what that consideration will be.

Mr. MILLHOUSE: I have from time to time in this House raised the matter of the plight of Mr. G. D. Eitzen, who is a packer at Hawthorndene in my district. I have previously pointed out that his business is being ruined (if it has not already been ruined) by the refusal of the committee to grant him a licence to pack. On every occasion that I have raised this matter the Minister of Agriculture has declined to be drawn into the debate and has said that the matter is *sub judice.* However, as Justice Travers has now given judgment, the matter the Minister had in mind as making the question of Mr. Eitzen's position *sub judice,* of course, no longer obtains. I therefore ask the Minister whether, in view of the facts of Mr. Eitzen's position as he knows them, and in view of the comments on the Act that I have quoted this afternoon from the judgment of Justice Travers, he will now take some action with the committee to assist Mr. Eitzen, and particularly whether he will use his good offices with the committee to get Mr. Eitzen granted a licence to pack.

The Hon. G. A. BYWATERS: The honourable member is not correct when he says that this matter has not been debated.

Mr. Millhouse: I didn't say that.

The Hon. G. A. BYWATERS: The honourable member said that I had on previous occasions refused to discuss this matter because it was *sub judice.* My memory, however, is still keen enough to recall that at least 2½ hours of the Budget debate was taken up with discussing this issue alone, and statements were made then regarding the position. If the honourable member has forgotten this, I suggest that he read *Hansard.*

Mr. Millhouse: I have not forgotten at all.

The Hon. G. A. BYWATERS: If he reads *Hansard* he will see the reply that was given on that occasion. I have taken up this gentleman's case with the committee, and I took it up again only recently following a visit by Mr. Eitzen to my office. I was told then that the committee could not do anything about Mr. Eitzen's position as he did not comply with the committee's policy, which policy I believe to be sound and wise.

Mr. Millhouse: In spite of what Justice Travers has said?

The Hon. G. A. BYWATERS: The situation the honourable member has outlined from the report in his possession is purely his own words.

I have not seen this report, and from personal observations I am afraid I am not going to take notice of it until I read it myself.

The Hon. T. C. STOTT: When the Minister undertakes the inquiries on behalf of the member for Mitcham, will he also ascertain from the committee whether the person to whom the member for Mitcham referred is in a sufficiently satisfactory financial position to comply with the requirements of the committee when compared with all the other people the committee has seen fit to license? Obviously, the Minister would understand that it would be unfair to issue licences to persons who had to discharge certain responsibilities and, at the same time, to license another person who could not possibly discharge those responsibilities. Therefore, will the Minister ascertain why the committee has not been able to grant a licence to the person to whom the member for Mitcham referred?

The Hon. G. A. BYWATERS: I will obtain the relevant figures for the honourable member but I can say now that the matter to which he referred is one reason why Mr. Eitzen was refused a licence. There is a bonding system covering all those who sell citrus fruit wholesale to make sure that the orchardist gets his money; that was not always the case in the past. Mr. Eitzen, in effect, was trading on the orchardists' money to carry on his business: he was paying for one lot of fruit against a quantity he had taken previously. The committee's policy is to make sure that the citrus growers receive the money to which they are justly entitled.

The Hon. T. C. Stott: The growers are protected.

The Hon. G. A. BYWATERS: Yes, but the growers were not satisfied that Mr. Eitzen could manage this. In fact, he would not have been able to contribute to the bond at present arranged between the merchants of the Chamber of Fruit and Vegetable Industries.

Mr. MILLHOUSE: If the Minister doubts the accuracy of my quotations from the judgment, I shall be happy to lend him a copy of the judgment for a few hours so that he may read them for himself.

Mr. Hughes: I don't think he said he doubted them at all.

Mr. McKee: Question! Question!

The SPEAKER: Order! Questions cannot be debated. Did I hear a call for a question?

Mr. McKee: Yes, Sir.

The SPEAKER: The honourable member shall ask his question.

Mr. MILLHOUSE: Mr. Speaker, in view of the fact that Justice Travers in his judgment finds that one of the reasons for the policy of the committee is that the packing sheds it licensed should be at the place where the fruit is grown and not, as in the case of these appellants, in the metropolitan area, and in view of the answer that the Minister has given to the member for Ridley that one of the reasons prompting the refusal of the licence to Mr. Eitzen was Mr. Eitzen's financial position, can the Minister say whether he has any knowledge of Mr. Eitzen's ever having defaulted on any of his financial obligations? If he has can the Minister give the House the details?

The Hon. G. A. BYWATERS: I did not say anything about Mr. Eitzen's defaulting. I said it had been the committee's policy and practice to demand a bond, which Mr. Eitzen would not have been able to give—

Mr. Millhouse: Was he asked to give one?

The Hon. G. A. BYWATERS: —in regard to the selling of fruit, which he used to undertake. It had nothing to do with packing. I think the honourable member has done a grave injustice to Mr. Eitzen in making it necessary to reveal in the House certain aspects of the man's financial position. That is something I would not have done had it not been for the honourable member's agitation.

Mr. MILLHOUSE: I remind the Minister that it was he and not I who originally brought into a previous debate the question of Mr. Eitzen's financial situation (a debate that lasted 1½ hours and not 2½ hours as the Minister said; time must have dragged for him during that debate). Can the Minister say whether Mr. Eitzen has ever been asked by the committee to give a bond and, if he has, has he declined to do so?

The Hon. G. A. BYWATERS: My timing was out: I said that the debate lasted 2½ hours instead of 1½ hours. All I can say is that it seemed that long. Regarding Mr. Eitzen's financial position, I am sure that I would not have raised the matter at all; it was first introduced by the member for Mitcham. I shall not enter into any argument about that, but I suggest that the honourable member look at *Hansard*. A bond has been required as a matter of policy by the Chamber of Fruit and Vegetable Industries, of which Mr. Eitzen is not a member. This dealt purely with selling, and had nothing to do with packing. I dare say I could continue to answer questions for the honourable member all day; he would certainly be ready to ask them.

The Hon. T. C. Stott: In the interests of Mr. Eitzen, I suggest you refrain.

The Hon. G. A. BYWATERS: The Citrus Organization Committee has done a terrific job for the industry. I suggest that honourable members read the committee's report tabled in the House yesterday, as well as an article in this morning's *Advertiser* stating that exports this year are greater than ever before. The committee has fulfilled its function in accordance with the Act, and as it has seen fit. Obviously, some people will not like what happens, but that cannot be avoided, in the interests of the industry that the committee was appointed to protect.

Mr. McANANEY: In asking this question I do not wish to deride the efforts of the citrus industry, for which efforts I have a great admiration. Can the Minister say whether, if a private person is prepared to put up the required bond, he can get a licence, or must he belong to this closed shop, the chamber?

The Hon. G. A. BYWATERS: It is necessary to belong to the chamber, because the committee feels that this is necessary in a controlled industry. The purpose of the committee in ensuring that the people receive their payments is that the chamber is in the confined area of the East End Market. It has decided, as a matter of policy, an applicant should be a member of this organization.

GOODWOOD PRIMARY SCHOOL.

Mr. LANGLEY: Recently I was approached by the Goodwood Primary School Committee and the Welfare Committee concerning the paintwork at the Goodwood Primary School. As it is many years since this old school was painted, will the Minister of Education inquire whether the necessary work will be carried out soon?

The Hon. R. R. LOVEDAY: Yes.

PARLIAMENT HOUSE STEPS.

Mr. QUIRKE: Since the case was recently concluded concerning the young people who camped on the steps of Parliament House, can you, Mr. Speaker, now say under whose control and administration are the steps of Parliament House?

The SPEAKER: I understand that those cases are not concluded. I shall be happy to make a statement as soon as they are concluded.

WALLAROO FIRE.

Mr. HUGHES: I understand the Minister of Marine has a reply to the question I asked yesterday concerning the fire on the Wallaroo jetty. Will he give it?

The Hon. C. D. HUTCHENS: The General Manager of the Harbors Board states that a fire broke out last Saturday afternoon on the Wallaroo jetty under a pillar switch and distribution box. The local fire brigade was summoned and quickly extinguished the fire. On his arrival, the relieving Harbour Master was shown where the fire had been and carried out an inspection in company With Mr. A. Wilton, the C.B.H. Superintendent, and the electrician. Damage amounting to $300-$400 occurred to the electrical installation and several surrounding decking planks were burnt. The cause of the fire is considered by Mr. Wilton to be not due to any electrical fault. Remains of "crackers" were found in the area and the relieving Harbour Master is of the opinion that the fire was started by local youths throwing fireworks around. A statement was given to the police officer who attended the incident.

REYNELLA SOUTH SCHOOL.

The Hon. D. N. BROOKMAN: My question relates to the new school that is to be built at Reynella South on about 10 acres near the Pimpala radio station. Will the Minister of Education state the projected date of opening of the school?

The Hon. R. R. LOVEDAY: The tender has been let, and it is planned to complete the buildings late next year with a view to the school's opening early in 1968.

HOPE VALLEY SEWERAGE SCHEME.

Mrs. BYRNE: The Hope Valley and Highbury sewerage scheme terminates a short distance from the Sundowner Estate which is bordered by Grand Junction Road, Tolley Road, and a vineyard. This area is at present serviced by a common effluent drainage scheme, the effluent from which discharges into a creek on a council reserve on the opposite side of Grand Junction Road, having been pumped to this point. Can the Minister of Works say whether the department intends to connect this scheme to the main sewer where the scheme terminates or, if it does not, whether this proposal can be considered?

The Hon. C. D. HUTCHENS: To answer the last part of the question first, of course the extension of the scheme will be considered in the same way as extensions to sewers, where required, are always considered. However, there are certain difficulties associated with finance, as we are committed for most of our Loan funds this year. Therefore, I cannot

say whether it will be possible to consider this matter soon but I shall inquire and inform the honourable member of the outcome.

KALANGADOO CROSSING.

Mr. RODDA: Earlier this session I raised the matter of flashing lights at the Kalangadoo school crossing. As the new school at Kalangadoo will soon be occupied, I have been approached by the secretary of the welfare club about this matter. Can the Minister of Lands, representing the Minister of Roads, say when these flashing lights are to be installed? As a footpath has been requested near this crossing on the Millicent road, will the Minister inquire about that, too?

The Hon. J. D. CORCORAN: Yes.

PEAKE WATER SCHEME.

Mr. NANKIVELL: Has the Minister of Works a reply to my question of October 18 about the Peake water scheme?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has given me the following up-to-date report on the Peake water scheme:

Work on the Peake water scheme has commenced and, to date, pipes have been delivered to the site and 800ft. laid. The tank and tank stand have been received at a departmental depot and will be transported to the site for erection at an early date. The pumping plant for the bore is on order and the shed to house the plant is constructed. The whole of the work is expected to be completed early in January, 1967.

BANK HOLIDAY.

Mr. HALL: Has the Premier a reply to the deputation I recently introduced concerning the bank officers' application for a holiday on December 27?

The Hon. FRANK WALSH: I will do my utmost to reply to the honourable the Leader of the Opposition's question by tomorrow, or perhaps even later this afternoon.

Mr. HALL: I have received information to the effect that the Government will recommend to His Excellency in Executive Council that the holiday be granted. If that recommendation is made and accepted, will the Premier make an announcement in the House later today, as this is a matter of urgency to bank employees?

The Hon. FRANK WALSH: I have just given the honourable member an answer, and this question seems to be merely a repetition. If it is possible for me to make an announcement today prior to the adjournment, I shall do so.

RESERVOIR STORAGES.

The Hon. G. G. PEARSON: In the early edition of today's *News* it is reported that the Minister of Works has announced that pumping will resume next Friday, I presume on an off-peak basis, because recent rains in the hills have added little to the storage of metropolitan reservoirs. Can the Minister indicate the present storages in all reservoirs? I understand Millbrook was almost filled a few weeks ago; that would mean that pumping would be mainly confined to replenishing Mount Bold, or the southern section. I am also interested to know how country reservoirs are holding, particularly the Tod River reservoir.

The Hon. C. D. HUTCHENS: I said in the House last week that I thought pumping would not be commenced before February. Following that, we held one of our periodical conferences and we thought it would be wise to start limited pumping on off-peak periods to keep the reservoirs replenished so that we would not have to pay the higher rate for pumping later in the season. The capacities and storages of reservoirs are as follows:

Reservoir.	Capacity. (1,000,000 gallons.)	Present Storage. (1,000,000 gallons.)
Mount Bold	10,440	8,713.2
Happy Valley	2,804	2,619.2
Clarendon Weir	72	66.2
Myponga	5,905	4,222.9
Millbrook	3,647	3,418.2
Hope Valley	765	566
Thorndon Park	142	123.8
South Para	—	5,863
Beetaloo	819	104
Bundaleer	1,401	1,002
Baroota	1,371	156.2

The Tod River reservoir, which received 55 points of rain during the week ended October 31, has a storage capacity of 2,495,000,000 gallons; the storage at this time last year was 1,616,600,000 gallons, and the storage at October 31 was 1,358,700,000 gallons.

GAUGE STANDARDIZATION.

Mr. HEASLIP: The standardization of gauge of the railway line between Fremantle and Sydney is progressing and will soon be completed. I understand from information obtained from the Premier that there will be a link of the standard gauge between Port Pirie and Adelaide, but that the 3ft. 6in. gauge line from Gladstone to Wilmington will not be altered, so that goods normally transported on this line north of Gladstone will have to be transhipped. Can the Premier say what action is being taken to standardize the line between Gladstone and Wilmington in order to complete the standard gauge throughout the northern areas?

The Hon. FRANK WALSH: I do not have this information, but I will obtain it soon and let the honourable member have it.

PORT BROUGHTON ROAD.

Mr. McKEE: Will the Minister of Lands obtain a report from the Minister of Roads about the progress on the Port Pirie to Port Broughton road?

The Hon. J. D. CORCORAN: Yes.

MAITLAND AREA SCHOOL.

Mr. FERGUSON: As I understand that the building of the Maitland Area School is well advanced, will the Minister of Education ascertain when that building will be ready for occupation?

The Hon. R. R. LOVEDAY: I shall be pleased to do that.

LAKE LEVELS.

Mr. NANKIVELL: Anticipating a question that may be asked in my district, I ask the Minister of Works whether he can obtain from the engineer in charge of drainage and irrigation a report as to when the barrages will close this year, and the present levels of Lake Albert and Lake Alexandrina.

The Hon. C. D. HUTCHENS: I will endeavour to obtain a report.

NARRUNG WATER SUPPLY.

Mr. NANKIVELL: Has the Minister of Works a reply to the question I asked on October 19 about the possibility of a water scheme for Narrung and Point McLeay this financial year?

The Hon. C. D. HUTCHENS: Following the honourable member's question, I took the matter up, but apologize for the long delay in replying. The Director and Engineer-in-Chief has reported that Loan funds available and the resources of the department are fully committed for the current financial year, and work on the Narrung to Point McLeay scheme could be done only at the expense of other approved works. It is intended, however, that some preliminary work, including the calling of tenders for the tank, shall be done this financial year, and the main work will commence early in the 1967-68 financial year.

HOUSING LOANS.

Mr. McANANEY: Has the Treasurer a reply to my recent question about guaranteeing housing loans in this State?

The Hon. FRANK WALSH: The principal reason why relatively little advantage has been taken in South Australia of the Commonwealth's housing loans insurance scheme is that in this State an extraordinarily high proportion of housing loans is made by the Government and its instrumentalities, and that the Government has operated for many years a loans insurance scheme under the Homes Act, which is more attractive. Under the Homes Act, loans made by approved authorities may be guaranteed by the Treasurer for amounts up to 95 per cent of valuation with a maximum of $6,000, and up to 85 per cent with a maximum of $7,000. The Treasurer guarantees the excess loan above 70 per cent of valuation and receives a commission equal to 1 per cent per annum of the excess over 70 per cent. This commission is paid by the lending authority because it is freed from risk, and it is not passed on to the borrower. A guaranteed loan carries the same interest rate as one not guaranteed. On the other hand the Commonwealth's scheme calls for a payment by the borrower equal to 2 per cent of the whole loan.

To the extent that guarantees are required, the Savings Bank of South Australia, the South Australian Superannuation Fund, and the Co-operative Building Society have for many years operated under the Homes Act provisions, and prefer to continue doing so. The State Bank and the Housing Trust both handle very extensive funds provided directly by the Government and, whilst they advance to the same limits, they carry their own risks and do not insure.

FOOT-ROT.

Mr. RODDA: I am concerned whether, since the introduction of the new regulations, there has been any new outbreak of foot-rot this spring in the South-East. I understand there are eight flocks under quarantine and that three infestations have been introduced

from Victoria. Can the Minister of Agriculture inform me of the position, and can he say whether three infestations did come from Victoria?

The Hon. G. A. BYWATERS: I will obtain a report for the honourable member.

ELECTRICITY POLES.

Mr. HALL: I understand the Minister of Works has a reply to my question concerning the reticulation of electricity on consumers' properties.

The Hon. C. D. HUTCHENS: The Acting General Manager of the Electricity Trust reports:

The trust has a responsibility to provide power supply to a consumer's property but it is the consumer's responsibility to run power to the various points of consumption on his property. If high voltage construction is required, the trust will normally carry out the work because of its specialized nature. For low voltage construction, however, the work can readily be carried out by private contractors and the trust prefers that this be done so that the trust may concentrate on providing for new and increased supplies of power.

TRAVELLING STOCK RESERVE: NAPPERBY.

The Hon. J. D. CORCORAN (Minister of Lands): I move:

That section 346, hundred of Napperby, which is portion of a reserve for a camping ground for travelling stock, as shown on the plan laid before Parliament on June 21, 1966, be resumed in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown lands.

The section in question contains 22½ acres and was reserved in 1928, together with the adjoining section 345, hundred of Napperby, as a reserve for a camping ground for travelling stock and was placed under the care, control and management of the district council of Pirie. The council has asked that section 346 be resumed from the reserve and made available to the council for development as a public picnic ground. The Pastoral Board raises no objection to the proposal and the Stockowners' Association, whose views have been sought, is also in agreement. I therefore ask members to agree to the motion.

Motion carried.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL.

Second reading.

The Hon. D. A. DUNSTAN (Attorney-General): I move:

That this Bill be now read a second time.

It is designed not only to consolidate, amend and reproduce the State law relating to the registration of births and deaths but to incorporate therein the State law relating to registration of marriages. Prior to the coming into force of the Commonwealth Marriage Act, 1961, (hereinafter referred to as "the Commmonwealth Act") the State law with regard to marriage was contained in the Marriage Act, 1936-1961, which deals with such aspects of marriage as qualifications of celebrants, celebration of marriages and validity of marriages. Apart from the provisions of the Marriage Act dealing with registration of marriages the whole field of the substantive law in relation to marriage is now covered by the Commonwealth Act which has been in force and applied in this State for some years. With regard to the registration of marriages, section 6 of the Commonwealth Act states:

This Act shall not be taken to exclude the operation of—

(*a*) the law of a State or of a Territory in so far as that law relates to the registration of marriage;

It is therefore considered that the Marriage Act, 1936-1961, has been superseded by the Commonwealth Act but that having regard to section 6 referred to above, the provisions of the said Marriage Act with regard to registration should be written into the proposed consolidated Bill. This presents no real problem, for an examination of the registration provisions of the Marriage Act, that is, sections 5, 6 and 7, shows that they are in substantially the same form as the registration provisions of the existing Births and Deaths Registration Act, that is, sections 6, 7, 8 and 9. All that has been needed in most instances is to add the words "and marriages" after the words "births and deaths". It is well known that marriages are registered with the same authority, that is, the Principal Registrar, as births and deaths are registered. No administrative problem is therefore created by the amalgamation and in fact administration of the registration of marriages, births and deaths will, if the Government's proposals in this Bill are accepted, be, if anything, facilitated.

With regard to the State law in relation to births and deaths registration and marriages registration, the following principal amendments are proposed in this Bill:

(*a*) The adoption of the Commonwealth Act definition of "authorized celebrant" in lieu of the persons described in section 8 of the Marriage Act as being authorized to celebrate marriages in the State:

(*b*) The deletion of Part IV of the existing Act dealing with "still births" and the substitution in lieu thereof of a new Part IV dealing with children not born alive:

(*c*) New provisions with regard to notification of births designed to facilitate and improve the existing system:

(*d*) A provision to enable the Principal Registrar to approve registrations of births six months or later from the birth:

(*e*) Provisions to enable the registration of the christian and the surnames of a child whether the parents are married or not and also to permit a parent to change the christian names of a child:

(*f*) The adoption of a uniform medical certificate of the cause of perinatal death:

(*g*) A provision to register the death of a person on a ship or an aircraft when the ship or aircraft reaches a port or airport in this State next after the death:

(*h*) A provision to expedite the registration of a death where an inquiry or inquest has been held by a coroner so that probate may be obtained or the assets of a deceased can be dealt with as soon as possible and to enable a limited copy of the registration to be issued:

(*i*) A provision to ensure that deaths of servicemen occurring on war service outside Australia in any hostilities in which the Commonwealth is engaged may be registered in this State.

With this bare outline of what the Bill intends to provide for, I shall now move on to a consideration of each clause in the Bill, and where a clause in the Bill reproduces a provision in the existing Births and Deaths Registration Act (hereinafter referred to as the "1936 Act") or the Marriage Act I shall merely draw attention to the section in the Act which corresponds with the clause in this Bill. In clause 1, the Bill is cited as the "Births, Deaths and Marriages Act, 1966". Clause 2 states that this proposed legislation other than Part VII thereof will come into operation on a date to be fixed by proclamation. In this connection it may be stated that it will take six to 12 months before the administrative machinery necessary to incorporate the new procedures envisaged in this Bill will be ready. Part VII will, however, come into operation when this Act is assented to. The reasons for this will be mentioned when I come to deal with Part VII. Clause 3 sets forth the extent to which the Acts in the First Schedule are repealed. Clause 4 deals with the arrangement of the Bill, and it will be noted that Parts IV and V are new Parts in this proposed legislation.

Clause 5 is the general definition provision. The new definitions deserving special comment are "child" and "child not born alive" and "parent". I have already referred earlier to the new definition of "authorized celebrant". In the definition of "child", a child shall be deemed to have been born alive if the child's heart has beaten after the child has been completely expelled or extracted from its mother. This definition, like the definition of "child not born alive", is of importance with regard to the new certificate of cause of perinatal death which has been adopted in this proposed consolidation. The National Health and Medical Research Council of Australia considered the definition of a "live birth" and came to the conclusion that it was essential from a medical point of view that the concept of the "heart beating" should form part of this definition. It was not considered that the fact that the child breathed was an essential factor in this definition.

With regard to "child not born alive", the same concept has been incorporated in that definition but in a negative sense, that is to say, a "child not born alive" means a child whose heart has not beaten after its complete expulsion or extraction from its mother and is either a child of not less than 20 weeks' gestation, that is, where the period of its gestation is reliably ascertainable, or in any other case a child weighing not less than 400 grammes at birth. It will be seen that these considerations are relevant with regard to the signing of the medical certificate of cause of perinatal death which appears in the Thirteenth Schedule. The definition of "parent" has been extended to cover the situation where, for example, the Minister became a guardian of State children under section 13 of the Maintenance Act, 1926-1965.

Clause 6 corresponds with section 6 of the Births and Deaths Registration Act, 1936, and the only addition to that section appears in subclause (5) which provides for the Deputy Registrar to perform the duties of the Principal Registrar if he is sick, absent on leave or indisposed or if there is a vacancy in the office of Principal Registrar. Clause 7 corresponds with section 7 of the 1936 Act except that it provides for a general register of births, deaths and marriages and not merely births and deaths. Clause 8 corresponds with section 8 of the

1936 Act. Clause 9 corresponds with section 9 of the 1936 Act except that instead of the Governor appointing a district registrar for any district the Minister will, under this proposal, have this power. It is felt that this is desirable since many of these appointments are often for short periods only, for example, while a district registrar is on leave. Clause 10 corresponds with section 10 of the 1936 Act.

Clauses 11, 12 and 13 cover much the same ground as sections 11, 12, 13 and 14 of the 1936 Act but have been redrafted to take into account the amendments proposed by this Bill, such as the deletion of the still birth provision and the incorporation of the registration of marriage provisions, and at the same time are designed to define the procedure for registration in a more precise manner. Clause 14 provides that the occupier of the premises in which a child is born whether alive or not shall within seven days after the birth notify the Principal Registrar and give to him the particulars as are specified in subclause (1). The purpose of this new clause is to enable the registry more effectively to ensure that all births are registered. Other States in the Commonwealth have a similar provision. At present the registrar has to check through records of the Child Endowment and Maternity Branch of the Commonwealth Social Services Department, but the procedure is rather complicated. Births are, under the Notification of Births Act, notified to the Central Board of Health and local boards of health within 36 hours of the birth but the information given is not adequate for the purposes of registration of births and little use has been made of this procedure. It is therefore proposed under this Bill that the Notification of Births Act, 1926, should be repealed, and the Principal Registrar will make available necessary information to any authorities including local authorities who may need it. The notice referred to in this section shall be in accordance with the form in the Fourth Schedule.

Clause 15 corresponds with section 15 of the 1936 Act except that instead of the parent of every child born alive furnishing particulars for registration within 42 days it is laid down that the particulars shall be supplied within 60 days. Particulars to be furnished would be in the form in the Fifth Schedule. This period of 60 days is uniform with provisions in other States. Clause 16 corresponds with section 16 of the 1936 Act except that an occupier has a duty where the parent is absent or dead, etc., to furnish information of the birth within 60 days after the birth and not 42 days as at present. Clause 17 corresponds with section 17 of the 1936 Act. Clause 18 corresponds with section 18 of the 1936 Act and it will be noted that under clauses 16, 17 and 18 the information statements that are required will be furnished directly to the Principal Registrar.

Clause 19 deals with the registration of an illegitimate child and is basically the same as section 19 of the 1936 Act that has been amended to provide that the name of any person acknowledging himself to be the father of the child may authorize the Principal Registrar to enter his name in the register by duly completing the form of authorization on the information statement (subclause (4)) and also in subclause (5) to make clear when the name of the father may be inserted in the register of any child born out of lawful marriage, that is, where the paternity of the child has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction. Subclause (6) takes into account the fact that Part VI of the Commonwealth Marriage Act dealing with legitimation applies concurrently within the State with Part IX of this proposed Bill.

Clause 20 corresponds with section 20 of the 1936 Act which provides for registration in cases where the birth is not registered within the prescribed period. It, however, amends the existing provision by providing that the birth may be registered after six months by the Principal Registrar but not after seven years from the date of the birth of the child. It is, however, made clear in subclause (1) (*c*) of this clause that no birth will be registered after the expiration of seven years from the date of birth of the child unless a judge of the Supreme Court or local court or stipendiary magistrate makes a written order authorizing the registration. Most States in the Commonwealth have a provision basically the same as this, but some States differ as to the periods in which registration may be effected without an order of the court.

Clause 21 is a new provision and provides for a child's surname (which will be the surname of the father) to be recorded in the register if the child was born the legitimate child of his parents or if the registration of his birth is effected under the provisions of Part IX of this Act or if the name of the father of the child at the time when the birth was registered has been entered pursuant to clause 19, but in any other case (other than

those mentioned above), the child's surname to be entered in the register will be the surname of the mother at the date of the child's birth. It has not been the practice in this State to register the surname of a child. He has usually assumed the surname of the parents if they were married to each other. Where the parents are not married to each other there has been some element of doubt regarding the correct surname although the father may have acknowledged paternity and signed the registration or the information statement. To remove this doubt it is considered desirable that the surname as well as the christian names of the child should be registered.

Clause 22 is also a new provision which replaces section 22 of the 1936 Act. The clause describes the circumstances in which the christian names of a child may be inserted in the register. These circumstances are as follows: if any child whose birth is registered in the State:

(*a*) has been registered without a christian name and has had such a name given to it after registration; or

(*b*) has had a christian name given to it in addition to that given at the time of registration; or

(*c*) has had another christian name given to it in place of a registered christian name,

then the parents of the child at any time within two years of the date of the birth may by signing a form in accordance with the Ninth Schedule request the Principal Registrar to register the name so given. The Principal Registrar may register the name so given under this clause on the request of one parent if the other is dead, and in the case of an illegitimate child a request by the mother alone is sufficient. The reason for inserting this provision is that in many cases parents omit to state the christian name of the child for registration or state an unsuitable name. Under the existing law, no provision existed for a parent to change the christion name. The clause also enables the registration of an additional name if given after the date on which the registered name was given.

Clause 23 provides for the payment of fees for additional names as are prescribed in the Nineteenth Schedule. This replaces section 23 of the 1936 Act. Clause 24 replaces section 24 of the 1936 Act and provides for a change of surname. This clause enables a person, who has attained the age of 21 years or has previously been married or is an orphan who has attained the age of 18 years and whose birth is registered in the register of births or in respect of whom an entry has been made in the adopted children's register under the provisions of the Adoption of Children Act, to change his surname or any of his names by signing an instrument in accordance with the form in the Tenth Schedule. Subclause (3) makes it clear that the reference to the change of name includes a reference to the addition or omission of a surname or other name in substitution for his existing surname or other name. Subclause (4) provides that where a child has not attained the age of 21 years and has not been previously married the parents of that child whose birth is registered in the register of births may by signing an instrument in accordance with the form in the Eleventh Schedule change the surname of the child.

Subclause (5) provides that the instrument may be signed by one parent, if the other is dead, or by the mother alone, if the child is illegitimate. Subclause (6), however, qualifies subclause (5) and states that the change of surname of a child who was over the age of 16 years when the instrument was signed shall not take place unless the consent of the child to a change of surname is written on the instrument. Subclause (8) deals with the case where the mother of a child whose birth is entered in the register of births is married to a person other than the father of the child, and enables the mother, with the consent of the person to whom she is married, in writing, to sign an instrument in accordance with the form in the Twelfth Schedule changing the surname of the child to the surname of the person to whom she is married. This is qualified by subclause (9) which provides that if the child is over 16 years of age his consent to a change of surname must be recorded on the instrument.

Subclause (10) states that where the marriage of the parents of the child has been dissolved or annulled by the order of a court, the instrument shall not be effective to change the surname of a child unless when the instrument was signed the mother of the child had custody of the child by order of a court. In all the cases mentioned above the instrument recording the change of name shall not be effective until it is deposited with the Principal Registrar. Subclause (12) provides that, where the registrar is satisfied that the provisions of subclauses (1), (4) and (8) have been complied with or a change of name has been effected in another State or any part of the

British Commonwealth by deed poll, royal licence or other legal process and that such instrument effecting the change has been duly deposited and registered in the appropriate office in the State or part of the British Commonwealth in which the change was made, he can cause an entry referring to the change of name in the appropriate registration or entry. This clause does not permit the change of a surname of a woman who has been married to be entered in the registration of her birth. Under existing law the provisions for endorsing a change of name are rather vague and there is no means of ascertaining how or when a person has lawfully changed his name. The present proposals are much more specific in this regard.

Clause 25 introduces a new Part IV into this proposed legislation and provides for notification of children not born alive. The clause lays a duty on the medical practitioner who is in attendance on the mother at the time of her confinement to sign a medical certificate of cause of perinatal death where a child is not born alive. The form will be in accordance with the form in the Thirteenth Schedule and the medical practitioner must forward within 48 hours of such confinement the certificate to the Principal Registrar. Upon signing the certificate, the medical practitioner will in turn sign a notice in the form of the Fourteenth Schedule and send the same to the occupier of premises where the birth took place, and the occupier must deliver it to the person disposing of or responsible for disposing of the body of the dead child. Subclause (3) provides that a person shall not dispose of a body of a child not born alive unless he has received a notice in accordance with the form in the Fourteenth Schedule, or the disposal is authorized in writing by a member of the Police Force not under the rank of sergeant who has personally made inquiries into the circumstances relating to the birth.

Subclause (4) provides that any person who disposes of the body of a child not born alive shall forthwith forward to the Principal Registrar a notice or the authorization referred to in subclause (3). Subclause (5) is a transitional provision which enables the registration of still births to continue until the provisions of this Part come into effect. The insertion of this subclause is not strictly necessary since the position is covered by section 12 of the Acts Interpretation Act. As has been previously mentioned, this clause envisages the adoption of a uniform medical certificate as to the cause of perinatal death. This form of certificate has been accepted by the other States and is the result of instructions on this matter received from the Prime Minister in 1964. As will be observed when I come to deal with clause 39, the medical practitioner has a similar duty to sign such a certificate where a child dies within 28 days after birth.

Part V deals with the registration of marriages and comprises clauses 26 to 28 inclusive. As I have previously indicated, the Marriage Act, 1936, is being repealed by this proposed legislation and this Part will be sufficient to provide for the registration of marriages and corrections of entries and changes of names on the registration. Clause 26 lays down that when the Principal Registrar receives an official certificate of marriage from an authorized celebrant under the provisions of the Commonwealth Marriage Act he shall, as soon as practicable, enter the certificate in the general register of marriages. This provides for more streamlined procedure than is provided for by existing section 33 of the Marriage Act.

Clause 27 deals with the alteration of an entry in the register where a person registered in the marriage register has changed his name. This clause replaces section 66 of the Marriage Act. Clause 28 corresponds with section 67 of the Marriage Act, 1936, except that subsection (6) of that section has been deleted. Part VI, which comprises clauses 29 to 40 inclusive, deals with the registration of deaths. Clause 29 corresponds with section 28 of the 1936 Act, except that the period in which the occupier of the building or place in which the death occurs shall within 14 days (and not 10 days as under section 28 of the 1936 Act) furnish particulars for the registration of the death.

Clause 30 is a new provision which lays a duty on the person in charge of an aircraft or ship travelling to this State, where a death occurs on that aircraft or ship to report the death to the coroner as soon as practicable after the arrival of the aircraft at an air port or a ship at a port. Upon notification the coroner must make such inquiries as he considers reasonable to inform himself correctly of the identity of the person, cause of death and the place at which the death occurred, and furnish to the Principal Registrar such particulars as he has been able to ascertain and the cause of death, and the Principal Registrar must thereupon register the death. Under existing legislation there is no provision to register the death of a person

other than that of a member of the armed forces of the Commonwealth, unless the death occurred within the State.

Clause 31 deals with the late registration of death and is similar in concept to clause 20 which deals with late registrations of birth. Clause 32 corresponds with section 30 of the 1936 Act. Clause 33 provides for the notification of result of inquest inquiries and is basically the same as section 31 of the 1936 Act. Clause 34 enables the coroner holding an inquest on inquiry on any dead body to order the body to be buried. This provision is designed to expedite the registration of a death so that probate may be obtained or the assets of a deceased be dealt with as soon as possible. Clause 35 states that except as is otherwise provided in this Part a death shall not be registered by the Principal Registrar, etc., unless there has been produced to him in relation to the deceased person a certificate as is referred to in paragraph (*a*) of subsection (1) of clause 39 or a copy of the order and statement referred to in clause 34.

Clause 36 would permit a death to be registered where the cause of death is unknown. This clause applies where an order has been made under clause 34 by a coroner stating that the cause of death is unknown and that a further inquiry is necessary to establish the cause of death. When the coroner has completed his inquiry he must notify the Principal Registrar of the cause of death, who will thereupon enter the cause of death in the registration certificate. Any certified copy of the death registration or any extract therefrom issued before the cause of death has been entered shall be endorsed with the words "incomplete registration—cause of death unknown pending coronial inquiry". This clause, like clause 34, is designed to enable a deceased's estate to be dealt with more expeditiously.

Clause 37 corresponds with section 33 of the 1936 Act. Clause 38 corresponds with section 34 of the 1936 Act. Clause 39, which describes the duty of the medical practitioner with regard to the death of any person, is an enlargement of section 35 of the 1936 Act so as to incorporate not only the provision dealing with the signing of a cause of perinatal death of a child who has died within 28 days after birth but also to provide for the situation where the medical practitioner has made a *post mortem* examination of the body of any person including such child as is referred to above. Under the existing section 35 a certificate may be given by the medical practitioner who attended the deceased in his last illness or by the medical practitioner who has examined the body. The expression "examine the body" could suggest merely a visual examination only. This would clearly be insufficient in most cases to ascertain the cause of death. This clause makes it clear that the medical certificate as to cause of death can be issued where the medical practitioner has carried out a *post mortem* examination.

There is an important proviso on this clause to the effect that in all cases of sudden unexpected death or where it has come to the knowledge of the practitioner that death has occurred from unnatural causes or under any circumstances of suspicion the practitioner must not issue any such certificate but report the cause to the coroner. Subclause (2) is a penalty provision and is much the same as subsection (3) of section 35 of the 1936 Act except that a further offence of knowingly making any false statement in any certificate or notice under this clause is created. The effect of this clause generally is that undertakers may arrange for the burial of a dead person before the death has been registered, provided a medical practitioner has issued a certificate as to cause of death. This procedure has been followed successfully in other States and would, if adopted, provide an independent check on death registration. Clause 40 corresponds with section 36 of the 1936 Act which was inserted by Act No. 44 of 1947.

Part VII deals with the registration of deaths of persons dying outside the State whilst on war service. This Part comprises clauses 41 to 45 inclusive and corresponds with Part VA of the 1936 Act. The only amendment introduced into this Part and also in Part VIII of this Bill is that a definition of "war" has been inserted. It has been defined as meaning any hostilities in which the naval, military or air forces of the Commonwealth are engaged. The existing Parts VA and VB of the 1936 Act do not include a definition of "war". "War" in the proposed Parts VII and VIII has been defined in rather wide terms so as to enable the registration of deaths of servicemen, etc., in Vietnam and Malaysia, in neither of which countries has war been declared. The existing provisions leave it in doubt whether deaths of servicemen on war service in these theatres of military operations can be registered under the existing Act. The problem that presents itself really turns on the meaning that in Public International Law is

normally given to the word "war". A "state of war" *de jure* is said to exist when a proclamation of war has been made. Many writers on international law consider that it is only when a proclamation of war has been issued against an enemy state that a "state of war" exists. There is, however, by no means universal agreement on this matter. They all nevertheless recognize that a *de facto* "state of war" exists when a country engages in hostilities with an enemy country. It is considered that by adopting this proposed definition of "war", the problem that has arisen due to the absence of any declaration of war against, for example, Vietnam, will for the purposes of the registration in this State of deaths of servicemen in Vietnam, be overcome. The definition has been drafted in such a manner as to ensure that there is no conflict or inconsistency with any Commonwealth legislation on the subject.

As honourable members are probably aware, four deaths of servicemen in Vietnam from this State have been reported up to July 22, 1966. The Principal Registrar has not registered these deaths to date because the existing provisions, as I have said, are not considered adequate to cover the Vietnam situation. The Government considers the proposed amendment will enable these deaths to be registered as soon as the legislation comes into force, thus reducing any hardship or inconvenience that has been caused to date to next of kin of dead servicemen. Part VIII deals with registration of deaths of persons dying within the State whilst on war service or dying at sea. This Part corresponds with Part VB and the definition of "war", as I have said, relating to that Part relates also to this Part; the only amendment made to the existing Part VB is to extend the operation of the provision dealing with deaths of persons at sea on any British ship to apply to deaths at sea on any Australian ship.

Part IX deals with legitimation of children and comprises clauses 53 to 65 inclusive. Apart from clause 58 dealing with the saving of existing legitimations and minor drafting amendments, this Part is substantially a repetition of Part VI of the 1936 Act and needs no further comment. Part X deals with miscellaneous matters and comprises clauses 66 to 80. Apart from drafting amendments this Part merely repeats Part VII of the 1936 Act. The other amendments proposed by this Bill are of a minor nature and are intended either to improve the administration of the legislation dealing with registration of births, deaths and marriages or to improve the drafting of the existing Act.

Mrs. STEELE secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 26. Page 2553.)

Mr. HALL (Leader of the Opposition): This Bill has come to us after a lengthy debate in another place. As similar legislation does each year, it deals with the procedure of local government, and in particular with local government accounting. It is restrictive in its procedures as it places further control and regulation on local government accounting. Before I express any opinions on this Bill I would like to say that, because it is intended to remedy certain ills that may exist in the local government structure of South Australia, that should not lead members to think that these ills are widespread. Although certain minor things can be pointed to, the major cases of aberration in this respect are few, and we should not consider this Bill to be a condemnation of local government in South Australia. I have the utmost praise for local councils with which I have been connected, and I appreciate the work done in South Australia by unpaid local government representatives. The devotion of paid staff of the local councils in this State has raised, to a great extent, the public opinion in which local government is held. I say that to make sure that I can in no way be taken as condemning local government in South Australia. In explaining this Bill the Minister said:

> Investigations carried out by the Auditor-General and complaints received both by the Minister and the Auditor-General indicate that many councils digress from the general provisions of the Act, sometimes in a serious manner.

This is the statement of the second reading explanation that has prompted me to say something in praise of local government in this State. I believe that the few sentences contained in the initial part of the second reading explanation are small justification indeed for the provisions contained in this Bill. Are we to take it that the short explanation of the Bill is sufficient justification for its introduction? We deserve a greater indication of how widespread are these practices before being asked to pass this measure. It has been pointed out in another place that the provisions will apply to all councils in South Australia, whether the

income of the council is $5,804 or $2,600,000. In its general application it provides the same protection for both councils, but it may be a hindrance to some councils. I understand that the Local Government Accounting Committee has reported on the procedure of accounting to be carried out by councils but the report was unacceptable to councils and the committee is to provide another report. The Local Government Revision Committee is still investigating various aspects, and with reports still to come from both these committees it seems that this Bill has been introduced prematurely. A peculiar statement was made in the second reading explanation as follows:

It is not the ability of auditors which is questioned but the quality of the audits which in many cases have been governed by low fees.

That is a contradictory statement. I understand that auditors have to be approved and must have certain qualifications. If an auditor is so accredited and certificated, why does he put his name to a job that is half done? What is wrong with the qualifications of these auditors? Why should the blame for the payment of low fees be laid on councils and not on auditors? If he is not offered a sufficient fee to cover a first-class audit he should not do a second-class audit: he should force the council to pay a sufficient fee to do a sound job. Apparently, the Government has not considered this aspect, because qualifications of auditors are not to be altered. Clause 3 does not indicate how the fee is to be fixed, but apparently we are to approve the Bill and give absolute power to the Minister to decide how much the fee is to be. Is the fee to be the same for a council with a $6,000 revenue as for a municipality with a $2,500,000 revenue?

Clause 4 establishes the right of a council to pay immediate items from an advance account, which is to be operated on by the clerk in conjunction with another person appointed for that purpose. The advance account must be authorized by the council, and payments are subject to confirmation at the following council meeting. The Bill does not provide for a limit on the amount that may be handled in the advance account, but it seems to restrict the way audits may be made. It has been said that the advance account may be used for special purposes, but in practice it may be used for ordinary purposes, which may lead to complications in accounting. Perhaps we would be better served if the advance account had a sensible limit for the council that would institute and use it. I believe a useful amendment was made to the clause dealing with regulations, providing that regulations shall not operate until they have lain on the table of the House for the required time.

This removes the objection that undesirable methods may be instituted after Parliament has considered the regulations. Generally, this Bill was introduced in another place without representatives of local government being consulted, and this is a procedure I deplore. However, subsequently these representatives were heard on the matter and some amendments made. This is essentially a Committee Bill, and as it can be discussed in detail at that stage, I support the second reading.

Mr. McANANEY (Stirling): I do not wish to make this debate a political issue. However, I am opposed to the whole set-up of the Bill. I am fairly confident that few members on the other side have studied the Bill and actually know what it contains, although if I am doing them an injustice, I shall immediately apologize.

Mr. Hudson: Well, apologize immediately!

Mr. McANANEY: The first main clause relates to the fixing of auditors' fees by the Auditor-General. However, nowhere in the Local Government Act or its regulations are the requirements of an auditor specified. The Companies Act, on the other hand, at least sets out what is expected of an auditor, and deals with reports for which he is responsible. Even those provisions are insufficient for modern trends; they do not require an auditor to be more responsible and to bear such added responsibility. Unfortunately, such provisions have never been included in the Local Government Act. Even though the regulations to the Act, in dealing with an auditor's certificate, require an auditor to report to the committee, no provision is made as to what should be contained in a report. Parliament should live up to its responsibilities by at least specifying what is required of an auditor, so that he might know exactly what was involved in his duties and be able to fix a reasonable fee for the services he undertook.

The second main clause relates to an advance account, which is necessary, as everybody connected with the business world may appreciate. As councillors attend meetings only once a month as a rule, it is necessary to pay certain accounts in the meantime. I deplore the tendency for people in authority to sign blank cheques. On each occasion that I have been asked to sign a blank cheque, I have refused to do so, except perhaps in a special case.

I realize, however, that if I do not sign the cheque, it is taken to some other officer in authority for his signature. That sort of practice should be legislated against, and an offence created for any authorized officer to sign a blank cheque. I believe the use of an advance account should be limited, which could be achieved by permitting only, say, 2½ per cent to 4 per cent of a council's total revenue to be disbursed through the account each month. The explanation relating to this account is incomplete. In his last report, the Auditor-General stated:

In recent years I have published each year a list of the types of irregularities found in local government authorities' records. In some cases the items published have been only minor breaches and irregularities. Inspections—

and I emphasize the following words—

and auditors' reports have again indicated that many of these matters continue to be found.

I take it that the reports referred to relate to those compiled by auditors generally. In the course of their duties, they have found mistakes, which can only indicate that they are doing their job. Indeed, I understand that the Auditor-General himself visits only a limited number of councils each year, so that the auditors themselves detect many of the mistakes that occur. I point out, however, that many mistakes have been made simply because of deficiencies in the Local Government Act. Schedules are distributed every six months, containing legal opinions obtained by various councils. Although I know that lawyers do not often give a direct answer—

Mr. Millhouse: What do you mean by that?

Mr. Hudson: Never a truer word was spoken!

Mr. McANANEY: —the opinions reveal that the Act is so vague as to make it often impossible to give an accurate interpretation, and at council meetings I have often been involved in discussions concerning what a lawyer's opinion may mean. Irregularities occur because the Act is ambiguous. Although a report is at present being obtained with a view to improving the Act, we are apparently now expected to amend the Act before that report is completed. I should be very much surprised if it were possible to have a stereotyped set of accounts that would satisfy all councils and municipalities, whether small or large. It is possible to have a satisfactory set of accounts that is not stereotyped and difficult to comprehend.

One of the difficulties up to the present has been that the qualifications required of a clerk have not been sufficiently high. Until recently anybody with an Intermediate certificate could sit for the district clerk's examination, and I think 20 passed the examination two or three years ago and their average age was 19. However, they could not take the position of clerk because they were too young. In 1962 the standard was raised to a certain number of Leaving subjects, but I do not think that that is high enough: matriculation standard is necessary because the district clerk is a responsible person in an area. If the qualifications of clerks are raised and they have the necessary ability, I cannot see the necessity for these regulations. The auditor must pass examinations of a high standard.

I should like to vote this measure out of existence on the second reading. No evidence has been produced that this measure is necessary; it is a Committee Bill and we should analyse each point at that stage. Surely the committee has the power to revoke any certificate or temporary certificate if, in the opinion of the committee, the holder of the certificate is no longer a fit and proper person to hold such certificate or has failed to perform the duties of his office. Tomorrow I will ask how many licences have been revoked over the last five years in order to see whether a check has been made that licence holders are doing an adequate job. Although I will vote in favour of the second reading so that we can handle this Bill in Committee, I strongly deplore the fact that this Bill has been presented to us; it is premature.

Regarding the power of the Minister of Local Government to send an inspector to a council, I believe that this is wrong in principle. The councils are responsible to the ratepayers in the area and the auditor submits his report; I believe this proposal will not work in the interests of good government. One finds that at present a local council carries out work for the Government or applies for grants, and councils sometimes disagree with the statements of the district engineer. Sometimes there is a serious risk that the engineer will not accept a local condition that the local council knows about. If a councillor says, "We should object to this," others will say, "We cannot object because the Government is lord and master who provides the grants, and, if we criticize, our grants will be cut."

I do not say that that assumption is correct, but the fact that the assumption is sometimes made is not in the interests of good government. I do not believe the Minister of Highways should have the right to interfere by sending in inspectors to audit the accounts of local

councils: that should be the duty of the Auditor-General. I strongly object to this right of inspection. We must maintain the dignity of local government because it is the form of government that is closest to the people.

Mr. COUMBE (Torrens): I support the second reading, although I will move amendments in Committee. This is an interim measure, as this measure is apparently designed to cover some aspects of the administration of the Local Government Act until the Act is completely revised. The clauses of the Bill relate entirely to financial and accountancy matters. A great deal of investigation is at present being carried out by the committee, and we hope that the new Act will be written and in operation within a year or two, so surely these proposals before us today could have waited. Local government has been going on in this State for more than a century, and the Adelaide City Council is the oldest city council in Australia. These financial procedures have been going on for the whole of this time. After all, the matters before us today are not nation-rocking in any way, and they could have waited. However, as they are before us now we must accept the position.

This Bill differs from the Bill originally introduced by the Minister of Local Government in another place, where certain amendments were made. These amendments arose because considerable concern had been expressed by many councils and by senior and experienced town clerks regarding certain aspects of the Bill. Therefore, as the Bill is before us now certain amendments have been included and certain aspects have been deleted. One of the matters upon which concern was expressed by many councils was the fact that the Minister of Local Government had not conferred with them or their associations before introducing the Bill. We know that it has been proved in the past that such consultation is absolutely essential.

Many of us in this place (including the Minister of Education, who today is representing the Minister of Local Government) have had experience in local government, and we know it is absolutely essential to have close liaison and co-operation between the councils and their associations on the one hand and between the Minister and his officers in the department on the other hand. As I say, the Bill was introduced into another place without consultations with the councils, a fact that the Minister, under questioning, frankly admitted. Councils have expressed concern and dismay that this has occurred. Had their representatives been given the opportunity of consultation prior to the introduction of the Bill, they could have expressed certain views about it, instead of the amendments being introduced mainly as a result of recommendations by senior public servants who, however experienced they might be in accountancy matters, would have had little practical or first-hand experience as elected councillors in municipalities or district councils.

I contend that if these prior consultations had taken place the delay that occurred and the need for many of these amendments would have been obviated. The Bill was delayed in the other House because of the necessity for these consultations to proceed after the Bill had reached a certain stage, and it was as a result of some of these consultations that the Minister in another place improved the Bill by amending it. I think this House wants to see the highest possible co-operation and the highest possible standard obtaining in local Government today. After all, local government is the third leg of the triumvirate of government in Australia, and we want to see it functioning in the most efficient and best possible way. For this to happen, we need the co-operation between the councils and the Minister that has existed in the past.

I regret the widening of this gap between the Minister and the councils. That this gap exists has been stated openly since the introduction of this Bill. Concern has been expressed not only by the councils and the associations that represent them (such as the Municipal Association and the Local Government Association, with which you, Mr. Speaker, with your great experience in the North of this State are so familiar) but also by very experienced town clerks, some of them in the country in smaller councils and some in the large metropolitan municipal councils. Concern has been expressed also regarding the need for the amendments that we have today.

Several councils have stated categorically that clause 6 should not be included in the Bill. Not only can it be argued that some of these clauses are premature, but also many clerks (the persons who have the every-day working of these financial and accountancy provisions) query whether they are really necessary. In any event, some councils and their clerks have taken exception to the rather peremptory and mandatory provisions, especially in clause 5, although they also object to clause 6. I shall quote a letter from the Mayor of Glenelg which appears at page 2384 of this year's *Hansard*. The member for Stirling, who has

had much experience in local government in the country, has spoken of auditors and the suspense account, and I shall not deal with those at this stage. The letter from the Mayor of Glenelg states:

My council has no objection to the Bill other than clause 6 and respectfully asks that this clause be carefully perused as the proposed regulatory powers, in my council's opinion, go too far. It would be possible for additional burdens to be imposed on this and other councils whose present systems adequately and economically meet requirements and satisfy its responsible professional auditors.

That is a fairly solid statement. Glenelg is no small council, and during the summer months it has in its district many thousands of motorists and holiday-makers, so it has some big problems. The Mayor stated categorically that clause 6 was not required, and that the present systems were quite adequate to carry on all the affairs of the council.

Incidentally, in explaining this Bill the Minister of Education made one small mistake: referring to clause 5, he said that "the accounts, records and procedures of any council shall be audited from time to time", and this is the wording as it appears in *Hansard*. However, an amendment made by the Legislative Council struck out "shall" and inserted "may". I point out that the second reading explanation was not altered in time. This clause could present an administrative problem (as the Minister will know from his experience in the Whyalla City Commission) if inspectors descend on a council almost without notice. This is different from an auditor visiting a council. Auditors should have the right at any time to inspect the books of a council; such a provision is fair and is designed to see whether any irregularities are taking place. However, if inspectors descend on a council, demand the production of all its books and wish to interrogate an officer at a moment's notice, in a large council this could cause some chaos in the office, and it could completely upset a small council. I suggest that there should be a provision that the council be given reasonable notice the same as it is given to a householder when his house is to be inspected.

I assume that the word "council" in new subsection (2) applies to the chairman, mayor or clerk. The Minister could consider where an inspection is being made whether, as a courtesy and, perhaps, for good practice, the auditor of the council should also be advised. I say this because the auditor must check the books and be *au fait* with procedures. After all, it is his responsibility to advise the council and to report to the Auditor-General if there are irregularities. New subsection (2) deals with inspectors and provides that the clerk and any other officer shall answer all inquiries put to them relating to the accounts, records and other procedures. When this inquiry was conducted in the office of a fairly large council it could be done easily, with no problems, because obviously the clerk would accompany the inspectors as they went around amongst the junior officers. However, I would hardly think it would be right for a junior officer to be interrogated behind the clerk's back. If inspectors went to a small council depot they might perhaps interrogate an overseer or foreman, and that officer might unwittingly get himself into some trouble. Therefore, I think the town clerk should accompany the inspector on such a visit. We have not yet been told how many inspectors will have to be appointed to carry out this work.

Mr. Quirke: How many councils are there?

Mr. COUMBE: There are umpteen councils, as the honourable member knows. Some are far too small and perhaps should be investigated in that regard; others are large. How many inspectors will have to be appointed to undertake this work? I should think it would have been fair for the Minister to indicate how many inspectors were likely to be appointed and how much this would cost. Much travelling will be involved regarding country councils.

Mr. Quirke: There will probably be only one inspector.

Mr. COUMBE: For some councils one would be adequate but for the larger city councils there would need to be at least two, possibly three. New subsection (3) deals with the reports of inspectors. When an inspection is carried out, the persons who carry it out shall supply a report to the Minister who shall supply a copy to the Auditor-General and the mayor or chairman of the council. An amendment moved in another place resulted in the provision that the report shall be sent to the mayor or chairman of the council. This is a good provision because, in all fairness, the person being investigated should receive a report. I suggest that the council's auditor should also receive a report because, after all, he carried out the investigation the previous year and would carry out the investigation in the following year. Therefore, he should receive a copy of the report so that when he is carrying out his current investigations he

can take cognizance of what the inspectors have said. The rest of clause 5 seems to be all right.

Clause 6 provides for additional regulation-making powers. Under section 691 of the principal Act there are powers for making regulations which take up pages of that Act. Regulations for all sorts of things can be made; some are archaic but others are important. I emphasize that local government has been going in South Australia for about 120 years, yet all of a sudden apparently more regulation-making powers are needed for finance. As there will be a new Act in a couple of years, surely we could have waited that long. Some councils have objected to the whole system of introducing accounting methods, and others have taken exception to the mandatory way in which the relevant provision is expressed in the Bill. No-one objects to efficient business methods, and all councils are sincerely trying to improve by using the latest accounting methods and machines. Certain methods to be used will apply to some councils but not to others.

The Adelaide City Council, the largest in the State, is in my district, as is the Town of Walkerville, the smallest municipality. The systems of these councils, while both may be efficient, may be dissimilar. The Adelaide City Council uses computers, which are not used by smaller councils. The Bill provides that councils shall adopt annual budgets, but every council I know produces a budget because that is the method by which a rate is struck. Most councils meet every fortnight, but some country councils meet only once a month, and this provision may be awkward for these councils if the clerk has to produce a complete budgetary statement.

Mr. Quirke: It may mean at every meeting for some councils.

Mr. COUMBE: Yes. We know that in most councils today the rate of revenue and expenditure is increasing and more money is being handled. It is the duty of councillors at each meeting to approve payments and review future expenditure, and it is usual for the clerk to table a running account. Larger councils have question time so that councillors may question the clerk about finances.

Mr. Quirke: The smaller ones do it at any time.

Mr. COUMBE: Exactly. If this provision is necessary I suggest that, instead of supplying the information to the council, each councillor should be supplied with a copy, as they are the persons responsible. When the Bill was in another place an amendment was moved by Sir Arthur Rymill, the effect of which was to alter the provisions dealing with regulations. Prior to this Bill, regulations under the Local Government Act were to lie on the table of the House, after being considered by the Subordinate Legislation Committee, and any member could move disallowance. The amendment provided that after the regulations had been considered by the Subordinate Legislation Committee, and had lain in the House, they had to stay for 14 days before coming into effect. If this amendment is agreed to it can be taken for granted that it will appear in the new Act. I will move amendments in Committee, but I hope that this Bill will not be relegated to an insignificant place on the Notice Paper, as has happened with previous amendments to this Act. After all, local government is the system of government closest to the people—the ratepayers, as well as the taxpayers.

Mrs. STEELE (Burnside): I am pleased to follow my two colleagues, the member for Stirling and the member for Torrens, because they are both experienced in local government affairs. Like the member for Torrens, I represent two considerably large councils (the Burnside City Council and the City of Campbelltown), one being a well established council, and the other being situated in an area that is probably developing more rapidly than any other part of the metropolitan area. Being a metropolitan member of Parliament, I listened with particular interest to what the member for Torrens said. His was a very reasoned approach to the Bill, and I was interested to see the Minister in charge of the Bill making notes as the honourable member spoke, for he made some pertinent points and foreshadowed some worthwhile amendments to the Bill.

I have a high regard for local government and for the duties it performs; as has been said, it is the form of Government closest to the people. Regrettably, a councillor's lot is often criticism and abuse, as well as blame for things for which he may not be responsible, although he works voluntarily. When the Bill was first placed on the Notice Paper I approached the councils in my district to ascertain their attitude to the measure, as a result of which I can only conclude that the Bill was introduced without reference to the councils or to the association representing them. As a result, a deputation waited on the Minister in the hope that some of the new provisions might be clarified and their ramifications explained.

We know that in another place amendments were made to the Bill but, as the member for Torrens said, one or two of its aspects are still doubtful.

For instance, the Town Clerk of Burnside told me that he understood that some amelioration had been obtained as a result of clause 5. Although the word "shall" was altered to "may", the Town Clerk's point was that councils still believed that inherent in the Bill was a provision authorizing inspectors appointed by the Minister to descend on a council at any time, without councils being given prior notice. Indeed, I believe that matter was raised by the deputation that waited on the Minister. Having read the relevant clause several times, I still cannot ascertain whether councils are to be notified, as a matter of courtesy, that inspectors will visit them. Many councils are situated throughout the State, some big and some small. As various methods of functioning exist, one of the purposes of the Bill is to standardize the method in which councils' accounts and papers are kept, but how will that affect the larger councils that are progressively instituting the latest accounting machines and using computers to distribute rate notices?

How will the provisions or regulations cover councils with advanced accounting techniques, compared with the smaller councils that may employ only one or two members on their staff? I envisage that clause 6 (*a*4), which requires clerks to supply councils at least four times a year with a budgetary statement, may involve additional staff to cope with the increased volume of work arising from the necessity to prepare a budgetary statement every three months and to provide details of estimated and actual expenditure and revenue to be set out in each of those statements. Although employing extra staff may not present a problem to some of the bigger councils, it may well represent a financial hardship to small councils. I shall be interested to hear the Minister's reply to the speeches that have been made by members only on this side. As every member must represent at least one council in his district, I should have thought that some Government members would say something about a measure which, in some aspects, radically alters the present Act. For my part, I shall perhaps speak again in Committee.

Mr. QUIRKE (Burra): My first reaction was to reject this measure out of hand, but then I realized that I was irritated by the fact that these regulations were being inflicted upon local councils which are, of course, purely voluntary organizations. Undoubtedly this measure has been introduced because of certain happenings in district councils and corporations. In my district there are three town corporations and five district councils, and they control large areas. There has been trouble with district clerks throughout the State: certain clerks were guilty of dishonesty and some were punished. I think a standardized system of bookkeeping can be good; actually there is some standardization now. My first reaction was, "Who employs these people?" and the answer is that the council employs the clerk and he is responsible to the council.

We are coming in with this legislation and saying almost, "You are not really competent to do this job, therefore an Act of Parliament says that you shall do it this way." I think I should disagree with that, because nothing has yet been designed that will prevent a man from being crooked if he wants to be crooked. When I consider cases of men who have gone wrong in this type of situation, I believe that those men could go wrong to the same extent under this measure.

The Hon. R. R. Loveday: Not so far, though.

Mr. QUIRKE: If a man "dribbles around" with a few dollars here and there, he can possibly get away with it. Regarding quarterly surveys, unless the councils themselves make a close investigation, such surveys will not be a safeguard; they may help, but I have seen situations where extreme cleverness has been used in defrauding a council. I wonder whether the hard cases do not make this a bad law for the councils. Every clerk is innocent until found guilty; over his head is the sword of Damocles. Somebody can walk into his office and say, "Produce your books," just like a sales tax investigator. The man on whom that demand is made is an employee of the council. It is now being found expedient to say, "Although you are an employee of the council, just to keep you straight we are going to audit your books at a moment's notice." Such an inspection is not uncommon.

This man is subject to the Auditor-General's Department. There ought to be a grave reason for demanding that the clerk render an account of his stewardship. However, I do not believe that the cases that have occurred have been so grave as to render this type of legislation necessary. A town clerk is paid a salary and he is employed by the mayor of a corporate town. The clerk is in a good position: he cannot be dismissed out of hand. There must be a grave reason for his dismissal and usually

he must be given six months' notice. The council is not sufficiently competent to maintain the oversight of that man, and therefore somebody else must do the job. I do not like such legislation. Mr. Speaker, you have had much experience in district council and city council work. I believe that the bookwork of the district clerk is not all that complex. I have found it necessary, with the mayor, to check the books of a district clerk (they were my books because I was a councillor) and everything was green-ticked by the auditor, but we found the error in 15 minutes and it stood out like a lighthouse. It was so blatant that it could be smelt in council, yet the auditor passed it.

Mr. Clark: The auditor missed it; he did not do a very good job.

Mr. QUIRKE: He missed it twice.

Mr. Clark: You sacked the auditor?

Mr. QUIRKE: Yes, and the clerk as well. They both went out into the long paddock with their blueys. What does this measure attempt to do—to make the man so fearful that he will not attempt anything like that? Have another guess. Such men can be found in banks and everywhere else. If a man has to be made honest by Statute it will not be much good anyway. The Bill intrudes in the affairs of councils by providing, in effect, "You are being taken down by a man who is robbing the till and using wrongfully the moneys of ratepayers; you are unable to find this out yourselves and therefore we will come and do it for you." I do not like this sort of thing. There will be defalcations in future notwithstanding these provisions. I would sooner have the councils responsible for this, rather than have this legislation which does not actually take away responsibility from the councils but provides for someone to intrude in their affairs. Local government is purely voluntary work. Conscientious people take these posts, do no end of work and are highly responsible people.

Mr. Clark: The work the clerk does is not voluntary.

Mr. QUIRKE: No, but he is a servant of the council.

Mr. Curren: Of the ratepayers.

Mr. QUIRKE: No, of the council. It is not necessary to list the ratepayers when one talks of a council. The council appoints the clerk. The council is the servant of the ratepayers but the clerk is paid and the members of the council are not. It has been said in this debate that councillors are much abused. I had a remedy for that: the most vociferous abuser of councillors would be made a councillor when a vacancy occurred. He then received abuse because other councillors reminded him of what he had said before he was a councillor. Incidentally, such people were not all poor councillors.

Mr. Clark: Most of the critics don't want to be on the council.

Mr. QUIRKE: Some want to be on the council because they honestly believe that the councillors on it are not doing a good job and that they can do better. I will not oppose the Bill, although I thought at first that I would. I regret that the nut that has presented itself in the few people who have taken advantage of councils is to be smashed by a sledge hammer. I think the Bill is a direct affront to people who give so much of their time in the interests of the people they represent.

Mr. SHANNON (Onkaparinga): You, Mr. Speaker, have given much service in the field of local government as has the member for Burra. I have great respect for people who gladly give their services to ratepayers. The Government may be sticking out its neck in this regard. In my experience there have been defaulters who, by clever stratagems, have filched money that did not belong to them from the coffers of people employing them. That has happened in many well run commercial undertakings. In each instance, a highly reputable firm of accountants has done the auditing. On the last occasion in which I was involved in an unhappy experience of this type I had a long discussion with an auditor, whom I will not name but who I am sure would be happy to tell any member what he told me about the limitations of any audit. Those limitations are well known to firms of auditors.

If there is a man who is astute enough and clever enough and who sets about cunningly to defraud a company, it will be a clever auditor indeed who finds him out unless that person makes a slip. Frequently a thief makes a small slip and that is the way he is caught. If he stuck rigidly to his designed scheme of robbing a company, he could (and in many cases he does) go on for many years before he gets careless and makes a slip. I believe the Government is entering this field unwisely. The provisions of the Bill will take the responsibility off the shoulders of councils by providing rules whereby these things will not happen. However, it is impossible to lay down any rules which will ensure that defalcations cannot take place.

Mr. Clark: They might be found a bit sooner.

Mr. SHANNON: That depends on the astuteness of the robber. Some schemes have been worked out by astute people where it has been impossible for an auditor to pick up the deficiency because the books balance. It is common for councils to employ contractors for various reasons. If a dishonest staff operated in the council, it would be simple to credit a contractor with more loads than he carried. An auditor cannot check on the number of loads, and these provisions will not plug all leaks. If someone does rob a council this method of auditing will be discredited. It is common practice in many large companies to use internal auditors to spot check: they are qualified accountants who are trained in the business in which they are operating, but they do not catch everyone. I am convinced that there is no foolproof auditing system, but in this case the Government is trying to set up safeguards to protect ratepayers' funds. If it were possible to do that, I would support the move.

Mr. Hurst: You can do it.

Mr. SHANNON: No, it cannot be done. No system has been devised for the keeping of books of account that a clever rogue cannot circumvent.

Mr. Hurst: The question arises whether it is economical to do so.

Mr. SHANNON: That is an interesting aspect. The auditor may do a fair day's work for a fair day's pay and the fee may be fixed so that the council receives full value for that fee, but the auditor does not have day-to-day control of transactions and can never be sure that a clever rogue will not cheat the council. Councils' finances are limited, and many of them cannot afford a full-time auditor. Much money is spent in the service of ratepayers, but in some cases the overhead expenses are too heavy. The Government cannot set for auditors a standard rate of pay that can be fairly met from council rates. A full-time internal auditor is a luxury that can be afforded only by a large industry, and many local government activities lend themselves to skullduggery and defalcation. Recently, the Railways Department had an unhappy experience on Eyre Peninsula where sleepers did not sleep but walked! No large commercial undertaking has been entirely free of forms of roguery at some time or other. Some of the most successful commercial undertakings in the State have experienced this problem. I am afraid that with this measure we shall be waving a flag that may eventually have to be hastily pulled down, for we may find that the problem has not been solved. Local government should be able to function within its charter without outside interference. How would we feel if the Commonwealth Government said that we were running the show in a rag-time way and needed to tighten our methods up a little? We would not put up with that sort of thing, yet that is exactly what we are saying to local government on a smaller scale.

We are telling local government that it is not capable of running its affairs: its methods are too slip-shod. However, that is not true of most councils. Although we can point to a few cases of dishonesty, it is not widespread. If we compared such cases arising in councils with those arising in public companies, I would bet that councils come out of it all right. Yet we do not worry about trade and commerce; we leave them to look after themselves. Why should the ratepayer be protected, and not the investor? Admittedly, the Companies Act offers some protection and contains powers in respect of directors, of which I am one.

Mr. McKee: People invest in companies of their own free will.

Mr. SHANNON: I do not think that much difference exists between a ratepayer and a man who invests in a public company in order to obtain a return. Surely, if it is fair to protect one it is also fair to protect the other. Neither the ratepayer nor the shareholder has any say in management, except that at the appropriate time when, say, a director may be due for re-election, he may be told that he has made a mess of things and that he is going out. Indeed, that may also be said of a councillor who has not given good service.

Mr. McKee: It might be too late then.

Mr. SHANNON: It is always too late after the event in respect of which the responsible person is blamed. I think the Bill goes too far, for surely no need exists to intrude so deeply in local government affairs as to create a feeling of inferiority, especially on the part of the permanent staff in councils. Unfortunately, we are pointing the finger at everyone merely because of a few problems that have arisen. I shall not accept any blame for the Bill. If such problems recur after the Bill is implemented, what is the next move? I assure the House, from my own knowledge of auditing accounts, that the problem will recur.

The Hon. T. C. STOTT (Ridley): I am concerned about some of the ramifications of the Bill. Having several small councils in

my district, and knowing the clerks and all the councillors extremely well, I am sure that they, too, will be concerned. I have the greatest respect for the clerks, councillors and their officers. The Auditor-General's Report at page 246 states:

Investigations and inspections indicate that audits carried out in many councils have been less adequate than considered reasonable and necessary. An examination of the fees paid to auditors by country councils, as disclosed in published statements for the year ended June 30, 1965, showed the following:

Council revenue from rates (including health and sanitary fees).	Audit fees paid. Lowest.	Highest.	Average audit fee.
	$	$	$
Up to $10,000	56.20	115.50	88.70
From $10,001 to $20,000	31.50	144.00	60.70
From $20,001 to $30,000	21.00	296.00	76.30
From $30,001 to $100,000	23.10	353.50	81.50
Over $100,000	52.50	540.00	158.10

If an auditor or clerk is to perform some of the duties envisaged by the Bill, councils will have to pay considerably more in regard to audits than is at present paid. I refer also to clause 6 (*a*4) of the Bill which relates to additional work to be carried out by clerks, many of whom are responsible for the overall functioning of their respective councils, in addition to undertaking extra public responsibilities.

Mr. Casey: This would not come under an accountant.

The Hon. T. C. STOTT: This says "clerks". Has not the clerk enough to do now in preparing his books for the auditor, without doing it four times a year?

Mr. Casey: They do it now at nearly every meeting. That is a matter of policy.

The Hon. T. C. STOTT: Quite so, but to force this to be done by regulation at least four times a year will mean much extra work for these clerks. Another burden will be imposed upon smaller councils which, in the main, do a magnificent job. I fear that this measure goes too far, and I am concerned with its effect on some of the smaller councils I represent. There have been some defalcations. The Auditor-General's Report carefully picks out one district council. Why should the smaller district councils be penalized because the District Council of East Torrens was not doing the right thing? How did the Auditor-General find this out? Obviously, because he had all the power he needed under the present provisions. I think we should leave the matter alone; I cannot see the justice of the provisions of the Bill. This is a heavy job for clerks, particularly younger clerks. Their rates of pay are fixed and they qualify by having some years' experience in a smaller council before going to a bigger council. The preparation of a budgetary account by these clerks four times a year will be a terrific burden. Additional revenue will have to be found to enable the additional work to be done, because the clerks are heavily burdened now. I am not happy with the Bill in its present form.

Mr. HURST (Semaphore): I support the Bill. The measure is sound and will greatly assist many councils and municipalities. Mention has been made of the fees paid to auditors and the fact that this Bill provides that the Minister may fix the minimum remuneration of the auditor. We all appreciate that the various councils have varying amounts of work, and the Bill will result in the auditors' fees being fixed more competently. I have said before that we get what we pay for, and some auditors in my opinion would not receive sufficient money for an adequate audit of the books. In this matter that is not a good thing because public money is being handled. No-one would object to a check being made that the money was spent wisely. No system is water-tight, but this measure goes a long way towards solving problems that have arisen under the existing provisions. This measure will enable the Minister and the Auditor-General to take the necessary steps to satisfy the complaints that have been made.

The member for Ridley said that the new procedure would place too great a burden on clerks, who would have to prepare a budget every three months. However, this is a common practice in most undertakings and is most desirable to ensure effective running of an undertaking. Mention was also made of the power of the Government to make regulations concerning the prescribing of certain forms that must be used by the municipality or council. I believe this is another measure that is aimed at efficiency: with experience, much valuable information can be gained, and much time and work saved, if clerks of smaller councils have prescribed forms that can be used by

several municipalities or councils. It will go a long way towards eliminating unnecessary work and make time available for the regular preparation of reports so that councillors can be kept in touch with the workings of the council.

The Hon. R. R. LOVEDAY (Minister of Education): I should like to refer first to the statements by members opposite that this Bill is inadequate to stop defalcations. The member for Onkaparinga had much to say on this aspect. I think, if we carried his argument to its logical conclusion, we would never have any legislation at all to stop roguery and, of course, this would never be contemplated in a civilized community.

The Hon. G. G. Pearson: That would be an illogical conclusion.

The Hon. R. R. LOVEDAY: No. The honourable member said this Bill would be of no use because we could never stop roguery. I venture to say, however, that if he had a cask of the choicest wine and it sprang a leak, he would seek to stop the leak as soon as possible, even if he could not save all the wine. I think that is the answer to this sort of argument. One thing that has struck me is the way members have approached the question: they have not dealt with the historical antecedents of this Bill. Members opposite have apparently forgotten that the previous Government set up a committee to investigate local government accounting and other practices with a view to recommending a standard system of accounting for councils. This was done on the recommendation of the Auditor-General. Therefore, this Bill flows from the action of the previous Government and I am surprised that this was not referred to during the debate.

That committee has become aware of the fact that there are no accepted procedures regarding how councils should keep their accounting records, and investigations by the Auditor-General's office over the years have shown many shortcomings apparent as a result of councils not having an accepted procedure for keeping their accounts. One or two members, in dealing with this matter, have claimed that the second reading explanation did not give enough detail regarding the defalcations and irregularities committed by councils. They asked whether a Bill of this type was really necessary. I do not think members would consider it desirable that specific instances should be quoted in this House. One case was quoted this afternoon, but I presume that was because it was so well known. I do not think it would be desirable for me, as Minister, to enumerate irregularities. However, let me assure honourable members that there are a number of them, and I have details in my possession. I do not intend to give the details but I assure members that there are sufficient irregularities to warrant the Bill.

The Leader of the Opposition commenced his speech by saying that he believed these irregularities were minor matters and he went on to say that he wanted to emphasize that these matters were in no sense a condemnation of local government. I agree with that. By introducing a Bill of this type we are doing something to help establish local government more firmly than it has been established hitherto because, if local government becomes known for irregularities in its accounting methods, surely the confidence of ratepayers will be shaken. By introducing a Bill of this type, which sets out to establish regular accounting procedure, surely the confidence of ratepayers will be more firmly established, and it will give local government a much higher prestige in the eyes of ratepayers than it has hitherto enjoyed. Members have criticized the Bill by saying that it will go towards taking over from local government a part of its work. On the contrary, I believe it will help local government establish its name amongst the people of the State. As members of Parliament, we all recognize the value of local government. In fact, members on both sides have spent many years in local government and are familiar with its workings.

The question was raised whether the fees fixed for auditing would vary according to a council's income or its capacity to pay, and I think it is obvious that this would be the case. The Minister of Local Government made it plain in another place that all these aspects of the varying capacities of councils to bear the cost of proper auditing would be considered. I noticed that there was little criticism about the proposals regarding the advance accounts and the procedures connected with them, except that the Leader said that he believed there should be an upper limit to these advances. I point out that, if an upper limit were fixed, the Government might be accused of trying to interfere unduly with the powers of councils to control their own affairs. I think it is plain from the Bill that this matter is left for the individual councils to fix any amounts in respect of which there are advance accounts and to lay down the position under which those accounts may be operated on.

The main criticism levelled has been concerned with the impact on councils and the real necessity for the Bill. The real necessity for it is made clear by the work of the committee appointed by the previous Government, and by the number of irregularities of which we have evidence. Reference has been made to the extremely low fees paid to many council auditors which have resulted in insufficient audits being carried out. This is amply evidenced by the innumerable instances of wrong practices found by the Auditor-General's Department. One particularly unfortunate case resulted in the auditor having his certificate revoked, and this auditor had 22 council audits. The lowest fee paid to a council auditor on record is $21 and the shortest time taken by an auditor is about half a day. It is obvious that an appropriate audit could not be done in that time. It is not suggested that the auditor himself requires approval, because he is required to possess a certificate issued by the Local Government Auditors Examining Committee of which the Auditor-General is Chairman. In other States, auditors' fees are in one way or another subject to approval.

I point out that only recently there has been acceptance of the provisions of the Bill by many councils, and they were explained only a week ago, I believe, by Mr. Hockridge (Chairman of the Local Government Act Revision Committee) to a local government school in the North. I understand the school accepted the provisions as outlined, and they are included within the Bill. In addition, I understand that a recommendation was recently made to the Municipal Association by a competent officer who had travelled to other States studying the aspects dealt with in the Bill.

The member for Burra charged the Government with having used a sledge hammer to crack a nut, but I think that is an altogether exaggerated description. The Government has taken account of the report of the committee concerned to investigate the whole question, and is merely legislating to ensure that accounts are kept properly and that proper methods are laid down. The emphasis is more on standard methods and systems rather than on employing many officers to make inspections or on employing auditors at high salaries. The Bill emphasizes methods and systems of accounting rather than too much inspection or excessive salaries for auditors, but it is recognized that adequate salaries must be paid to auditors if a proper job is to be done. I have dealt with the main matters requiring attention, but in Committee further points can be considered.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Inspection of accounts."

The Hon. R. R. LOVEDAY (Minister of Education): I should like to consider more closely one or two aspects of this clause, and suggest that progress be reported.

Progress reported; Committee to sit again.

STAMP DUTIES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ADJOURNMENT.

At 5.35 p.m. the House adjourned until Thursday, November 3, at 2 p.m.