HOUSE OF ASSEMBLY

Wednesday, March 3, 1971

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

RIVER MURRAY WATERS ACT AMENDMENT BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

QUESTIONS

POINT McLEAY RESERVE

Mr. MILLHOUSE: Has the Minister of Aboriginal Affairs taken any action regarding the administration of Point McLeay since receiving a petition from the residents of the reserve? If he has, will he say what action he has taken or, alternatively, what action he intends to take? Some time in January, I was approached by the Chairman of the Point McLeay council with regard to certain administrative matters at the reserve. I discussed the matter with Mrs. Rankine, and subsequently, in the absence of the Minister, I spoke to the Director of Aboriginal Affairs (Mr. Cox) about it. A few weeks later, after apparently nothing had happened, I had another visit from Mrs. Rankine, who told me about the petition that had been signed by certain residents of Point McLeay. I informed her that it should be directed to the Minister. In the Minister's absence from his office, I arranged with his Secretary for the petition to be delivered to the Minister. At the same time, I was given a copy of the petition, which is dated January 27. I have not heard from this lady since, nor have I heard from the Minister. As there was nothing in writing, I suppose it was not necessary for the Minister to tell me what he had done, although he knew I was interested in the matter, and I think that, some months ago, I mentioned it to him.

The Hon. L. J. KING: I took up the matter with the Director, and I understand that a senior officer of the department went to Point McLeay, where he had discussions with the people concerned in this difficulty. From my last conversation with the Director, I think that he believes the matter has been satisfactorily resolved, but I expect a complete report on the results of the inquiry. On receipt of that report I may be able to furnish the honourable member with further information.

Mr. Millhouse: Did you say "may be"?

The Hon. L. J. KING: I said that I may be able to furnish the honourable member with some further information from that report.

AIRCRAFT NOISE

Mr. CLARK: Will the Premier contact the Department of Civil Aviation, or whoever is responsible, to see whether the noise made by Qantas 707 jets making training flights over Elizabeth can be abated or stopped altogether? Also, will he ascertain whether these training flights must continue in this area, how long they must continue, and whether they will be a regular thing in the future? During the last two days, I have been inundated by telephone calls from people in my district who are gravely annoyed because these training flights for Qantas pilots begin at an early hour at the Edinburgh Airport. I understand that training flights were formerly conducted at Avalon Airport but that they have now been transferred to Edinburgh, where they commence at 6 a.m. or earlier. As honourable members know, the noise made by jets is considerable. People with babies are most concerned, as are women whose husbands are shift workers. I am told that it is impossible to hold a telephone conversation because of the noise. Generally speaking, people in the area are most worried about this. Mainly they have been fair in their attitude, as they realize that the training flights must be carried out, but they do not see why they must take place over such a thickly populated area. The exception to the rule was one gentleman who said that his friends blamed the Labor Government for this. This noise is a great nuisance to many sick people, too. People in this area would appreciate something being done to obviate the nuisance.

The Hon. D. A. DUNSTAN: I will approach the Minister for Civil Aviation to see whether something can be done.

FRUIT FLY

The Hon. D. N. BROOKMAN: Will the Minister of Works ask the Minister of Agriculture what action will be taken to ensure that the fruit fly eradication campaign is carried out? On television, I saw an interview with a professor, whose name I think was Manwell and who I think came from the United States

of America during the last few years. From the interview, I learned that he had locked his property, preventing persons engaged in the fruit fly eradication campaign from carrying out their work. He emphasized that his main reason for doing this was based on his interpretation of civil liberties. Although this may be the professor's view, the people of South Australia have over 20 years had many outbreaks such as this, and they have, on the whole, submitted cheerfully to these restrictions and have not raised the question of civil liberties. Because of their co-operation, South Australia has never had an outbreak in what could be termed a commercial orchard, and this position should be maintained at all costs. I should like to be assured that firm action will be taken against people who have such wrong ideas as to set themselves up as interpreters of civil liberties, and I refer particularly to a man who, I understand, is a specialist in some form of horticulture, although whether on the pest side or the chemical side I do not know. The Government should ensure that this work is carried out effectively for the protection not only of the South Australian horticultural industry but also of householders.

The Hon. J. D. CORCORAN: In the article that appeared on the front page of yesterday afternoon's press, in which a photograph of the professor and his wife was shown, it was stated that approaches had been made by the professor to the Premier and the Minister of Agriculture seeking their assistance in the matter described by the honourable member. The Minister of Agriculture told me yesterday that, to his knowledge, no such approach had been made, but that action would be taken; in other words, the professor would be treated no differently from any other person in a proclaimed area. However, now that the honourable member has raised the matter I will take it up with my colleague and obtain a reply for him.

Mr. HARRISON: Will the Minister of Works ask the Minister of Agriculture to confirm the report of an infestation of fruit by the fruit fly in the Albert Park, Seaton Park and Hendon areas, which have been declared infested areas and where investigations are now being carried out by the Agriculture Department because these areas are suspect?

The Hon. J. D. CORCORAN: Yes.

NORTH-EAST ROAD

Mrs. BYRNE: Has the Minister of Roads and Transport a reply to the question I asked on February 25 concerning construction work on the North-East Road?

The Hon. G. T. VIRGO: As the honourable member has stated, the temporary cessation of work on the North-East Road through Ridgehaven and Tea Tree Gully is to allow major relocation of services and substantial accommodation works to be completed, and also to enable land acquisition to be finalized. These and other preconstruction phases are receiving high priority by the Highways Department. Preparations for the actual construction work will continue to be advanced as rapidly as possible, consistent with overall programmes and resources. Should progress in preconstructional activities permit the resumption of work sooner than at present expected, there should be no problem or delay in continuing the job.

BUILDING REGULATIONS

Mr. HALL: Will the Premier, as Leader of the Government, arrange for the regulations under the Builders Licensing Act not to be proceeded with? Last night the Premier and I attended a meeting of the Housing Industry Association, at which several hundred members and visitors heard the cases put forward by the Premier and by me concerning our various beliefs about the value of regulations and the manner in which they would operate and affect the building industry in this State. Although the Premier and I were not present when the vote was taken, I understand that it was overwhelmingly in favour of the disallowance or non-operation of these regulations. I therefore ask the Premier whether he will abide by the decision of the meeting and not proceed with the regulations.

The Hon. D. A. DUNSTAN: Last night, at the Housing Industry Association meeting, I discussed the regulations that are before the House and pointed out that in many material particulars the Government intended to amend them, and the Government will do so. The Leader of the Opposition did not discuss the regulations at all.

Mr. Millhouse: Yes, he did.

The Hon. D. A. DUNSTAN: No, he did not. The Leader attacked the whole principle of builders' licensing, saying that it should not be proceeded with. That was not the decision of the Housing Industry Association at its meeting last evening: the association has said it has some dissatisfaction with the regulations as they stand, and so does the Government. We think that reasonable objections have been taken to sections of the regulations, and in those circumstances we intend to amend them and indeed we intend to amend the Act in one particular. That amending legislation will be introduced in the House soon.

Mr. Millhouse: Isn't it a matter of all or nothing, as far as the association is concerned?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: We intend to promulgate new regulations.

Mr. Millhouse: And withdraw the present ones?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I think that will become obvious to the honourable member next week.

Mr. LANGLEY: Can the Premier say whether any sections of the building industry favour the regulations that have been made under the Builders Licensing Act, as it seems that the Leader of the Opposition believes that all sections of the building industry oppose the regulations? Recently several members of both Houses of Parliament attended, as observers, a meeting of representatives of various sections of the building industry. The feeling of the meeting did not seem to correspond to the Leader's saying that no-one favours these regulations.

The Hon. D. A. DUNSTAN: Both before and after the introduction of the Builders Licensing Bill, all sections of the building industry have indicated their support for it and the principle of builders' licensing.

Mr. Millhouse: Do they maintain it now?

The Hon. D. A. DUNSTAN: I have not been told of one organization that is opposed to the principle of licensing.

Mr. Millhouse: To the Bill as it stands?

The Hon. D. A. DUNSTAN: Yes.

Mr. Millhouse: You believe they support the Act as it stands?

The SPEAKER: Order! The honourable member for Mitcham is out of order. Only one question at a time can be asked.

The Hon. D. A. DUNSTAN: I have said that no submission has been made to the Government by any organization in the building industry opposing the Act as it stands. In the course of our discussions with the organizations in the building industry, only two organizations objected to procedures under the Act, and only last night one organization (the Master Builders Association) objected to the regulations. During a series of conferences, its objections were answered, although new objections arose from time to time and were published in the Master Builders Association's journal. Information was given therein that other organizations supported the association in this matter, but those organizations deny such a statement. The Secretary of the association has widely publicized the fact that the South Australian Employers Federation supported the association in its objections to the regulations but that claim, too, is untrue. Indeed, I have a letter from the Secretary of the Master Builders Association correcting that statement, although that letter has not been published in the association's journal to correct the statement previously made.

Mr. Millhouse: What inference do you draw from that?

The Hon. D. A. DUNSTAN: The honourable member can draw his own inferences. I am simply stating facts.

Mr. Millhouse: You are asking us to draw inferences.

The SPEAKER: Order! The Premier is replying to the honourable member for Unley, and interjections are out of order.

The Hon. D. A. DUNSTAN: No other organization has opposed the principle of builders' licensing in any decision communicated to the Government or in any resolution passed by such organizations.

The SPEAKER: Order! There is too much audible conversation while the Premier is replying to a question.

The Hon. D. A. DUNSTAN: Before last evening the Master Builders Association was the only organization that objected to certain areas of the regulations. Many of its objections have been examined by the board and recommendations thereon have been made to the Government, which intends to introduce new regulations that comply with the recommendations of the board in certain areas. The Housing Industry Association raised only one objection to procedures under the Builders Licensing Act, not to the regulations. It objected to a recommendation of the Builders Licensing Advisory Committee regarding qualifications in certain areas of restricted builders' licensing. Those qualifications are not contained in the regulations; they are merely recommendations to the board, and it does not need to act on those recommendations. The Housing Industry Association was a minority of one in relation to those resolutions of the Builders Licensing Advisory Committee, and the Master Builders Association opposed them.

Last night, a resolution was passed opposing, not in specific terms, the contents of the present regulations submitted by the Housing Industry Association. I have not yet received any information from that organization as to the basis of its objections, and I certainly could not derive this from the questions asked at the meeting. I have therefore asked the association to clarify what it objected to in the regulations, because if it was carrying a motion about the regulations, it did not relate to the principle of builders' licensing about which the Housing Industry Association had from the outset given an unequivocal undertaking that it supported. That is the matter as it stands. The Employers Federation, on behalf of many organizations in the subcontracting area, has made recommendations to the Government strongly supporting the present regulations, as have the unions. As a consequence, the Government can proceed only on the basis that all organizations support the principle of builders' licensing.

Mr. Millhouse: I think you had better check that.

The Hon. D. A. DUNSTAN: I do not know of any resolution to the contrary that has been passed by any organization in South Australia. If the honourable member does, perhaps he had better tell us where this has happened.

The Hon. J. D. Corcoran: He doesn't know.

The Hon. D. A. DUNSTAN: We have heard the sort of nonsense that emanates from members of the Opposition. Despite the representations made to it by every build ing organization in South Australia, the Opposition when in Government put builders' licensing on ice for two years and is trying to sabotage the whole scheme now.

FOODSTUFF FRESHNESS

Mrs. STEELE: I am not sure to which Minister I should address the question, but I think that perhaps it is a matter for the Premier. What action can the Government take to ensure that suppliers of perishable foodstuffs to supermarkets and food stores mark quite clearly on the product the precise date beyond which the product cannot be consumed safely? In a carefully researched report in the *Advertiser* of last Saturday, Bruce Guerin points out that various abstruse codes, including perforations on the wrapper or label, are used, which the purchaser and sometimes even the retailer cannot comprehend. These codes apply to a wide variety of foodstuffs in tins, glass jars, and packages, and include dairy products. In many instances he found on the shelves goods which, according to the code, to which he somehow or other found the key, were beyond what was known as the manufacturer's "death date", being the recommended date beyond which, for reasons of safety and freshness, the product should not be offered for sale. He said that one product was being offered for sale 15 days after the recommended last safe date. "There is," said Mr. Guerin, "a basic reluctance to confront the purchaser with an actual date." In the interests of the consumer and to safeguard the health of the community, I therefore ask the Government whether it will act to ensure, as is done in other advanced countries of the world (West Germany, where stringent regulations apply, is an example), that open dating is applied to all perishable foodstuffs offered for sale to the public.

The Hon. J. D. CORCORAN: I shall be pleased to take up the matter with the Minister of Lands, who is responsible for administering the Packages Act, and the Minister of Health, because obviously from what the honourable member has said this question concerns health matters, and I shall find out what can be done about what seems to be a fairly serious problem.

FIREARMS

Mr. RYAN: Will the Attorney-General consider tightening up existing provisions or introducing legislation to cover the sale of firearms in supermarts? Recently, full-page advertisements in both the *Advertiser* and the *News* inserted by one of the wellknown supermarts (I need not mention the name) advertised .22 rifles, repeaters, etc., for sale at a certain price. Apparently, these rifles are on sale openly in supermarts, without any control. Therefore, I ask the Attorney-General whether he will consider introducing legislation to control the sale of these dangerous firearms.

The Hon. L. J. KING: Firearms are within the Ministerial responsibility of the Chief Secretary, and I will take up the question with my colleague and give the honourable member a reply.

SCHOOLTEACHERS

Mr. GOLDSWORTHY: Will the Minister of Education investigate the position of those teachers who, because of the abolition of the position of chief assistant in primary schools,

will not receive the 6 per cent salary increase? I have received a complaint from a person affected by this, and the matter is also referred to in the current issue of the *Teachers Journal.* I understand that persons who were previously chief assistants have been placed on an assistant's scale and that therefore they will not receive an increase in salary this year, not even the 6 per cent increase that has been awarded generally.

The Hon. HUGH HUDSON: The position to which the honourable member refers arose as a result of the award that was brought down by the Teachers Salaries Board following the national wage case. That award was combined with an award dealing with the reclassification scheme applying throughout the primary and secondary divisions of the Education Department. The regulations require that the position of chief assistant be abolished from January 2, and inadvertently the Teachers Salaries Board Award applied the 6 per cent from January 4; consequently, all those in that category missed out on the increase. However, the matter having been referred to the board last Friday, the board has unanimously recommended that I grant the 6 per cent increase to these people, and I have approved that action. The matter was rectified as soon as I was informed last Monday of the board's recommendation. It may be a week or two before the teachers concerned receive an appropriate salary adjustment but the honourable member may rest assured that the matter has already received attention.

LUCINDALE AREA SCHOOL

Mr. RODDA: I ask the Minister of Education whether the Lucindale Area School is to be replaced. Officers of the Education Department visited Lucindale before the Christmas vacation and looked at the school, which is in an appalling condition. The Lucindale school is probably the least suitable place in the Victoria District for the teaching of young people.

The Hon. HUGH HUDSON: I have been told about the position at the Lucindale Area School, although I have not yet visited it. The Regional Officer at Mount Gambier (Mr. Nunan) reported on the condition of the school, and this followed a visit by officers of the Education Department and the Public Buildings Department to Lucindale before the Christmas vacation. Although it is not on the design list at this stage, we are examining the priority that can be given to Lucindale and, when a decision has been made on the matter, I will inform the honourable member. I repeat that the department's ability to undertake the replacement of unsatisfactory school accommodation, of which Lucindale is but one of many examples in South Australia, is governed by the availability of Loan moneys for this purpose and by the willingness of the Commonwealth Government to make additional moneys available for school buildings in response to the survey of educational needs.

I was appalled by the statement of the Commonwealth Minister for Education and Science (Mr. Bowen), appearing in the press yesterday, that he doubted whether additional funds of any description could be made available for education at this stage.

The Hon. J. D. Corcoran: What did Bolte say?

The Hon. HUGH HUDSON: I am aware of what has happened in Victoria as a result of the Commonwealth Government's decision: the Victorian Government has determined on cuts in expenditure right across the board which will affect education as well. It has stopped recruitment in the Victorian Education Department; it has restricted employment of temporary personnel; and, concerning the running of the schools—

Mr. McAnaney: But the Victorian Government is—

The Hon. HUGH HUDSON: The member for—

The SPEAKER: Order! Interjections are out of order.

The Hon. HUGH HUDSON: The member for whatever he comes from—

Mr. Millhouse: Heysen!

The Hon. HUGH HUDSON: All I could think of was Stirling. I hope he would not endorse the actions of the Victorian Government, forced on it by the action of the Commonwealth Government, in restricting expenditure on education in the way that it intends to do, and I hope that the honourable member would not advocate that that sort of thing be done in South Australia.

Mr. McAnaney: At least the Victorian Government—

The SPEAKER: Order! The member for Heysen is out of order. A question was asked by the member for Victoria.

The Hon. HUGH HUDSON: I apologize for not remembering Heysen as against Stirling, which was the honourable member's previous district.

Mr. Rodda: He is a sterling member.

The SPEAKER: Order! A question was asked by the member for Victoria, and that is what the Minister has to reply to.

The Hon. HUGH HUDSON: In this House previously I have asked members opposite to use their good offices, if there be any such offices, with their Commonwealth colleagues to put the case for education, and I should hope that in the current circumstances they would do that and tell their Commonwealth colleagues (Mr. Bowen and the Prime Minister, Mr. Gorton) that the current policy being followed by the Commonwealth Government is not in the interests of developing educational standards throughout Australia and will not be accepted by the Australian people.

The SPEAKER: I think the Minister is starting to debate the question. He must confine his remarks to answering the question and must not debate the matter.

The Hon. HUGH HUDSON: I was pointing out the connection between the replacement of the—

Mr. Millhouse: You have to observe Standing Orders, the same as we have to.

The Hon. HUGH HUDSON: The member for Mitcham—

The SPEAKER: Order! The member for Mitcham or any other member is out of order. The Minister is replying to a question asked by the member for Victoria and his remarks should be restricted to that reply. The honourable Minister of Education.

The Hon. HUGH HUDSON: Thank you, Mr. Speaker. I knew you would appreciate that the honourable member was out of order. I was referring to the connection between the replacement of the Lucindale Area School and the $500,000 or so that would be necessary to carry out that project and the availability of proper educational finance from the Commonwealth Government. There is this connection, and members opposite who want, as we all want, proper educational standards throughout the State should—

Mr. McAnaney: Are you still replying?

The SPEAKER: Order! There is to be one question at a time, and the Minister can reply only to that question.

The Hon. HUGH HUDSON: Members opposite have a responsibility to take up with their Commonwealth colleagues the replacement of schools that are in an unsatisfactory condition in their districts, and I hope that they make more impression on their colleagues than we have been able to make so far.

PROSPECT SCHOOL

Mr. COUMBE: Can the Minister of Education say what progress has been made between his department and the Prospect City Council regarding negotiations for developing the area adjacent to the Prospect Demonstration School? Can he give me this information without the long explanation he gave in reply to the previous question?

The Hon. HUGH HUDSON: I assure the honourable member that I will reply to his question in the way that I think fit and not in the way that he thinks fit. I wrote to the honourable member yesterday about the acquisition of certain property to extend the area of the Prospect Demonstration School (I think that is the school). I do not know whether he has received the letter yet but, if he has not, he should receive it soon. Concerning other negotiations between the department and the Prospect council, I will obtain the information the honourable member seeks and let him have a reply in due course.

AGRICULTURAL COURSES

Dr. EASTICK: Supplementary to the question I asked him yesterday, I now ask the Minister of Education whether he is aware of the number of student teachers currently proceeding to gain experience in agriculture in respect of high school agricultural courses. It was indicated yesterday that opportunity exists for students to commence a course at the Roseworthy Agricultural College, there being 10 or 11 vacancies in first year. Many agricultural teachers in this State are former students of Roseworthy Agricultural College, having successfully completed the course there and then proceeding to a teachers college for final training. Can the Minister say whether sufficient students are currently being trained for future agricultural training needs in this State or whether what is taking place is a means of using facilities that are not being used for the benefit of the State generally?

The Hon. HUGH HUDSON: As the honourable member will appreciate that a reply to his question requires detailed investigation, I shall certainly be happy to look into the matter for him. As a result of the now famous (or infamous) mistake of the Public Examinations Board, one additional student

qualified for entry to Roseworthy Agricultural College, and he was immediately offered an appropriate scholarship so that he could enter. We are naturally concerned to secure full use of facilities wherever they exist, and the problem at the Roseworthy college this year is a matter of concern.

COMPANY DIRECTOR

Mr. McRAE: Now that the proceedings against Mr. H. C. Goretzki have been completed in the Magistrates' Court, can the Attorney-General reply to the question I asked in this House on November 5 last. I ask him for this reply, particularly bearing in mind whether it is true that Mr. H. C. Goretzki was responsible for an incident that led to 100 of my constituents being liable to pay twice for rating and bearing in mind whether it is correct that that person is an undischarged bankrupt. I also ask the Attorney-General to bear in mind whether that person referred to in my question is the same person who was recently convicted of an offence against the Companies Act in respect of a company known as G.H.C. Development. At the time of the winding up of the original company of H. C. Goretzki Proprietary Limited, will he say what was the total sum taken as the liability of the company? I should like to know whether any action was taken to investigate the reasons for the liquidation of the company and, if action was taken, what that action was. If no action was taken, is this the normal procedure? Finally, in any event, referring to my numerous questions on this subject, are my 100 constituents still to have this burden placed on them? It gets down to this: I have 100 constituents in the Salisbury area who, as a result of an activity involving the liquidation of a company of which Mr. H. C. Goretzki was a director, will now have to pay $100 for the second time. I need to have this information so that the facts of the situation can be put before the council. As the Attorney-General knows, this is a complicated matter because, if he cannot do anything about it, he must confer with the Minister of Local Government to see whether the Minister can do something. I do not care who does something, so long as someone helps my constituents.

The Hon. L. J. KING: I will look further into the matter raised by the honourable member and provide him with a reply.

COOBER PEDY POLICE

Mr. GUNN: Will the Attorney-General ask the Chief Secretary to take urgent action to improve the unsatisfactory situation at Coober Pedy in regard to the police shortage and the poor accommodation and courthouse facilities? The position at Coober Pedy at present is that, although the court sits during the evening on about 400 days a year, there is no 240-volt power and no air-conditioning, a situation which is totally inadequate in this type of climate and which causes great concern to local justices.

The Hon. L. J. KING: I will take up the matter with my colleague, asking him how many days there are in a year and what can be done about the position at Coober Pedy.

INSECTICIDES

Dr. TONKIN: Will the Attorney-General ask the Minister of Health whether any investigation has been made by officers of the Health Department into the active ingredients in some forms of insecticide commonly available in South Australia, and whether action will be taken to control insecticides considered to be dangerous? The problem arises because various insecticides have ingredients that are either dangerous or not dangerous to humans. Unfortunately, in spite of the labelling of those that do contain dangerous drugs (and I refer particularly to the drug dichlorvos), these drugs are equated in the minds of the users because they are packaged and prepared in a similar way. Unless people read the label carefully, they can be misled into using them. They may use one insecticide safely, buy another brand and use it in the same way, only to find that they are using something that is dangerous. The Australian Consumers Association has drawn attention to the danger of pest strips, which also contain this drug, a drug that can cause severe liver damage that has a permanent effect, occasionally leading to death. This matter of extreme urgency has been ventilated in the press, and I should be grateful to know whether some action has been taken.

The Hon. L. J. KING: I will refer the matter to my colleague.

CEILING FANS

Mr. BECKER: Has the Minister of Education a reply to my recent question about ceiling fans in timber classrooms?

The Hon. HUGH HUDSON: Public tenders for the letting of the contract for the installation of ceiling fans in timber classrooms were

called some time ago and are currently being appraised technically. The Public Buildings Department expects to be able within about three weeks to decide whether a tender is suitable for recommendation for acceptance.

RURAL RECONSTRUCTION

Mr. CARNIE: Has the Minister of Works a reply to the question I asked last week about rural reconstruction?

The Hon. J. D. CORCORAN: I referred the honourable member's request to the Minister of Lands who has informed me that the State is awaiting receipt from the Commonwealth of an agreement that will form the basis of legislation, which it is hoped to submit to Parliament during this session. Until the agreement has been received the necessary Bill cannot be drafted. I think I told the House previously that the legislation would be introduced this current session, but that depends on our receiving agreement from the Commonwealth, because until we get that agreement we cannot go ahead. It is the Government's wish that this scheme be implemented without delay, and officers have undertaken any preliminary work possible in the meantime to enable this objective to be achieved. However, the Government is not in a position to take any further action until the agreement is received from the Commonwealth.

LEIGH CREEK ROAD

Mr. ALLEN: Can the Minister of Roads and Transport say what is the order of priority of work on upgrading the Hawker to Leigh Creek road? This morning's *Advertiser* contains a letter to the editor from Ivan K. Hull of Beltana, who points out that the condition of this road is comparable to that of the Eyre Highway. When I was in the area a fortnight ago I gathered that the opinion that there was a dust hazard on this road seemed to be shared by everyone. Mr. Hull concludes his letter as follows:

> If the $3,000,000 offered towards the cost of sealing Eyre Highway is not to be used, because of anti-South Australian feeling in Canberra, let us switch the money to the sealing of a strictly South Australian dust trap.

The Hon. G. T. VIRGO: I do not know the priority offhand, but I will see what information I can obtain for the honourable member. Regarding the $3,000,000 for the Eyre Highway, I believe everyone in South Australia must feel sorry indeed that the Commonwealth Government did not take the opportunity to get out of one-third of its obligation when the South Australian Government offered to pay $3,000,000 if the Commonwealth would find the remaining $6,000,000. This money would not have been spent in one year. I have said publicly that it was expected that there would be a five-year programme for work on the Eyre Highway. Although we would have hoped to complete the work more quickly, there was no certainty that this could be done. To say that $3,000,000 will not be spent is not true. We will still proceed with work on the Eyre Highway to the best of our ability, bearing in mind the demands made on the Highways Fund in relation to roads throughout the State. The fact is that already this year we have wasted $250,000 on the Eyre Highway in trying to maintain, as it were, something from nothing; unfortunately, this is not possible, and we are just throwing money down the drain. The sooner we all start making the same noises as the Leader of the Opposition made when, as Premier, he came back from Canberra and said that South Australia had received the worst deal ever in respect of roads, and the sooner we get a decent deal from the Commonwealth, the sooner we shall be able to seal not only the Eyre Highway but also the road to which the honourable member has referred.

PARKS

Mr. EVANS: Will the Minister for Conservation negotiate with the Minister of Education for the establishment of classes for park keepers and rangers at adult education centres throughout those parts of South Australia that are most affected by the rural depression? Some of my constituents have submitted to me that the Government has acquired, and is acquiring, many areas as parks in order to preserve the natural flora and fauna, and to make the areas available for recreation for the community generally. If these parks are to be kept in that condition, free from noxious weeds and vermin, park keepers and rangers who understand fire control, how to care for plants and animal life, and how to keep the area in a suitable state for the public at all times, are needed. Many people in the rural community are suffering at present and may have to leave their properties because of the chronic economic circumstances in which they find themselves. If by this method we can give some people the chance of being rehabilitated in other employment similar to that from which they were obtaining their living prior to the economic recession in the

rural industry, we would be doing a service to country people in particular and the community in general.

The SPEAKER: Order! The honourable member is commenting.

Mr. EVANS: I apologize, Sir, but this is an important issue. I am sorry if I have commented in making my explanation. The Minister will understand that many people are concerned about this matter. I know it has been suggested in at least one report that people could be charged admittance to parks. I agree with this in principle: I consider that those who enjoy the privileges should pay for them. I ask the Minister whether he will take up this matter.

The Hon. G. R. BROOMHILL: When I replied earlier this week to a question about the establishment of national parks in this State, I pointed out that in recent years we had considerably increased the number. I agree with the honourable member that, as a result, we need to ensure that they are adequately serviced. It seems to me that soon the Government will need to consider manning these parks with sufficient rangers. I also agree with the honourable member that the people who undertake this work should be sufficiently skilled to do adequately the job we would be asking of them. As a result, I shall be pleased to discuss the honourable member's suggestion with the Minister of Education to find out whether there is any need for the type of education of which he has spoken.

RECLAIMED WATER

Mr. FERGUSON: Can the Premier say when the health report regarding the use of reclaimed water from Bolivar will be available? Some time last year, when the Premier attended a meeting at Salisbury to explain certain matters in connection with underground waters in the Virginia Basin, he told the audience that the health report would be available. Constituents in my district are continually asking me when it will be available.

The Hon. D. A. DUNSTAN: Towards the end of last year not only the Public Health Department but also the Agriculture Department was asked to report on the use of Bolivar effluent and the effects of its use in vegetable growing and horticulture generally. We were told then that the report would be available early this year, but since then the Agriculture Department has revalued the work and (much to my distress, I may say) the department has told the Government that its investigation and experiments will be such that it is unlikely that we can get a full report before the end of this calendar year. We have tried to expedite this matter as much as we can. The Engineering and Water Supply Department is paying the Agriculture Department to make the tests but the Agriculture Department insists that it will not be able to make a proper evaluation of the results until about the end of this calendar year.

SCHOOL SUBSIDIES

Mr. MATHWIN: Will the Minister of Education say whether the drop in subsidies for State schools is general throughout the State? I have received a letter from a constituent who has a child attending the Glengowrie High School, which is in my district, and who has told me (and has also shown me a letter to show this) that the subsidy for that school this year has been reduced from $6,000 to $4,000. I have been told that the school used the full subsidy of $6,000 last year.

The Hon. HUGH HUDSON: The honourable member knows full well, because questions on this matter have been replied to in this House previously, that the reply to his question is that there has been no reduction in the overall amount of subsidy money available to schools throughout the State. The honourable member would also know, if he had listened to previous replies given on this subject, that subsidies for some schools vary from year to year, as a consequence of special projects that they may have and as a consequence of whether the school is new. I have not checked in detail the position relating to the Glengowrie High School, but that school is now in its fourth year of existence and in its earlier years it received a subsidy which, compared to that paid to any other secondary school in the State, except a new school in a similar position, was much higher than average. New schools are always treated in this way. Inevitably, as schools become established, there is some tapering off of the amount of subsidy money made available. I ask the honourable member to make sure that he corrects the impression that apparently has been created in certain quarters that there has been any cut in the amount of subsidy money made available to schools. In the meantime, I will check in detail the position that applies at the Glengowrie High School and find out how it

compares with other schools with a similar number of students and why any change in subsidy allocation has been made.

MURRAY DISTRICT SCHOOLS

Mr. WARDLE: Will the Minister of Works give me a report on when it is likely that resurfacing of pavement areas at the schools at Monarto Junction and Mannum will take place? I think it was six months ago when we were told that the group tender for this work had been let. I understand that most other works in the group tender may have been within a closer group than are the far-distant schools and that those other jobs may therefore have been done first. I shall be pleased to receive a report from the Minister.

The Hon. J. D. CORCORAN: I shall be pleased to provide that report.

RIVERLAND SPECIAL SCHOOL

Mr. CURREN: Has the Minister of Education any report to make on a request for increased accommodation to be provided at the Riverland Special School at Berri? Last week I received a copy of a letter dated February 23, from the Chairman of the Riverland Special School Committee to the Minister, pointing out the need for increased accommodation at the school because of serious overcrowding. Construction of a hostel to accommodate 12 children who, we hope, will attend the special school, in addition to those already attending has been completed recently and the hostel will be opened next Sunday by the Commonwealth Minister for Social Services (Mr. Wentworth). The committee of the hostel hopes that during the coming year the accommodation will be occupied fully, and that will mean that the school will be more seriously overcrowded than it is at present.

The Hon. HUGH HUDSON: As the honourable member has indicated, I received a letter from the Chairman of the Riverland Special School Committee early last week. I have asked for an immediate investigation to be made by officers of the Public Buildings Department and the Education Department of the present problems at Berri as a result of the increased enrolments, but I have not yet received that report. I appreciate the problem to which the honourable member refers and I hope that he and the persons associated with the school will realize that, when a request like this is made, we cannot provide, within a few days, the full details necessary in connection with the request. However, I will certainly see that the reply for which the honourable member asks is available as soon as possible.

GRASSHOPPERS

Mr. VENNING: Can the Minister of Works say whether arrangements are complete for the spraying of areas if an infestation of grasshopper hatchings takes place in the northern areas of the State? Members will have read in the press a few weeks ago of the consternation amongst people in the Wilmington-Carrieton area because grasshoppers have laid thousands of eggs in the area. Climatic conditions play an important part in the development of the eggs: if certain conditions prevail the eggs will hatch and grasshoppers will abound. I know the department has been studying this, but I should like to know whether arrangements are complete so that if the worst happens something can be done about it immediately.

The Hon. J. D. CORCORAN: I will take up the matter with the Minister of Agriculture, whose department is responsible for it, and obtain a report. I know that departmental officers have been in the area.

TRUSTEE COMPANIES

Mr. MILLHOUSE: Will the Attorney-General say whether he intends to introduce, during the remainder of this session, amendments to the trustee companies legislation? Soon after I became Attorney-General in 1968 my attention was drawn to the desire of the trustee companies in this State to have certain amendments made to their Act. I conferred with them and, while my Party was in office, work was done in preparing legislation. Had the previous Government remained in office, amendments would have been introduced during this session, probably last year. Because of questions I have asked the Attorney-General, I know that the trustee companies have approached him about this. I have seen the report of Sir Roland Jacobs (Chairman of the Executor Trustee and Agency Company of South Australia Limited) in which he canvasses this matter and in which he points to the desirability of amendments being made.

The Hon. Hugh Hudson: What sort of amendments?

Mr. MILLHOUSE: The amendments which are required, according to Sir Roland, are (*a*) a provision designed to bring procedures up to date, (*b*) the establishment of

common funds, and (*c*) amendments designed to relate remuneration more closely to services rendered than to the value involved.

The Hon. Hugh Hudson: But—

The SPEAKER: Order! Interjections are out of order. I ask the honourable member to ignore them.

Mr. MILLHOUSE: The Minister is doing his best to interrupt and put me off. I know that the last time representatives of the trustee companies called on the Attorney-General they did not receive a reply from him about whether it would be possible to introduce these amendments during the present session. Certainly they were not told that the amendments were undesirable for reasons given by the Minister of Education in his interjection: they were not given an answer at all.

The Hon. L. J. KING: Proposals made by the trustee companies have been considered, and discussions have been held between representatives of the trustee company and me. These proposals have still to be considered, and I expect to be able to take the matter to Cabinet soon. I cannot say categorically whether it will be possible to introduce legislation this session.

TEMPORARY FINANCE

Mr. McRAE: Will the Attorney-General say whether, under South Australian law, persons may be forcibly evicted from their homes without a court order, and, if they can be, whether he approves of that situation? Also, will he say whether his Government intends to do anything about this situation? I, like other members representing newly developing areas, am faced with the problems of families who have been evicted from their homes not on the basis of a court order but purely on the basis of a notice to quit, followed by the arrival of bailiffs, who have forcibly evicted these persons. On other occasions, although the actual eviction has not occurred, there has been a threat to evict, which has put the householder in a difficult situation. This situation is becoming increasingly grave in these areas because of the difficulties involved in temporary finance. I ask the Attorney-General to consider providing people who can be put in that position with some protection.

The Hon. L. J. KING: I will look into the matter.

AERIAL SPRAYING

Mr. COUMBE: Will the Minister of Works ask the Minister of Agriculture what policy, if any, has been laid down by the Government covering the aerial spraying of crops? This matter has been raised many times by members representing the rural areas because of the dangers inherent to adjoining properties and crops and the consequent losses because of wind moving the spray component on to the adjoining crops. I have a constituent who is a professional apiarist and who has found to his dismay—

The Hon. D. H. McKee: In the park lands?

Mr. COUMBE: That remark shows the Minister's limited outlook.

The SPEAKER: Interjections are out of order.

Mr. COUMBE: My constituent is a professional apiarist who has to move his hives to various parts of the country. Unfortunately, he has found that many of the bees have been affected by spray materials that have blown on to foliage in adjoining properties, and the bees in turn have gone back to the hives, which have been ruined. I therefore ask whether the Government has formulated any policy on aerial spraying, and, if it has not, what it intends to do.

The Hon. J. D. CORCORAN: I will take up the matter with my colleague and bring down a report. I know this affects amateur apiarists as well as it does professionals.

STEVENTON ESTATE TANK

Mrs. BYRNE: Has the Minister of Works a reply to my question of February 24 concerning the Steventon Estate water storage tank?

The Hon. J. D. CORCORAN: The Engineering and Water Supply Department plans its overflow and scour outlet works so that they cause the minimum inconvenience to the public. They are connected to stormwater drainage systems, to creeks, drainage easements, etc. In the case of the Steventon Estate tank, the overflow and scour outlet from the tank is taken by a 15in. pipe and discharged into a drainage easement which is 30ft. wide and which runs down the rear of properties facing on to Steventon Drive. For tank-cleaning purposes and other necessary maintenance operations it will always be necessary for the department to release some water through this pipe and so down the drainage

easement. Any work that is done on this drainage easement in gardens, etc., is therefore always liable to some minor flooding. In general, provided that the waterway in the gutter in the easement is not cut off, little damage will be done.

Following the honourable member's representations in July last year about the overflow from the tank, an inspection showed that damage caused was only slight. Water had been released for tank cleaning, and some overflowing of the tank had occurred. This tank was being fed through pressure-reducing valves and owing to malfunctioning of one or more of these valves the tank overflowed. It has been possible since that time to change the method of feed to this tank to a more normal and more reliable method, namely, through a ball float and inlet valve. Unfortunately, on December 27 a piece of stone, carried along the inlet main by the velocity of water, lodged in the inlet valve and prevented it from closing. As a result of this, the tank overflowed and some minor damage was done in the drainage easement.

SPRINGBANK AREA

Mr. EVANS: Will the Minister of Works investigate the possibility of having that area of land at Springbank situated on the western side of Victoria Avenue and on the northern side of Springbank Road, where there is an Engineering and Water Supply Department water tank, again opened to the public, and particularly the younger people of the area, as a playground? I have a letter from a constituent in the area who explains that this area is surrounded by lush green grass, which is continually watered and cared for by departmental officers. This area was available in the past to young people as a playing area, but they were stopped from playing there at some stage. People in the district need a playing area for their children, as the existing available area is rough and unsuitable for children to use. Will the Minister obtain a reply quickly? This matter may not come under the control of his department entirely as it may have something to do with the Mitcham council.

The Hon. J. D. CORCORAN: I shall be happy to examine the matter for the honourable member and, if it is possible to accede to his request and so make this area available for the use of children, I shall be happy to do so.

TEACHER SHORTAGE

Mr. CARNIE: Can the Minister of Education say whether part-time mathematics and science teachers are being sought for country secondary schools? A press report on Monday last states that the Education Department is seeking part-time mathematics and science teachers to work for as little as one hour a day. The report states that virtually all country schools have sufficient full-time staff in these categories and that part-time staff is being sought for schools in the metropolitan area. In my view, "virtually all" means that at least some country secondary schools are deficient in this regard; in fact, I know of some that are deficient. Can the Minister say whether part-time staff is being sought for all schools that are deficient in this respect?

The Hon. HUGH HUDSON: I should like to know which country schools the honourable member knows of.

Mr. Carnie: I can give you the names.

The Hon. HUGH HUDSON: I think I explained yesterday that the action we took within the Education Department was to create additional posts of acting senior masters and acting senior mistresses in several country schools. This was done before Christmas: applications were called, and we made 28 to 30 additional appointments, at the senior master level, to country schools. Naturally, these appointments would be related to people who would otherwise have been employed at schools in the metropolitan area and, therefore, the main problem exists simply in the metropolitan area. Wherever there is a difficulty in any country centre in providing schoolteachers, whether mathematics, science, or any other teachers, we always try to appoint any local people who are available, and we would certainly do so in this case.

Mr. Carnie: On the same one-hour basis?

The Hon. HUGH HUDSON: Yes, if necessary. However, in general, we are not able to do this, and country vacancies normally have to be filled by transferring someone from the metropolitan area and then arranging to fill the vacancy thereby created within the metropolitan area. We have tried to have country schools staffed properly at the beginning of this year and, we hope, staying that way for most of the year. If the honourable member has any special case that he would like to bring to my attention where any sort of staff shortage exists and if he will bring it to my notice I shall be only too pleased to have it investigated for him.

SUBORDINATE LEGISLATION COMMITTEE

The Hon. D. N. BROOKMAN: I wish to ask a question of the member for Tea Tree Gully, as Chairman of the Joint Committee on Subordinate Legislation. Will the honourable member authorize the Leader of the Opposition or his nominee to examine the minutes of meetings of and the evidence taken by that committee? I point out that no member on this side has access to the proceedings of that committee, which is really set up to advise the House. Is the honourable member willing to give me an affirmative reply?

The SPEAKER: Although I could not hear the question, I understand it was directed to the member for Tea Tree Gully. Does the honourable member desire to reply to the question?

Mrs. BYRNE: Yes, Mr. Speaker. I assure the honourable member that I will refer this matter to the committee and give him a considered reply later.

BEACH LITTER

Mr. BECKER: Will the Minister for Conservation, as a matter of grave urgency, immediately have prepared appropriate legislation authorizing beach-side councils to institute on-the-spot beach litter fines? The Minister will be aware of the immense problem facing beach-side councils in controlling beach litter. I understand that the Henley and Grange council was most concerned recently at the large quantity of litter and the manner in which it was left on one of its beaches. The Henley Beach Young Liberals are helping their council remove litter from the beach, as are other community bodies, including Apex.

The SPEAKER: Order! I think the honourable member will recall that that question was asked yesterday.

Mr. BECKER: No, I am asking—

The SPEAKER: Order! I believe a question was asked yesterday about on-the-spot fines regarding litter, and it is not permissible to ask the same question.

Mr. EVANS: On a point of order, Mr. Speaker. This question specifically relates to our foreshores and to councils in beach areas, not to on-the-spot fines for littering generally. It is a different question.

The SPEAKER: A question about on-the-spot fines for throwing away litter was answered yesterday.

Mr. EVANS: The question today was whether seaside councils could be given power, by an Act of Parliament, to impose on-the-spot fines. The honourable member is asking that legislation be introduced.

The SPEAKER: Does the Minister wish to reply to the question?

The Hon. G. R. BROOMHILL: Yesterday a general question was asked whether the Government was considering introducing legislating for on-the-spot fines. I notice that, in his question, the honourable member has referred only to on-the-spot fines in respect of beach litter. He said that several organizations, such as Kesab, were doing an excellent job in assisting councils to keep beaches clean. As was pointed out in the reply yesterday, the Government is considering the general question of on-the-spot fines in respect of litter, and that would include beach litter. I will inform the honourable member of the outcome.

EDUCATION CRISIS

Mr. GOLDSWORTHY: Can the Premier say, first, in what specific area the education system was at breaking point when his Government came to office, and secondly, what specific steps the Government has taken in this area that have resulted in the claim that the crisis that then existed has now passed as a result of these steps? This is not the same as the question I asked yesterday but is consequential on that question. I am asking the Premier for specific details in view of the evasive reply that he gave yesterday.

The Hon. D. A. DUNSTAN: The crisis in morale was caused by a lack of expenditure in vital areas of education. Indeed, this week I will see the President of the South Australian Institute of Teachers with regard to representations that the Commonwealth Government is not even as yet allowing to the States sufficient money to cope with the crisis in education. If the honourable member is not aware of the areas in which the 15 per cent increase in education expenditure, which was criticized by his Leader, is being spent, we will give some details. I should have thought that, as a schoolteacher, the honourable member would be able to read the Estimates and see where the money was being spent.

Mr. Goldsworthy: You tell me. You made the claim.

The SPEAKER: Order!

Mr. Goldsworthy: He doesn't know.

The Hon. D. A. DUNSTAN: Regarding the rest of the change, I should think that the crisis in morale was in part solved by the honourable member's departure from the Education Department.

Mr. Goldsworthy: The present Minister stirred it up.

The SPEAKER: Order!

INDEPENDENT SCHOOLS

Dr. EASTICK: I apologize in advance if part of my question has previously been dealt with. Can the Minister of Education say whether the recommendations made by the committee in respect of the distribution to independent schools of $250,000 have been accepted by Cabinet, when the money will be paid, and whether any of the recommendations are revocable? A school in my area that was to receive the sum awarded to schools in category B has already closed, but it has reopened on another site. Representatives of that school want to know whether this money will be available to the school, regardless of the fact that it will now be situated on a new site.

The Hon. HUGH HUDSON: If the honourable member had checked the newspapers, he would have discovered that Cabinet had approved all the recommendations and that the total disbursement over the period of a year amounted to $263,000 or $265,000, depending on the enrolments. The existing per capita payments that have been made to independent schools will continue: the money to which I have referred is additional money. The procedure by which the money is paid involves each independent school in submitting to the Education Department on a terminal basis a return showing its student enrolment. Normally, we expect the first term's return from various independent schools to come to the Education Department at the end of February or early in March. As soon as these figures are received, the first-term payment is made. I have not yet checked how many returns from independent schools have been received. Following Monday's Cabinet meeting, we have instituted procedures within the department to see to it that the first-term payment can be made as soon as possible. The honourable member can rest assured that the money will be available to the school to which he has referred; payment is made to the school and not to the site. In order to avoid any possible confusion, or a mistake occurring, I should appreciate the honourable member's providing relevant details to me of the school and change in site.

ADELAIDE ABATTOIRS

Mr. VENNING: How does the Minister of Works justify the reply which he gave me last week about the Adelaide abattoir and in which he said certain things were being done at the abattoir but concluded by saying, in undertones, that the Americans probably did not want our meat in any case? The Minister said that certain things were being done to bring the Adelaide abattoir to the standard required for the American market, but he added, in undertones, "You know as well as I do that they do not want our meat." Metro Meat Limited, which operates at Port Noarlunga, has a market in America and the abattoir at Murray Bridge kills meat for that market. It is fairly obvious that some people may wish the Adelaide abattoir to be left in the export category, having regard to the demand for stock.

The SPEAKER: Order! The honourable member is tending to debate the question, and he is not permitted to do that.

Mr. VENNING: How does the Minister justify his answer to me last week, when we know that two private abattoirs in South Australia kill meat for the American market?

The Hon. J. D. CORCORAN: The honourable member wants me to justify a statement I made in undertones when completing a reply I gave him last week in which I said that I would obtain a report from my colleague. I then commented that the Americans probably did not want our meat anyway. The honourable member need only read last week's *Sunday Review*, which states that it is intended to put three Bills before the American Congress that will erect more barriers against meat imports to that country, to see that what I have said is in fact correct. If the honourable member does not believe that, he should speak to people in the industry and he will learn that, generally speaking, that is the case. It may be true that two private meat companies can export meat to the United States; I point out to the honourable member that the Government is most anxious that the Metropolitan and Export Abattoirs Board be able to export meat to the United States as well. The honourable member will know that a considerable quantity of meat could be involved. The inspections made by the American authorities from time to time are evidently

so stringent that, if there is dust on the top of a cupboard, that is sufficient for the inspector to say that the premises are unsuitable. I do not know whether that is an exaggeration, but that is what I have been told; whether it is true is another matter. In the light of developments in America, I thought I was justified in saying that they probably did not want our meat anyway. However, I will obtain a report for the honourable member regarding the specific reasons why the Metropolitan and Export Abattoirs Board has not been granted an export licence.

PUBLIC SERVICE ACT

Mr. MILLHOUSE: Will the Premier say what the Government intends regarding amendments to the Public Service Act? I noticed in the December 7 issue of *Public Service Review* that objections were being raised to the Public Service Act Amendment Bill, which objections were voiced to the Premier in an interview at which, according to the report in this publication, the Premier certainly showed no loyalty to the Public Service Board, and tended to blame it for introducing the Bill without reference to the Public Service Association. I say no more on that, as it speaks for itself. I noticed that the Premier was reported to have said that the Bill would not be proceeded with until February. I also notice that the Bill still stands at the bottom of the Notice Paper in another place. Will the Premier therefore tell the House whether the Government intends to proceed with the legislation (which he said, in this place, embodied the Labor Party's policy; at least, he said that at the last election) in its present form, or whether it intends to drop the Bill or introduce amendments to it in another place?

The Hon. D. A. DUNSTAN: The Bill, with amendments, will proceed in another place, consultations having been held between the Public Service Board and the Public Service Association. The latter represented to me that it had not been consulted by the board. When I put this to the board, that statement was denied: the board said that the association had been consulted. There was, therefore, disagreement between the parties on that point. The matters raised by the association have been examined by the board, recommendations have been made to the Government, the association has been contacted, and the Bill, with amendments, will proceed in another place.

BOOL LAGOON

Mr. RODDA: My question, which I address to the Minister for Conservation, relates to the Bool Lagoon game reserve, which is under the Minister's worthy control. Will the Minister say what has been the success or otherwise of the recent gun shoot held on the opening morning of the duck season? The Bool Lagoon reserve at present has a water content of R.L. 264 (the Minister will no doubt be able to tell me what that means) and, from my observations, I know that there is much water and birdlife in the lagoon. Although the local people expressed concern previously that the shoot could have resulted in considerable chaos, it seems to be local opinion that it went off fairly satisfactorily. As the Minister would no doubt have received a report on this matter, I should appreciate his giving the House some information.

The SPEAKER: Order! The honourable member is starting to debate the issue. He must confine his remarks to an explanation of the question.

Mr. RODDA: Thank you, Sir. Would the Minister therefore say whether this initial shoot was successful?

The Hon. G. R. BROOMHILL: Although I have spoken briefly about this matter with departmental officers, and although I understand that a report is to be provided, I have not yet received such a report. However, I shall be pleased to hasten the report so that I can give it to the House soon.

MURRAY RIVER REVENUE

Mr. McANANEY: Will the Minister of Marine obtain for me details of the total revenue received from licences for wharves, jetties and other such obstructions on the Murray River and in the Lakes area, and also details of departmental expenditure in this area?

The Hon. J. D. CORCORAN: Yes.

SCHOOL SERVICES

Dr. TONKIN: In the temporary absence of the Attorney-General, will the Minister of Education say whether it is intended that school health services should be extended by providing for the regular attendance of trained nurses at schools? School health services are becoming more and more specialized, and they are something of which this State can be proud. It seems that, now there has been so much activity with dental nurses, with the

regular visits to schools of nurses and doctors, and with the provision of sickroom and other facilities, some consideration could be given to the part-time staffing of those facilities on a permanent basis.

The Hon. HUGH HUDSON: At one school the parent organization attempted to provide a nursing service at its own cost, and the department was asked whether it would be willing to take it over. On analysis, the department looked at the possibility of introducing an overall policy for the whole State, because it could not provide a service at one school unless it was prepared to extend it to all schools throughout the State. However, this would be costly. Although I cannot tell the honourable member the precise cost now, I can obtain that information for him if he wishes it. The department cannot at present provide additional finance in order to extend health services in this way. Certainly, the provision of nursing services within schools is one of the many needs that will be kept in mind as and when finance becomes available.

TORRENS RIVER

Mr. COUMBE: Will the Minister of Works say what action has been taken following the passing by this House during this session of the River Torrens Acquisition Act, which provided for the acquisition of certain lands and which was assented to on November 5 last year? Will the Minister say whether plans are being prepared by his department, in conjunction with the Minister for Conservation, to enable this work to proceed, and can he give the House details of the expected time table?

The Hon. J. D. CORCORAN: I cannot reply off-hand. Certain money has been allocated to councils, but this is in a different category. The expenditure has been expanded to a maximum of $6,000 in any one year, or at least to a matching grant. However, I will examine the matter raised by the honourable member and bring down whatever information I can regarding the progress made.

MENINGITIS OUTBREAK

Mr. VENNING: I address my question to the member for Port Pirie.

The SPEAKER: Order! The honourable member must refer to the Minister's correct title and, anyway, there is no district of Port Pirie. The honourable member should address his question to the Minster of Labour and Industry.

M10

Mr. VENNING: My question is directed to the Minister of Labour and Industry, as the member for Port Pirie.

The SPEAKER: Order!

Mr. VENNING: The question—

The SPEAKER: Order! The honourable member must ask his question by using the correct title. The honourable member for Rocky River.

Mr. VENNING: I am seeking information from the Minister, whose portfolio does not cover the matter, as the member for the area. I address my question to the Minister of Labour and Industry. Being the member for a neighbouring district to his district, I am extremely concerned, as everyone else is, about the epidemic of meningitis at Port Pirie. I should like to ask the Minister, as the member for that area, what has been done up to the present to try to get to the root of the trouble existing in that area. I ask this question because, as the member for a neighbouring district, I know that many people in my district go into the Port Pirie area. I should think that the Minister, as the member for the area, would be alive to the present situation as to the findings resulting from the examinations that have taken place.

The SPEAKER: Does the honourable Minister of Labour and Industry wish to reply?

The Hon. D. H. McKEE: Yes, Mr. Speaker.

The SPEAKER: Ministers do not have to reply to a question on a matter that does not come within their jurisdiction, whether the matter affects the Minister's district or not. If the Minister desires to reply, he may.

The Hon. D. H. McKEE: I understand the honourable member's concern, because many of his contituents visit Port Pirie to shop and, I understand, to swim in the Solomontown beach area and possibly in the local swimming pool. I assure the honourable member that the Local Board of Health and the Central Board of Health have taken samples of water from all suspected areas, including the Solomontown beach, and where the meningitis germ originated has not been determined. It could well be that it originated at Solomontown beach, but no-one knows at this stage. As late as yesterday I received information that samples of water from various areas in the city were being tested at present. Of course, this procedure was also

carried out in Port Augusta when a similar investigation was made during the outbreak of meningitis in that city, but, unfortunately, the authorities could not trace the germ or its origin. We hope that they will be able to isolate the germ at Port Pirie, but they have not been able to do so yet. Everything possible is being done but at this stage the authorities have not arrived at any conclusion about where the germ originated.

PATAWALONGA BRIDGES

Mr. BECKER: Will the Minister of Local Government obtain a report about the future of Tapley Hill Road, Military Road, the proposed new bridge over the Patawalonga basin, and Brighton Road, because of the announcement in this morning's press that the Department of Civil Aviation is considering extending the north-east south-west runway at Adelaide airport by 2,000ft.? My question is supplementary to a question that I asked yesterday. The suggested extension of the runway at Adelaide airport could seriously affect State Government planning of roads and bridges in the area. I also understand that there are future plans to extend Brighton Road from Anzac Highway through the Glenelg North residential area to Tapley Hill Road.

The Hon. G. T. VIRGO: I have had preliminary discussions on this matter and I understand from the activities of at least one Senator (Senator Jim Toohey) that the matter has been canvassed actively in the Commonwealth Parliament. My information is that this proposal is projected well into the future. However, now that the honourable member has asked the question, I will find out whether a considered statement can be prepared for him.

SOCIAL WORKERS

Dr. TONKIN: Will the Minister of Social Welfare say how many students have begun social work studies under the sponsorship of the Department of Social Welfare and Aboriginal Affairs this year, whether the number of social workers on the department's staff has increased, and whether a full-time psychiatrist has yet been appointed to the department?

The Hon. L. J. KING: I shall let the honourable member have a considered reply.

BAROSSA BUS SERVICES

Dr. EASTICK: My question is addressed to the Minister of Roads and Transport, as Minister in charge of the Transport Control Board. Is the Minister aware whether there is to be a duplication or partial duplication of road transport from the Greenock-Daveyston area to Adelaide by bus services? In the press yesterday there was an advertisement in the name of the Transport Control Board for applications to conduct a bus service commencing from Greenock, passing through Daveyston and Sheoak Log, and thence to Gawler and on to Adelaide. A bus service at present operates from Kapunda to Greenock and Daveyston, and across to Freeling, by-passing Sheoak Log. The purpose of the question is to find out whether there is to be duplication of service in this general area.

The Hon. G. T. VIRGO: I will seek the information for the honourable member.

GARDEN SUBURB

Mr. MILLHOUSE: Will the Minister of Local Government say whether the Government has yet decided the future of the Garden Suburb and, if it has, can the Minister announce the decision in the House? If the Government has not made a decision, can the Minister give the House any idea of when it is likely to be made and announced? During the term of office of the previous Government, the Minister's predecessor and that Government appointed a committee to inquire into the future of the Garden Suburb and that committee reported some months before we went out of office. The present Minister is aware of that, because he has reminded me of it several times and on those occasions has drawn a comparison between the short time he has been in office and the length of time that we were in office without doing anything about the matter. However, now the position is arising where he has had the report and has been in office for as long as we were in office without reaching a conclusion on the matter and I therefore take it that he will not use that line of reasoning as an excuse for not having come to a conclusion.

The Hon. Hugh Hudson: If he did, he would be debating the reply as much as you are debating the question.

The SPEAKER: Order! The honourable member is debating the question. I ask him to make his explanation.

Mr. MILLHOUSE: I think I have made an adequate explanation.

The Hon. G. T. VIRGO: I think I can be forgiven for suspecting a rather strong political flavour in the honourable member's

explanation. I think the question was simple and that it can be replied to simply. The Government still has the report before it, as I am sure the honourable member knows. Although it was not delivered to him and I do not know whether it went before the previous Cabinet, I imagine, because of the honourable member's personal interest in that part of his district, that he would have read the report and realized that the committee did not find a practical solution. Only one solution was offered but it was not acceptable to the previous Government because of the finance involved. However, we are currently pursuing other avenues but I cannot say when they will be completed or when a decision will be made. As soon as it is, it will be announced in the House if Parliament is in session. Otherwise it will be announced publicly.

ROAD WIDENING

Mr. COUMBE: Last year I asked the Minister of Roads and Transport a question about the intersection of Main North Road and Regency Road at Prospect and the acquisition of property that was necessary for road widening to take place. I believe that only one property remains to be acquired and I now ask the Minister what progress has been made on the road-widening work which is necessary to upgrade this intersection?

The Hon. G. T. VIRGO: I will bring down a considered reply.

SPECIAL MAGISTRATES

Mr. MILLHOUSE: Has the Government considered its policy on taking magistrates out of the Public Service and, if it has, what conclusion has been reached? One of the matters which was brought to my attention when I was Attorney-General (particularly during the preparation of the intermediate courts legislation and its subsequent passage through this House, which, as the Attorney-General probably knows, was bitterly opposed by his Party which called for a division at every possible opportunity in opposition to the legislation) was the matter of special magistrates and the fact that they were in the Public Service. It was suggested to me (as it had been suggested many times in the past) that this practice was undesirable and not compatible with the role of magistrates as judicial officers. I could not at the time recommend to Cabinet that action should be taken to take the magistrates out of the Public Service, but I understand that during the last nine months or so the matter has been raised again.

The Hon. L. J. KING: One very noticeable thing about the honourable member's explanation is how every word is calculated to elucidate the question he has just asked and to serve no other extraneous purpose! I have long held, and frequently expressed the view, that as a matter of principle it is not desirable for members of the judicial service to be officers of the Public Service and I have expressed this view about magistrates. From the practical point of view it is not a simple matter, because if there were no other complications one arises from the fact that a great many of the magistrates have no wish to be out of the Public Service and would oppose such a move. A solution may be possible along the lines of providing alternative methods of appointment. It is a matter that has occupied my attention since I have been Attorney-General, but as yet the Government has made no decision on it. However, that is not to say that it will not come before Cabinet for consideration.

AIRCRAFT OFFENCES BILL

Returned from the Legislative Council without amendment.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Electricity Trust of South Australia Act, 1946-1966. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

It provides for the payment by the Electricity Trust of South Australia of a levy equal to 3 per cent of its gross revenue derived from the sale of electricity. The proposed contribution by the Electricity Trust is in line with a similar levy introduced in Victoria in 1966 which required such a contribution from its two publicly-owned authorities responsible for the supply of electricity and gas. The concept of a contribution to Consolidated Revenue by those public authorities which are not called upon to pay income tax and some other costs and taxes which impinge on comparable private undertakings is common to all States and the Commonwealth. The concept has applied for many years to Government insurance offices, banks, airlines, brickworks and other business undertakings. As honourable members know, the State Bank of South Australia has since 1968-69 paid a contribution to revenue comparable with the amount of income tax it

would have paid if it were a company. As the annual revenue of the Electricity Trust is now approaching $70,000,000 its contribution initially would be about $2,000,000 a year.

The moneys derivable from the contribution are most urgently required in order to assist in the financing of the essential social services of the State and as some help in meeting the increased costs of salaries and wages payable to nurses, teachers, and the like. Whilst we may expect the Commonwealth Grants Commission to recommend supplements to our Budget to the extent that South Australia is naturally disadvantaged in other grants, revenue resources, or costs of providing services, the commission will not recommend grants to make good any deficit in our finances to the extent that it is not greater a head than the deficits in New South Wales and Victoria, nor will it make good any deficit arising because overall we may tax less severely than those States. Victoria levies such a contribution as is now proposed and, whilst New South Wales does not at present levy such a contribution on public authority electricity revenues, it does raise very much greater revenues from poker machine duty which is a source of revenue not available to us in this State.

Clause 2 provides for the contribution to commence from April 1 next so that the 1970-71 Budget will benefit from one quarter's receipt of about $500,000. I point out that the Electricity Trust's tariffs have been held so that they are presently no higher than they were 19 years ago, a remarkable achievement against a background of increasing costs in virtually all other areas. The trust, faced with increases in its own costs, particularly in wages and salaries, and in interest rates, would have had to contemplate some increases in tariffs in any case in the relatively near future. Moreover, over the past 15 to 20 years its structures of costs have altered and so have practices in both industrial and domestic usage of power, and I believe the trust may wish to make a careful review of the structure of its tariff schedules. Pending this review, which will take some months, the trust will probably carry temporarily the impact of the proposed 3 per cent levy. The Government recognizes that the increased tariffs when determined will undoubtedly have to be somewhat greater overall than to recoup the 3 per cent contribution required for public revenues. I would not attempt at this stage any precise forecast of the overall increase likely in electricity tariffs. Having regard to the amazing stability of tariffs over nearly 20 years when costs and incomes have so greatly increased, the 3 per cent required for assisting Government revenues must be regarded as very modest indeed, whilst any other addition to tariffs for the trust's own costs I am sure will likewise be modest.

Some question has been raised as to why the proposed 3 per cent contribution should not also be applied to the South Australian Gas Company as it applies to the Victorian Gas and Fuel Corporation. The answer is that the Gas and Fuel Corporation in Victoria is, like the Electricity Trust, a public authority and not liable to income taxation. The South Australian Gas Company is liable to taxation. Moreover, whilst the Victorian contributions and that now proposed from the Electricity Trust are simply financial arrangements between the Crown and creatures or authorities of the Crown and accordingly do not constitute taxes in the true sense, such a contribution if demanded from the South Australian Gas Company would almost assuredly be open to challenge as an excise and accordingly unconstitutional.

Mr. HALL secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (FRANCHISE)

Adjourned debate on second reading.

(Continued from February 25. Page 3619.)

Mr. HALL (Leader of the Opposition): The disturbing feature of this legislation is its origin. The main principles involved in this Bill do not stem from representations made by local government, which of course has been basically the source of the amending legislation that has frequently been considered in this House over the years. The Local Government Act has been greatly amended and has recently been the subject of substantial revision by the Local Government Act Revision Committee. However, in this instance we have something that is not sponsored by that committee or by local government in South Australia: it is sponsored by the Labor Party, whose political ideology is the main feature of this Bill. It is well to note a very basic change in local government activities throughout the State which will result from what, on the surface, is a simple alteration to electoral procedures. I suppose the Government is adopting the principle that it should deal in its first year of office with all those things that may be unpleasant to the population.

Mr. Payne: That has no doubt been your Party's principle.

Mr. HALL: It is obviously the principle of the honourable member who has just interjected. We have seen many unpleasant features of Government legislation in this session, and this is perhaps the most unpleasant of the measures that have been introduced. We should not under-estimate the changes made by this Bill. I am sure that you, Mr. Acting Deputy Speaker, because of your own involvement in formulating policy, do not under-estimate those changes. This Bill seeks to alter a situation whereby, in regard to local government, this State has been the best serviced State in Australia. The community is proud of the services provided within the State, and we have a tremendously happy relationship between the State Government and local government, despite the continual differences of opinion that must inevitably arise in certain areas of local government activity. We have witnessed a tremendous range of services which for political reasons have never been fully acknowledged. We recall the previous attack on the education system in South Australia, but now that this Government is in power, after criticizing the system for many years while in Opposition, it has within its first eight months of office suddenly found a remedy. It says that it has been a good system all the time and that its criticism has been made for political purposes.

The same sort of thing has occurred concerning local government. The Government fails at this stage to acknowledge the great good that has been derived in South Australia through local government in its present form. Local government has slowly evolved to its present stage; it has never been at a standstill but always subject to changing circumstances and to the various forms of interaction between itself and State Government activities. Superimposed on this measure is an outside political ideology, which represents the main purpose of the Bill. Under the present administration of local government, Adelaide has become the best sewered city in Australia. Although sewerage is not the responsibility of local government, the present situation is the product of the system in which local government plays a tremendous part.

Mr. Payne: Rubbish!

Mr. HALL: I know that members opposite, in this great surge of power, are greedy to work this change according to their union direction, and the implications of that direction are seen in this type of measure. Indeed, the Minister of Local Government, who so often sits alone in the expensive $8,500 additions that have been effected in the Chamber, is a prominent member of the Labor Party organization. South Australian local government has been particularly free from corruption; indeed, if there is one outstanding feature of public life in South Australia it is its freedom from corruption. If members opposite wish to advocate what is occurring in the other States, let them see what is happening there regarding corruption and then say how the present system can be improved. If Government members deny that people have been able to receive much more enjoyment in life as a result of the various services that have been provided, they have not travelled throughout the State. Local government has properly assumed its responsibilities in this regard and we find even in the smallest town in the State worthwhile projects backed by local government, which is leading the community, not following it. In most instances, local government is free from Party politics.

Mr. Langley: You're kidding.

Mr. HALL: Members opposite, in supporting this type of legislation, are saying that it does not involve Party politics. Look at what happened within the Elizabeth City Council during the shopping hours controversy, when Government members defended the taking away of weekend and Friday evening shopping freedoms. The Labor Party directed members of the Elizabeth City Council to censure the Liberal Mayor.

Members interjecting:

Mr. Langley: You said there was no Party politics.

Mr. HALL: Government members, in order to achieve political domination, wish to superimpose their ideology against the wishes of those now in local government. These great democrats opposite believe that the elector should be the sole arbiter in respect of deciding who shall be members of councils. Yet in their own union affairs they direct the Government at every turn by their method of pre-selection. Do they have a compulsory vote? Let us not have more of this hypocrisy of members opposite talking about compulsory voting and refusing to look behind them at their own basic unit of power.

The Minister of Local Government is absent from the Chamber, the Ministry being represented by the newest junior addition to the

Ministry who is occupying the $8,500 plush seat. The Minister of Local Government said that there had been curious opposition to this Bill, implying that anyone who does not agree with Labor Party ideology is odd. This curious opposition is being expressed by those who wish to preserve what has been the most efficient local government service in Australia. Do members opposite say that it is not the most efficient service? There is absolute silence. By their inane silence members opposite admit that we have the best service in Australia.

Mr. SIMMONS: On a point of order, Mr. Acting Deputy Speaker. I think it is out of order for the Leader to accuse us of inane silence, when we are merely not interjecting.

The ACTING DEPUTY SPEAKER (Mr. Ryan): I cannot uphold the point of order, because interjections are out of order and the honourable Leader is out of order in inviting interjections and in replying to them.

Mr. HALL: I had no wish to offend the member for Peake; I can find other adjectives that may be more suitable and less offensive. I will withdraw the word "inane", as I was probably wrong to judge the silence in that way. However, from the silence of members opposite, I can only assume that they agree that we have the best form of local government that Australia has provided. We agree on that. However, we disagree on the proposal to alter the system that has produced the best local government service in Australia. I oppose the Bill's major electoral proposals, which have been introduced along with a few requests from councils about which members can argue. Possibly some requests have been made to the central Government by councils in respect of various needs that have arisen. However, this should not blind us to the inherent evil involved in the major electoral proposals.

The Minister said that the people will have the right to vote and will have only one vote. He said something about the poorest voter having as much say as the richest voter, but that is wrong, for the richest voter will not have as much say as the poorest voter. Some people will be disfranchised by this legislation. Members opposite must agree that we are dealing with local government—not with Commonwealth Government or State Government. We are dealing with local government made up of wards. By their silence, members opposite seem to agree. Therefore, it would seem that those who have an interest in local government should get a vote in local government.

Mr. Hopgood: No—

Mr. HALL: My democratic friend says "No": that they should be disfranchised because they live somewhere else. He would give them an opportunity to vote in the area in which they live and deny them the opportunity to vote in the area in which they have their economic interest.

Mr. Hopgood: Yes.

Mr. HALL: That is democratic! Such a person is charged a tax, and laws made by local government could ruin his economic future. To deny him the right to vote is stupid. The member for Mawson has not been in Parliament long enough to understand this. Local government matters greatly affect businesses. Even though the necessities of economic life and survival are involved, these people will be denied a vote, and other people will decide matters that will affect them. In this way, the definition of "local government" is being denied.

Mr. Hopgood: Your definition.

Mr. HALL: The Bill is for an Act to amend the Local Government Act: it is not to amend the Constitution of South Australia. The meanest aspect of this measure is that it will take away from a man the right to vote on matters affecting his future. Local government is concerned only with local laws. The only legitimate course it has is to legislate on the local scene. Members, such as the member for Torrens, have been involved in local government for years.

Mr. Coumbe: It's the system nearest the people.

Mr. HALL: Yes, and it is that aspect of the system that members opposite will take away from a significant number of people. All this will happen because the Labor Party says so.

Mr. Crimes: Isn't that terrible.

Mr. HALL: Yes, it is terrifying in the sense of what is happening in South Australia. In another situation, the Premier got his answer last evening in regard to the terrifying aspects of suppression which the member for Unley knows the Premier is promulgating in his name. The member for Unley knows that the decision taken last evening will be taken in coming years throughout South Australia until it is taken in the honourable member's district.

Mr. Langley: Phooey!

The ACTING DEPUTY SPEAKER: Order! The honourable Leader is out of order in referring to other legislation before the House. He must relate his remarks to the present Bill.

Mr. HALL: I acknowledge that. The Bill, apart from putting local government into the hands of the Labor Party, is trying to establish an entirely centralist control of local government. By their Party's platform, members opposite agree to the principle of one central Government in Australia. This they would not deny. They are unashamedly centralist, as unashamedly as they are Socialist. They would therefore like to take away from local government the electoral responsibilities that it now has and to establish at great expense to local government a central situation of electoral control that would bring great confusion to South Australia. Members know that the total provisions (and they must be seen in totality and not in isolation) will mean compulsory voting more or less across the face of South Australia.

Mr. Hopgood: Why?

Mr. HALL: Because it is the elector, not the Premier, who will have the say, and no council can afford to have voluntary voting and risk the direction of council affairs by non-ratepayers. Someone has suggested to me the confusion that could reign. At present, this country is governed by the Commonwealth Government, with proportional representation in the Senate and the ordinary House of Representatives elections; in the State there are the Upper and Lower Houses of Parliament; and there is local government, where there could perhaps be a division district by district, ward by ward. Members opposite do not seem to care one scrap that the public will be even more confused. Under this Bill, if a local council decides on voluntary voting, one will not have to vote if one does not want to vote, unless 100 people vote privately that you should have to vote, and call for a poll for a vote on whether you should have to vote. But even at this poll one does not have to vote on whether one is going to have to vote. Of course, if one does vote and wins, then one has voted not to vote. On the other hand, if one does not win sufficient votes (that is, if one and one's friends do not vote) then next time one will have to vote. And one should not forget that after one has voted not to vote, but the vote has meant that one really has to vote, one stands to be fined if one does not exercise one's democratic right to vote. So, after having been told initially that one does not have to vote if one does not want to (which is democracy being exercised in its true form), one will be told that one must vote whether or not one wants to vote or does not want to vote, under the threat of a fine, for not casting a vote. That all means that we are getting back to that insidious Socialist policy of motivation by way of ultimatum.

Mr. Clark: Do they mention voting on a different day from Legislative Council elections?

Mr. HALL: No. Members opposite have held up the proceedings in other States, and they have held up to the House factors that make many parts of local government in Australia objectionable. However, they have not told the House that the Sydney City Council had to be disbanded by the relevant Minister.

Mr. Hopgood: That was a gerrymander.

Mr. HALL: A gerrymander! They were so corrupt that a commissioner had to be appointed. Everyone knows now that the area that produces change or no change (the vital area in the Sydney City Council) is Kings Cross, which has a 30 per cent floating population between elections.

Mr. Coumbe: Itinerants.

Mr. HALL: Yes, and this is the one area that can alter the type of government for the city of Sydney. This is the electoral system that members opposite advance. However, members opposite are inconsistent in this respect as, under this legislation, one can elect to vote outside one's district. If a person lives at Thebarton and has a shop at Victor Harbour, he can exercise his right to vote not at Thebarton but at Victor Harbour, which is 50 miles from Adelaide, or perhaps at Mount Gambier, which is 300 miles away. If that principle is contained in the Bill, why cannot a person vote in another place if he so desires? What principle stops him from being able to do so? One cannot vote all over the State, but what reason is there for one to have to vote in the district of Mount Gambier simply because one has a shop there? If such a man also has a shop at Renmark, he cannot vote there. Will members opposite therefore say why he cannot do so? Of course, they cannot.

Mr. Crimes: Why should some people get special privileges?

Mr. HALL: The honourable member has said that they can in a limited way, yet members opposite cannot explain why there is a limit.

The Hon. D. H. McKee: It's like the old gerrymander.

Mr. HALL: The Minister can come in with as many cliches as he likes to try to upset my argument, but we have yet to hear something from him that means anything. The Minister of Labour and Industry has been deserted by the Minister of Local Government, and he is trying to defend his colleague. How members opposite can maintain this dual position, which they have chosen to adopt, I cannot understand.

Mr. Harrison: Isn't there a vast difference between local government voting and other forms of voting?

Mr. HALL: Can members opposite explain why the movement with which they are most closely associated, the trade union movement, does not follow the voting procedures that they are trying to foist on the people of South Australia? Members opposite should say why they do not promote compulsory voting on a full franchise basis for union elections in this State, which are perhaps even more important to South Australia's economic scene than are local government elections. I expect the Minister, as a fully credited and intelligent member of this House, to answer my questions.

Members interjecting:

The SPEAKER: Order! There are far too many interjections while the Leader is speaking.

Mr. HALL: During the debate I expect to receive a reply from members opposite who would promote their political ideology in local government. Why do they do it only in this direction, and why do they not extend it to industrial procedures? Why do they attack only one basis of life in South Australia with this policy?

Mr. Burdon: Will you explain your inconsistency on the same subject?

The SPEAKER: Order! Interjections are out of order.

Mr. HALL: I accept your ruling, Mr. Speaker. I do not mind the question but it must be based on some—

Mr. Clark: It must be a question you can answer.

Mr. HALL: We want an answer on this question, and I tell the Government that the public of South Australia, as well as members of councils, have every right to know why this legislation is being promoted. The Government needs to justify these moves. It could not justify its action last evening in relation to builders' licensing when, out of 5,000 licences, one has been rejected and, therefore, no-one can explain why the legislation exists and whether that is all the people have gained.

Mr. HARRISON: I rise on a point of order. We are not dealing with the Builders Licensing Act. We are discussing amendments to the local government legislation and the Leader is out of order.

The SPEAKER: Order! When the honourable member takes a point of order, I wish he would observe order in doing so.

Mr. HARRISON: My apologies, Mr. Speaker.

The SPEAKER: Order! The honourable member must take his seat. I request honourable members to conduct themselves in a proper manner and cease making foolish interjections.

Mr. HALL: Thank you, Mr. Speaker. I agree with your summation of the interjections. I would appreciate an answer from members opposite in the ensuing debate on why they do not apply these principles elsewhere.

Mr. Payne: You'll get one, too.

The SPEAKER: Order!

Mr. HALL: As I have said, I should appreciate, in the ensuing debate, an answer from members opposite to my claim that they do not apply to the industrial section of this community, which I agree with them is one of the most important sections within this community, the same rules in voting procedures as they would apply to local government. I should like to know why members opposite are taking a centralist view instead of a local government view, why they deny the very definition of local government in their own Bill, and why they are insisting on disfranchising many thousands of people in this State and taking from them the right to a voice in the policies that will be applied to them. This is something about which the Government and members opposite have been so vocal in their interjections (which have been entirely out of order) but which they have not answered. The debate is theirs, and it is up to them to tell us this. However, on the basis of the information presented to me, I can only conclude that the Government is intent on subjugating local government, creating a centralist control of it, and creating a Labor Party ideological definition of it.

The details of this Bill will be dealt with and answered by other members of my Party. I have addressed myself to the basic points of this electoral change, which is so enormous and important in relation to its effect on local government. The Bill is resisted by an overwhelming number of councils and members of councils in this State. The Government would do well to reconsider a course that is bringing it into direct conflict with the third and one of the most important arms of government in our country; that is, local government. I consider that it would be better if the Government accepted the amendments that my Party will move to take out of this Bill the over-riding authoritarian aspect of centralism. Because of the arguments that I have advanced, I oppose, and will do so again in Committee, the objectionable parts of the Bill that will subjugate local government.

Mr. BROWN (Whyalla): First, I do not know whether the Leader of the Opposition has been sincere in this debate.

Mr. Nankivell: Don't be rude.

Mr. BROWN: Pardon?

The SPEAKER: Order! Interjections are out of order. The honourable member for Whyalla must address himself to the Chair, not to interjections.

Mr. BROWN: Thank you, Mr. Speaker. I will forget the interjection and carry on. I consider that local government, with which I have been associated for a time, is the third form of government in any democratic country. I think all members realize that we have a Commonwealth Government, State Governments, and local government.

Mr. Clark: Many of us have been members of councils.

Mr. BROWN: Yes, my colleague rightly reminds me of that. Local government is the closest to the people of all forms of government and decisions made by councils have a more direct effect upon the people that councils represent. It seems to me ironical that every time the present Government wants to introduce a better form of democracy within government, the Opposition puts up an argument that we are using devious methods or trying to hoodwink somebody.

Mr. Venning: That would be right.

Mr. BROWN: If we consider democracies all over the world, we find that many devious means have been used by all sorts of democratic government, particularly by depriving ordinary people of the right to vote. That is exactly what all you people have done in this State over the years.

Mr. McAnaney: Define "all you people".

The SPEAKER: Order! Interjections are out of order.

Mr. BROWN: The best example of this is found in local government, where over the years the Party opposite has deprived the ordinary citizen of the right to vote. Are we talking about democracy, when it deprives an ordinary person of the right to vote for what he wants, or are we saying that democracy is represented by big business, which has multiple votes? I consider that democracy, in the true sense, requires that a person be given the right to vote.

Mr. Venning: Or making him vote?

Mr. BROWN: Yes, if that is necessary, but the important thing is giving a person the right to vote.

Mr. Venning: Do you believe in the secret ballot?

The SPEAKER: Order! It is not possible to hear the member for Whyalla. There are far too many interjections.

Mr. BROWN: Thank you, Mr. Speaker. Local government does have the secret ballot. It seems ironical to me that the Opposition, in other forms of voting, wants the preferential system, in which splinter groups can come into power, but in local government, where the Opposition Party has far more control, it wants the first past the post system. However, that is just by the way. I consider that, in local government, the present system is a system of big business. There is no question about that. The basis is how much land or property a person owns. In local government, big business interests can control six or more votes, and members opposite know this. In some instances (I am not saying in all) big business does nothing for the community in which it is situated except take out profits. It also produces pollution, and does very little about it. In local government, big business has multiple votes, and it takes money out of the area and puts nothing back.

Mr. Goldsworthy: General Motors-Holden's has three votes and pays six figures in rates.

Members interjecting:

The SPEAKER: Order!

Mr. BROWN: I also remind honourable members who are interjecting that, out of a profit of $100,000,000, 98 per cent goes out of the country.

Mr. Goldsworthy: Get your facts right.

Mr. BROWN: I have got my facts right. I believe that big business interests do not necessarily look after the welfare of the people but they vote in local government elections. Certain classes of people in an area are not able to vote; I refer to the local postmaster and his wife, the schoolteacher and his wife, and perhaps the local policeman and his wife. All these people are not eligible to vote in certain instances.

Mr. Goldsworthy: What are those instances?

Mr. BROWN: Not so many years ago no wife was eligible to vote, because only one vote was allowed for each household in council and some other elections.

Mr. Mathwin: They are occupiers: tell us how they do not get a vote.

Mr. BROWN: It is difficult to understand why a person owning a large business is considered to have a better understanding of the community needs than has the ordinary ratepayer. I do not believe he should be given the right to exercise a multiple vote when the ordinary person has only one vote. I do not believe that because he is given an extra vote he has any more interest in the community welfare than has the ordinary man in the street. Nobody could prove to me that that is correct. I do not believe that John Martins have very much interest in the community of the city of Adelaide, for instance.

I wish now to speak about politics entering into local government. Every time it is suggested that the ordinary people be allowed to vote, the cry is heard that politics will enter into local government. Concerning the Labor Party, I cannot remember the last time politics was involved in local government.

Mr. Payne: The Liberal Party wants a monopoly.

Mr. BROWN: That is correct. A press report yesterday stated that certain city aldermen were seeking L.C.L. endorsement for the forthcoming elections, but I see from this afternoon's newspaper that the people concerned will endorse themselves. Although I am a member of the Labor Party and involved in local government, I defy anyone in this House to say that I have allowed politics to enter my local government activities. I know of no instance in which a Labor Party sub-branch or the State organization has directed its members who are involved in local government, and I certainly do not know of any Labor Party member who has sought endorsement from his Party, as do Liberal Party members.

I wish to deal now with a matter affecting my own district, this being a classic example of a community's reaching a stage when the people want a change to democracy. In my district previously, there was no local government as we understand it: there was no council, but merely a commission, comprising three appointed officers of the Broken Hill Proprietary Company Limited. I was not opposed to that commission on the basis that those officers were not worthy people, for they were, in fact, educated and respected men. However, when it was decided to effect a change and to establish a local council in place of the city commission, there were screams immediately that it was a political move and that the council would be dominated by the Labor Party. It was said that people's rights would be taken away and that, because of the ability of the B.H.P. officers to whom I have referred, their services could not be dispensed with. I would be the last to say that the B.H.P. officers on the commission or on any other previous commission were not capable, for they were capable; but I cannot understand why they were necessarily involved in local government simply because they were, say, engineers or draftsmen.

In place of the commission, there is now a fully-elected council, which functions much better, and I think this is generally conceded by the people in the district I represent. It was suggested that, if a council were established in my district, costs and rates would increase enormously, but that has not been the case: rates have remained the same as previously, and we have found that the actual running of the council has improved. I believe that the change has proved a satisfactory one and that local government, like any other form of Government, thrives when candidates are elected and not appointed. This is not a reflection on the former members of the commission; I am merely expressing my opinion that it is better to have an elected person, who is responsible to the people electing him, than to have a person appointed to the office. I sincerely welcome the Government's proposals contained in this measure.

Under this Bill, Government properties in certain areas will be ratable, and I believe that that is a step forward. The Bill also

empowers councils to authorize expenditure on nursing homes and hospitals, etc. An approach was recently made by Meals on Wheels in my district to purchase a motel to be used as a home for the aged. This motel was purchased for about $85,000 on the basis of a $2 for $1 subsidy. Previously, this sort of thing has been the responsibility of a small section of the community, but we can no longer allow problems arising in the community to be considered by a few people.

Mr. Gunn: Don't you think ratepayers have any responsibility at all?

The SPEAKER: Order!

Mr. BROWN: I believe it is the responsibility of the whole community and I agree that local government should be involved in the area in which Meals on Wheels is involved and should provide a service for elderly citizens. Indeed, this should be the responsibility of all citizens.

Mr. Gunn: Where will the councils get the money?

Mr. BROWN: Where do they get the money now? The recent effort by Meals on Wheels to obtain the motel in my district proves that the community, once it knows that such a project exists, will fully support that project. Under the Bill, this matter will be viewed as a matter concerning local government, and I believe that this will solve a major problem. Although the Bill contains other provisions worthy of consideration, I turn finally to a matter which is of relatively minor importance, namely, an increase in the fine for rubbish dumping from $80 to $200.

Mr. Harrison: It should be $2,000.

Mr. BROWN: I agree. Unfortunately, a few people are prepared to dump rubbish anywhere, thereby creating problems involving pollution, and so forth, and in respect of these people the fine should be even greater than is provided. I support the Bill, and I believe that its provisions—

Mr. Gunn: Does your council support the Bill?

The SPEAKER: Order!

Mr. BROWN: I do not know whether the council supports the Bill; all I know is that the Local Government Association does not support it. I wonder on what grounds the councils are voicing their opinion: are they voicing the opinion of the general public or their own opinion? I support the Bill, and I hope that members opposite will give much thought to the questions raised in it.

Dr. EASTICK (Light): At this stage I shall not deal with the points made by the member for Whyalla; perhaps during the Committee stage I shall show him that he is misinformed on the effects of the apparent cures that he claims are in the Bill. This Bill is not only ill conceived but also cunningly contrived. I believe that it has been presented to this House against the advice of the Minister's own staff.

Mr. Crimes: Have you got a hot line?

Dr. EASTICK: No. It is apparent that much of the advice given to the Minister has not been accepted; I do not know whether the Minister alone or Cabinet proposed the changes, but I do know that many parts of this Bill are ill conceived. Many alterations that the Bill makes are not in line with the report of the Local Government Act Revision Committee. The Minister has suggested that some of his recommendations are not far removed from the ideas of that committee; in saying that the Minister has taken a licence.

Further, the Government is stampeding this Bill through the House. I realize that it was introduced last Thursday and that there was no debate on it yesterday. It must be remembered that the Bill has varied implications and that representations on it have been received from authoritative organizations and major council groups. The Minister clearly has a purpose in introducing the Bill before councils have been able to study it fully. Perhaps the Minister is hiding behind the age-old catchcry that we have heard from him and others—that the Government has a mandate in this field.

I, and every other thinking person, would disclaim that the Government had a mandate for every suggestion it put forward in its policy speech. It is impossible to believe that people who sincerely voted for one Party at the last election accepted every item in that Party's policy speech. Why is it that not one council in South Australia accepted without qualification the claimed mandate that compulsory voting and full adult franchise should be introduced? This point can be verified from the Local Government Association, which conducted a survey among councils.

Mr. Brown: What about the Port Pirie council?

Dr. EASTICK: That council had quailfications about that matter. Councillors who had previously been candidates for the Minister's Party voted against full adult franchise in council elections and against compulsory voting.

People who would be expected to give full attention to the supposed mandate found that they could not accept the Government's claim that it had a mandate in this area. In his second reading explanation, the Minister said:

Local government elections are not in accord with the principles of democracy, in that people resident in a council area are denied the right to vote and, further, are not permitted to nominate for election.

Who says so? This is the Minister's version of the situation, but I cannot subscribe to it. Later in his second reading explanation the Minister said:

In our three-tier system of government, each has its functions and responsibilities and each is answerable to the electors.

No-one is denying that; no-one has ever suggested that councils are not answerable to their electors. The fact that electors in the Commonwealth and State elections are not necessarily council "electors" is incidental. The councils are answerable to their "electors", who have a tangible interest in the local government scene because they are directly responsible for financing the council's operations.

Mr. Crimes: Don't others buy things and keep them going and provide finance?

Dr. EASTICK: If the Minister's suggestion was on the basis that all electors were responsible for making a financial contribution, I could accept some of the changes suggested. In discussions held elsewhere it was suggested that there be a poll tax, whereby there would be contributions on a personal basis that would provide a tangible means of grouping people together and getting them involved. The fact that that scheme has not been introduced implies that there is a major conflict in this respect. The manner in which the scheme has been presented is unacceptable to me.

Some parts of the Bill are excellent, having been asked for by councils for a long time. I find it inconceivable that these plums should be tied up with much material that is unacceptable. It is possible to liken this Bill to the results of a night out net fishing. At the end of the night, when one counts one's catch, one may have a mixed bag. There are those fish which are edible, those which, with certain treatment, are edible, those which one can have no part of, and those which would contaminate the rest. The mixed bag we have in the Bill contains provisions that completely deny the rights of local government in so many areas that I could not support them without major changes to them.

The Minister has done town clerks, district clerks and their officers a grave disservice. In many cases their ability to make executive decisions or to take executive action, after a council decision, has been taken from them. Powers which they have exercised creditably and for the benefit of ratepayers for many years will be usurped. One grave mistake in the Bill is that nowhere does it state that the word "local" shall be deleted wherever it appears. The Bill is designed basically to take away many of the local decisions and local aspects. From the Minister's statement in his second reading explanation, we can see that the design is to make in local government a mirror image of the State scene. Perhaps that is taking it a little too far, but generally that is so. Going back over many years, we can see that from time to time local government has been very local. Originally it was based on the local commune or family group, the local village with a grouping together of a few villages into a local scene. Then there arose various dynasties and so on, and the degree of centralization became greater and greater to the point where the centralized attitude was destroyed and the scene went back to the local area situation.

One can refer to the Roman Empire, which was originally built up on the basis of local control and developed to the point where there was more and more central administration from Rome. By the time of the Diocletian era there was a centralized government system that subsequently broke down, and we passed on to the feudal system. Through the intervening years and in recent times there have been many changes. It does not matter where one is in a particular area of the world or even in the various States of Australia, or whether one finds that the local group is called a county, borough, parish, province, shire, ward or riding. In France it is called an *arrondissement* and in Germany a *circle*. In all cases, we see that the local unit is the main unit.

Some years ago the previous Labor Government saw fit to appoint a committee to delve into the need for amendments to the Local Government Act. Members will be aware that the committee has brought down a report entitled the Local Government Act Revision Committee Report on Powers and Responsibilities. One person who was asked to become a member of that committee was Mr. Kenneth H. Gifford, Q.C., of Melbourne. He has written several publications in relation to council meetings, handbooks, town planning and other associated matters. The first words in the

preface of his book *South Australian Council Meetings Handbook,* which was first published in 1961, are pertinent to the Bill and are as follows:

Local Government is perhaps more nearly adapted to the needs of democracy than any form of authority. Basically, it is the union of the technical skill of expert administrators with the local knowledge and local spirit of the elected representatives.

As has been pointed out previously, the Bill seeks to destroy many aspects of this local involvement and responsibility. No-one can deny that parts of the Local Government Act, including some aspects relating to franchise, are not acceptable in this day and age. However, to change from what we have at present to what the Minister proposes is by way of revolution instead of by way of evolution.

I find that the House was misled in the Minister's second reading explanation, the gravity of this misleading being for individual members to determine. With due regard to the *Hansard* staff, I point out that the Minister did not read out all of the clauses that he is shown as reading out on page 3612 of *Hansard.* The Minister is shown as saying:

Clauses 4, 5, 10, 16, 24 . . . 158, 159 and 160 make consequential alterations in the present terms "ratepayer", "voters' roll", "deputy returning officer", "poll clerk", "owners of ratable property", and insert the terms "elector", "electoral roll", and "authorized officer".

That is not correct. Many other alterations are made in those clauses than those referred to by the Minister. In clause 9, to which the Minister referred, an alteration relates to the common seal. Different aspects are associated with clauses 16, 24, and 35. Clause 50, for example, introduces the method of striking out a specific subsection. Clauses 63, 82, and 88 are others in which other features are included. Clause 130, which introduces the matter of voting, deletes two subsections and inserts a new subsection (2). Clause 159 (*d*) inserts a paragraph that permits councils to involve themselves in drive-in theatres. What I have pointed out in relation to these clauses is not an exhaustive list, but they are clauses in which alterations other than those that were indicated are made.

Much has been said and will be said in this debate about franchise and compulsory voting. The franchise issue is well documented in the report of the Local Government Act Revision Committee in Chapter 22 and there is a worthwhile summary of the recommendations in paragraphs 1616 to 1649 appearing on pages 179 and 180 of the report. The recommendations are not conclusive and do not set out to be definitive, and the Minister used licence when, in his second reading explanation, he said:

The report of the Local Government Act Revision Committee has been studied and its recommendations for extension to the present franchise is not far short of full franchise.

I refute that statement and take exception to the Minister's licence in using that term. At page 204, in chapter 25 of the report, relative to compulsory voting, we find a more definitive summary of the recommendations of this committee. I agree that in great part the action taken by the Minister in presenting the Bill is closely allied to the more definitive recommendations of the committee.

To become more specific in relation to the Bill, we find that clause 3 introduces a new definition of an "authorized officer". Apparently, an authorized officer will be any person authorized by the State Returning Officer, but no indication is given of the degree or of the line of communication that will exist between the principal authorized officer and the most junior authorized officer and, to all intents and purposes, they will be the same. It takes away from the council the local identity and local responsibility to determine who its returning officer will be. It suggests by innuendo, if by no other way, that the Minister or his Government is not satisfied with the conduct and integrity of town and district clerks with respect to the conduct of polls over many years, and this, I think, is no credit to the Minister or his Government.

Mr. Hopgood: Surely they will be glad of the assistance of the Electoral Office.

Dr. EASTICK: The honourable member should talk to them. The Minister's second reading explanation indicates that clauses 6, 8, 9, 11, 12, 13, and 14 amend or repeal sections 25, 27, 27a, 30, 32, and 33. Whom does he think he is fooling? The effect of those clauses is far greater than indicated in the statement made by the Minister. I should like to indicate further errors that have been presented to the House and for which there had been no correction when *Hansard* was printed. On page 3615 of *Hansard* it is stated that clause 120 relates to section 813: that is not fact, because it is clause 126 that relates to section 813. Also, on page 3617 of *Hansard* we find that clause 73 is said to relate to the original section 290a, whereas it should be clause 75.

The Hon. G. T. Virgo: Is this a criticism of the *Hansard* staff?

Dr. EASTICK: No, *Hansard* has only produced precisely what the Minister stated and presented to *Hansard* in a printed copy. I take it that the Minister will accept responsibility for that error. It could well be that there are other areas where the same features of incorrect information have been given. On the aspect of franchise and compulsory voting, there are two clauses that have a major effect: clause 21, which repeals sections 88 to 101a of the Act, and clause 32 which repeals sections 115 to 117. The voting procedure of councils is referred to in clause 32, and the enrolment responsibilities are those referred to in key clause 21. I make one or two brief comments about that, because they are extensive, and I have no doubt that they will be considered elsewhere. It becomes the responsibility of a person who elects to represent his interest other than at the place where he lives to apply annually. I want members to keep that in mind when we deal with costs, which the member for Mawson seemed to think were not of great importance. Clause 24 also indicates that amongst the conditions of nomination a person who has not paid his rate may be elected.

The Hon. G. T. Virgo: What's wrong with that?

Dr. EASTICK: If a person is unfinancial regarding the payment of his rates, it could be said that he is not a fit and proper person to be a council representative. I believe that any person in the community has a responsibility to fulfil his obligations, and this matter is extremely vital at the local level.

The Hon. G. T. Virgo: Well, let's disfranchise all the unemployed!

Dr. EASTICK: On Thursday the Minister had an opportunity to make his contribution to the debate and he did not shine too well then. He will have an opportunity, when replying to this debate, to say more. I agree with the changes envisaged in one aspect of the Bill. I refer to the invidious position that a person who was a councillor, a mayor, or an alderman, had to pay his rates to the council within six months of the declaration of the rate, whereas other persons in the community can wait until a given date before a fine is imposed or before there is any restriction on their activities in the community.

New sections 115 to 117, which are inserted by clause 32, empower a council to decide whether it will have compulsory voting or voluntary voting. It then gives persons in the community an opportunity to apply, by the method outlined, to challenge the action or decision of the council. It puts an embargo on a group's making further application for a period of five years, if in fact, an application by this group has been denied at a poll.

The point I am making is that nowhere in the legislation is a council given the opportunity to challenge, after a given period of time, the decision of the poll, and if the council finds that the effect of the poll, which could have been created and whipped up by a small group with an axe to grind, is contrary to the best interests of the local scene, the council has no right or opportunity to seek to alter the situation that would have been thus foisted upon it. The other important matter in this regard is that the clauses delete the provisions that a poll was valid only provided that there had been at least a 10 per cent poll, or a poll of a definite figure.

It is conceivable that, if voluntary voting was acceptable to a council, a poll of 1 per cent, of which there was a simple majority of .5001 per cent, would be able to make the council change its type of voting. I consider that the provision relating to the 10 per cent poll should be retained. Another extremely strange feature is in relation to the voting. Whereas in the past it was necessary to show that the box was empty before it was sealed for the purpose of receiving votes, it will no longer be necessary to show that it is empty, but the Bill provides that it will be necessary to show that it is empty after the votes have been taken out. I cannot see the reason for the discrimination.

In respect of finance, upon which the member for Mawson commented earlier, by the repeals and action taken in this Bill the persons in the community who guarantee the money for a loan (and they guarantee it by virtue of the fact that it becomes a key charge against rates over a period of time) have no greater right to decide whether the loan should proceed. Every elector is given the opportunity to decide whether the loan shall go forward and, even if we, by the slightest stretch of the imagination, believe that there is virtue in giving every person an opportunity to vote in local government, regardless of whether or not he is financially involved, the fact that we make it possible for every elector to determine for how many years a person's rates will be committed at a higher rate is not, to my way of thinking,

at all to the benefit of local government or, more particularly, to the people who own land, even if they have only one vote. Surely they should have some control of their own destiny, so far as it affects their pocket.

I now come more specifically to a matter that the member for Mawson has raised. That is the provision that the Returning Officer for the State shall decide what is to be paid to an officer or officers. That provision takes from local government the responsibility of determining what the cost of an election will be and what the payments to the presiding officers will be. Those matters come entirely within the province of the Returning Officer for the State, a person who has no local commitment. It is also within the province of the Returning Officer for the State to prepare the rolls and a fee is to be charged for the preparation of those rolls.

Again, local government, even if it is geared up and able to prepare a roll, is denied that right and has to pay money to central authority. The other point that I referred to earlier is that, if a person wants to vote at a place other than where he is domiciled, the Government will require the creation of a new roll each time, whether there is to be an election in a ward or not, and this unnecessarily increases the cost of running local government.

Time will not permit me to deal with many other features, but I should like to deal now with the proposals which, in great part, any member of this House can and should support. Probably, the section relating to the ratability of Government property, whether it is lived in or not, is sound, but what about the situation in the District Council of Mudla Wirra, to which I have referred previously? The total population of the Roseworthy Agricultural College is more than 250. Some of the people there live in houses belonging to the Crown, the remainder living in dormitories. Many people in that type of housing will have a vote, but there will be no return of rates to the district council for the neighbourhood in which they live. Clause 7 provides for amalgamation, for a rethinking about a different function, for the ceding of territory or for the amalgamation of council areas. In the way it is framed it is a coward's way out; it is not bold enough. It gives one council the opportunity of starting a process of determination or investigation towards ceding territory or towards amalgamation.

Mr. Clark: It might suit you in your district.

Dr. EASTICK: It may suit an area in which the member for Elizabeth and I have a common interest but, by the same token, it does not make it incumbent on the Government or the authority (whichever it may be) to look again at the situation, which at present is rather chaotic and not in the best interests of the ratepayers, and redesign or rethink council boundaries. However, that matter can be developed later.

I am surprised at one of the amendments that the Minister has put forward. It reveals a dictatorial attitude in that it denies local government the opportunity of promoting, for the benefit of the people it represents, a Bill before Parliament, or any other issue. The Minister wishes to write into the Act a provision that a council may only proceed in this matter subject to Ministerial approval. What a way of putting a bar on progress and on local interest! In much the same type of provision, clause 71 provides that the Minister may approve or disapprove what organizations with a common local government interest councils may be involved with. It is conceivable (though heaven forbid it should come about) that an individual council or councils in general may be told that they may not join the South Australian Local Government Association because they may not subscribe to its funds. It is as real as that: in the wrong hands or in a wrong situation that could happen.

Then there is a clause relating to the signing of cheques. That is realistic, but I ask a question that harks back to the comment I made previously to the member for Mawson: will the amendment whereby the officers of councils are the only ones required to sign cheques mean an increase in audit fees and in the cost of fidelity insurance to local government? All these small increases local government should not have to bear unless it has been shown that it will not be responsible for them. I comment also on a provision in the Bill for local government to involve itself in infirmaries and homes for the aged. This clause has been carefully drafted, with the agreement and concurrence of the Commonwealth Department of Social Services. It is a field in which I know many members are interested, quite apart from their current Parliamentary or council duties.

The ACTING DEPUTY SPEAKER (Mr. Ryan): The honourable member has one minute to go.

Dr. EASTICK: The very fact that the manner of preparation or presentation of this Bill can jeopardize the future of local government's involving itself in this most commendable sphere worries me greatly. It is the most palatable fish of the whole bag, if I may return to the likeness I ventured earlier. It is a clause about which there should be no argument, but the application of it to local government is likely to be jeopardized by the actions taken so far by the Minister.

The ACTING DEPUTY SPEAKER: Order! The member for Unley.

Mr. LANGLEY (Unley): It is to the Minister's credit that he is attempting to bring this legislation up to date. I am sure from what we have heard so far there will be many differences of opinion on some clauses of this Bill. Most members have come into contact with people in local government. I know they are, in most cases, dedicated people who do their work in a manner that at all times is for the betterment of the people in their district. They travel around and attend functions and committee meetings in their district. They do all this without receiving any payment for it. Also, I am sure they are not quite so well known as is the member of Parliament for the district but, whatever they do, they do to the best of their ability. We owe much to the local government of this State and to its officers, who, I am sure, do their best, too. They pass on to members in this House matters that come before them.

Most people do not know their councillors, and often we receive calls from people in the district asking us who is the councillor for the ward. Council officers, whatever office they hold, are always willing to co-operate, even if they do not always have the required answers. I assure the House that the members of the Unley City Council are very good to the people of the district and helpful to them in most cases. However, on some occasions we do have differences of opinion. I remember once I had a difference of opinion with the council on several matters but I do not think the council holds it against me, because it has often tried to help me.

The council in my district has played a prominent part in trying to influence the people in the district to believe that compulsory voting would be wrong. I am sure in this case that the Unley City Council has guessed correctly that this would be the focal point of this debate. I should like now to refer to a pamphlet headed "An important message", which was sent out to the people of the Unley District, part of which states:

> You are either the occupier or owner of property in this council, which would like to draw your attention to the fact that the present Government appears to intend to change the voting system for council elections. It is anticipated that the change must introduce a system under which either voting will be compulsory and/or persons other than occupiers and owners will be entitled to vote.

That sounds reasonable. However, it does not mention certain points; an occupier of a house who pays rent must enrol to enable him to have a vote in the local council elections, whereas the person who owns a house is almost automatically put on the roll.

Mr. Goldsworthy: What do you mean by "almost"?

Mr. LANGLEY: The council made sure it did not mention that a person who was an occupier must enrol in order to receive a vote.

The SPEAKER: Order! The honourable member must address the Chair.

Mr. LANGLEY: I am sorry, Sir. Many people therefore thought that they would automatically be enrolled. How many times do occupiers of houses want to vote only to be told that their names are not on the roll? This happens many times. These people, who are taking an interest in local government affairs, are not being given an opportunity to exercise their rights. These are the people who pay.

Mr. Goldsworthy: Pay what?

Mr. LANGLEY: They must pay rent. I am sure that I will be pulled up if I answer any more interjections.

The SPEAKER: The honourable member must not reply to interjections.

Mr. LANGLEY: Thank you, Sir. The pamphlet to which I have referred continues:

> You, the occupiers, pay for your right to vote. Why should you share it with others who do not pay? Is this a handout at your expense?

Who really pays every time a person rents a house? In my district, immediately rates and taxes are increased, rents are also increased.

Mr. McAnaney: Shame!

Mr. LANGLEY: It is all right for the honourable member to say that, but this is part and parcel of price rises. Indeed, the Liberal Government increased taxes.

Mr. Goldsworthy: And so has your Government.

Mr. LANGLEY: What does the owner of a house do for local government? He uses it as an investment and, when his rates and taxes are increased, he increases his rent. A man who occupies a house in the district must pay for the privilege of using the street and footpaths therein. Such a man, who can, and often does, take part in the functions of local government and in various committees, is forced to enrol in order to be able to vote, whereas a man who owns a house does not have to enrol. Occupiers of properties should be entitled to vote.

Mr. Mathwin: The occupier of a house has always been entitled to vote.

Mr. LANGLEY: He has not. He must enrol, just as a person who wishes to be enrolled on the Legislative Council must do. Why should these people not have the opportunity to vote?

Mr. Goldsworthy: But they have.

Mr. LANGLEY: Why cannot councils use the House of Assembly roll?

Mr. Goldsworthy: That is not the point you are making.

Mr. LANGLEY: I would be much better off if members opposite did not continue to jump a mile in front of me.

The SPEAKER: Order! Interjections are out of order.

Dr. TONKIN: On a point of order, Sir. Is it in order for a member to speak with his back to the Speaker?

The SPEAKER: No, it is most discourteous for a member to do that. The honourable member should address himself to the Chair and stop replying to interjections, which are out of order.

Mr. LANGLEY: Thank you, Sir. The owner of a property sometimes receives more than one vote if he makes his livelihood out of the district, and I do not begrudge him that.

Mr. McAnaney: What do you think—

Mr. LANGLEY: The honourable member for Heysen should—

The SPEAKER: Order! The honourable member must ignore interjections and speak to the Bill.

Mr. LANGLEY: I am sure the person who owns a property is justified in showing it in his taxation return as a taxation deduction, but what about the poor fellow who occupies the house? Who pays in the long run? Of course, the occupier of the house does. A person in that position, although on the House of Assembly roll, is placed in the invidious position of having to enrol for a local government election before he can vote. Opposition members consider that these people should not receive a vote.

Mr. Goldsworthy: Rubbish.

The SPEAKER: Order! Interjections are out of order.

Mr. LANGLEY: People who have wanted to vote have been denied that right and, whether members opposite like it or not, the people to whom I have referred should have this right. In this respect South Australia is behind the time. In Horsham there is compulsory voting; I do not know, however, whether that same position obtains elsewhere in that State.

The Hon. G. T. Virgo: The city of Melbourne also has compulsory voting.

Mr. LANGLEY: I thank the Minister for that interjection. I know of at least one place in which that situation obtains, and there is no reason why it should not obtain here in South Australia.

Mr. Coumbe: What about the position in the Brisbane City Council?

Mr. LANGLEY: It would be no worse than the Adelaide City Council, whose aldermen and councillors must be members of the Liberal and Country League before they can stand for election. I should like again to refer to the circular sent out to ratepayers by the Corporation of the City of Unley. Paragraph (2) of that circular states:

> Party politics will probably enter into local government and councils will be divided into factions with conflicting policies and strife within the council. This will not make its meetings any happier and will not induce capable persons to seek election as councillors.

I refer to the Adelaide City Council, and I wonder whether politics could be involved there. I wonder, too, whether politics was involved in the Unley district.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

Mr. LANGLEY: The word "strife" is the important word to be considered in the pamphlet circulated to the people of Unley. The Unley City Council has at all times been political. Since becoming member for the district (and I expect this applies also to the member for Mitcham), I have never been given the opportunity to speak at naturalization ceremonies.

Mr. Gunn: Have you asked for it?

Mr. LANGLEY: Yes, I can show the honourable member the letters I have written requesting that opportunity. Surely, that proves that politics come into this matter. However, even if the Opposition says that this does not happen in local government, I say that it happens and it is rife. Indeed, one member of the Unley council has been a member of the House of Representatives, and the Mayor has been a Liberal and Country League candidate.

Mr. Mathwin: That doesn't prove anything.

Mr. LANGLEY: Why, then, has the local member for the district at no stage received an opportunity to speak at council functions? Although the officers of the Unley council are good officers, the councillors are totally different (not all, but most of them). Seldom does more than 15 per cent of people vote at council elections, and I am saying—

Mr. Gunn: You are using this purely as an exercise in—

The SPEAKER: Order!

Mr. LANGLEY: The Labor Party does not nominate candidates, and it never will. If we ran our candidates in Unley we would win in some wards without any worries, but we rely on the people to choose their candidates and to have people of their choice on the council. Why should a member of Parliament not have the right to speak at a function? What harm can be done by that? The Unley council had so much strife that it was pleased to get rid of the member of the House of Representatives and the budding Liberal and Country League candidate. At last members of the council are able to do their job instead of having political arguments. Although I have paid my rates, I am not sure whether I am on the roll for the Unley council.

Members opposite made great play of the fact that I did not live in my electoral district, but since I have moved into the Unley District I am closer to the people and even more confident of their support. As I have paid my rates, I will enrol, and then I will vote for the local government candidate I prefer. The method of voting for local government elections is one of the best methods. Although the Opposition may not like it, the Government approves of this method whereby a person puts a cross next to the name of one candidate and there is no preferential voting. I hope that the Government can introduce this system of voting for House of Assembly elections, while retaining it for local government elections.

Another part of the Bill facilitates the amalgamation of councils. For economical and other reasons, councils may wish to amalgamate, so this provision may be useful. The Bill gives councils an opportunity to amalgamate, and ratepayers may petition to ensure that amalgamation takes place. Ratepayers should have this right because, after all, they pay the rates. The Leader of the Opposition said that voting within unions was not compulsory, and that is true. However, I ask him whether it is compulsory for shareholders to vote at company meetings. When members of this Parliament visited Western Australia we journeyed to Albany, which has a most progressive council. Question time at the council meeting was broadcast, and this action showed that the people of the district were interested in council affairs. They knew what their elected representative was doing, and what was happening at council meetings. Most people are apathetic about council matters, but the actions of the people at Albany showed that they were interested in local government. I am sure that the Bill will have far-reaching effects and will bring local government up to date. All members would be pleased if the Act were to be rewritten, and I assure members that the Government will try to have it rewritten. A pamphlet received by ratepayers of the Unley City Council states:

> Your council is opposed to any such proposals, and in seeking your support suggests that you protect your interest by making direct contact with the member of Parliament for your district opposing the suggested change.

I have 15,000 electors but I received letters from only 20 people. That shows how apathetic people are about council affairs. At a poll taken at a shopping centre at Elizabeth many people did not know who represented them in the Legislative Council. That is probably not the fault of the member, but the people did not know. I am sure that they did not know their local government councillor. Most members have received telephone calls from their constituents who wish to discuss council matters: these matters must be passed on to local councillors, who do a magnificent job for no remuneration. The Bill provides that people are to be given the right to vote because they are people, and not because they own property. From the views expressed by

Opposition members it seems that people must first buy the right to vote in council elections. We reject this attitude, because whilst people who pay rent are not exactly denied a vote they have to enrol, whereas a person owning property is automatically placed on the roll. I support the Bill.

Mr. McANANEY (Heysen): Generally, I oppose the Bill, but I congratulate the member for Light on his most lucid and comprehensive account of the various changes that will be made by this Bill. I suppose I should be replying to what was said by the member for Whyalla and the member for Unley, but they did not make any points that warranted a reply. The member for Whyalla, although he has been a member of a council, did not know who was allowed to vote at a council election, and said that a company had six votes. I do not know how this could happen unless the person was nominated to vote for six separate companies. Possibly, this is how it could be achieved. The member for Unley has spoken about bringing things up to date, but the Government is putting the cart before the horse.

If we examine local government in Australia over the last 100 years we find that, first, we have a rating system whereby landholders contributed the money to conduct the council, and this system was right in those days. The landholder and those who worked on his property used the land and the roads more than anyone else, and it was logical that the landholder should be responsible. The council was providing local roads that were used by local people.

The Labor Party should get up to date about the basic facts of living. They have been bringing things up to date in regard to drinking hours and Totalizator Agency Board betting (and I supported it); and if some members on this side had not supported them, these measures would not be in our legislation today. With the advent of the motor car, people from the cities used our council roads. They had shorter working hours, to which I do not object, and so had more leisure time to enable them to get about. The working people comprise about 99 per cent of the population, although my colleague opposite will not agree with that.

We must get up to date regarding the financing of local government, because more people from outside a council area than from within the ratepaying section are using the back roads now. In order to give everyone a vote in local government, we must ensure that the people who use facilities provided by councils are the ones who contribute.

Mr. Crimes: Do you want a caste system?

Mr. McANANEY: I shall not be sidetracked by interjections from members opposite. Most council money is spent on roads and people such as the local schoolteacher (I had better not mention the bank manager, because the member for Hanson would jump on me if I did) use the roads as much as anyone else uses them. We must get to the stage where the people who use the roads contribute to their cost, and the only fair and just way to do this is through the petrol tax.

One good provision in the Bill enables a charge to be levied for garbage collection. This is fair. If everyone has a garbage collection service, he should pay for it. I generally support what the Labor Government is bringing in regarding adult franchise but, as long as one section contributes all the rate money received by local government, we cannot say that every person in the area should have a vote. In some instances, persons could control a council without making any contribution or having any financial responsibility to provide money. While that position can exist, I oppose adult franchise in local government.

I believe in adult franchise for the Legislative Council and I have stated in this Chamber that I will change my mind on that only when someone advances a logical reason why we cannot have that system for the Upper House. So far, I find that the only people who oppose adult franchise for the Upper House do so through fear, ignorance or arrogance; there is no logical reason why they should oppose it. I am putting forward a logical reason why we should not have adult franchise for local government voting. If the franchise is modernized and everyone can have a vote, I shall be only too keen to support adult franchise for local government when everyone contributes for the benefits provided by local government.

Compulsory voting is something I do not believe in. Everyone can get on the roll if he wishes to. The occupier of a house can get on the roll—but I am getting on to compulsory voting. The Labor Party has a policy of permissive compulsion. The Attorney-General advocates that a person can go along and see a show on the stage with people without any clothes on—and there is nothing more revolting than that. I do not want to get involved in an

argument about mini-skirts, but there is this attitude that people can do as they like; it is a permissive society.

Members interjecting:

The SPEAKER: Order! There are far too many interjections. They must cease. The honourable member for Heysen.

Mr. McANANEY: We talk about a permissive society, yet the Government says there are certain things that people are to be compelled to do in their own interest. The very words of the Minister are, "We are going to encourage"—he used the word "encourage". We may hear the member for Mawson, but I do not want to encourage him into interjection, although as an academic theorist he may come in with an explanation.

Mr. Hopgood: I would not do that.

Mr. McANANEY: When the Minister says he is going to encourage the people to vote by compelling them to do something, members like me react against that.

Members interjecting:

The SPEAKER: Order!

Mr. McANANEY: People always react against being compelled to do something, which is what this Government is advocating. The Government is permissive in everything else but, when it comes to voting, the Government compels people to vote. We cannot get people to take an interest in things by compulsion. I am opposed to compulsion. In many local government elections very few people go along to vote but, on occasions, when the people in a certain area are dissatisfied with something, they turn out to vote. I remember an occasion when I was on a council and there was an assessor of land who placed a valuation on certain land that was three or four times the amount that had been fixed by a previous assessor. The result was a big protest meeting of ratepayers.

I was the chairman of the council at the time, and two of us went to this meeting and argued with the ratepayers. One ratepayer said, "I know what we will do—we will toss out all these councillors at the next election." I said, "That is the first intelligent thing I have heard here tonight." There was great public interest and almost everyone turned up to vote at the next council election. The other man who attended the meeting was elected unopposed and, although someone stood against me, I was elected by four to one. Our present system is therefore the best; if a person has sufficient interest in an election, he can exercise his right to vote. Conversely, if he is not sufficiently interested he does not have to vote, in either of which cases the system works reasonably well.

I am completely opposed to any form of compulsory voting, and I am also opposed to adult franchise in this case, at least until everyone in a local government area contributes in some way to the benefits provided in the district. Only then will I agree to the extending of full adult franchise as I did in respect of the Legislative Council. Everyone over 21 years of age pays taxes to the Government and should therefore be entitled to have some say as to how those taxes are to be used. With an indomitable spirit I firmly believe that a person should be able to have the right to vote if he so desires, but that he should not be forced to vote. If a person is not sufficiently interested, and wants to take advantage of a reasonably permissive society by doing something else, such as going to the races, when an election is being held, he should have the right to do so.

For once, I agreed with the Premier when he said that we did not want poker machines in South Australia. When the Premier is forced at times to defend his honour, even though sometimes his honour has not been attacked, I often defend it for him. Indeed, when someone has abused him about his race or nationality, I have protected him. However, when he does not have a good argument, when he tries to twist the truth or mislead people, or when a member cannot get an honest answer from him, I am completely against him.

The SPEAKER: Order!

Mr. McANANEY: I have cleared up the point regarding adult franchise, and it can be seen from my argument that I am consistent in my views as I am against compulsion in any form. I agree that people must be encouraged to take an interest in these matters, but compulsory voting will not achieve that purpose. How can a person be encouraged to take an interest in something when he is told that he must do it? I will still be consistent and say that I voted for the Government on the shopping hours question, as to vote otherwise would have meant that a person living on one side of the street would be allowed to do something whereas a person living on the other side of the street would not. We in South Australia want a more uniform system, and the Government of the day should be sufficiently forceful to do the things in which it believes; it should not chicken out and let someone else do a job that ought to be done.

The Government is always talking about the mandate it has to do certain things, and I think that that was one of the matters for which it claimed it had a mandate, but it chickened out, even though it said there was no opposition from the councils concerned.

Mr. Curren: Keep at it, Bill; no-one understands you.

Mr. McANANEY: It is one of my frustrations and regrets in Parliament that I apparently speak above the heads of quite a few people here. It is left to the Electoral Department to send out notices asking why people have not voted at elections, although no such notice shall be sent out if the returning officer is satisfied that the person concerned is dead. I suppose the records can be checked to ascertain that information. In the case of a person who has a good reason not to vote, how does the returning officer know whether the person concerned had, in fact, a good reason? Usually, only a small percentage of people vote at these elections, and many notices would have to be sent out to people who did not vote. Indeed, many people would not know that they had to vote. A person may ask the man across the street whether it is compulsory to vote, and he may be wrongly advised. What sort of a mess will this lead to, bearing in mind that it is compulsory voting for some people and voluntary voting for others?

Mr. Curren: That's a good argument for compulsory voting for the Legislative Council.

Mr. McANANEY: Different principles are involved here. The structure and administration of local government must be brought up to date, but this Bill is putting the cart before the horse. I believe that some of the provisions in regard to amalgamating councils possibly go too far. At present it is most difficult for two councils to agree to amalgamating or to introducing a different system. If it is left for one council to make a move and if only a simple majority is needed in favour of amalgamating, I think this is a little too elastic.

Mr. Curren: You don't believe in majority rule?

Mr. McANANEY: I think somewhere in between would be more satisfactory under the Bill. There is much difference of opinion and possibly misunderstanding among electors in regard to rating on annual values or land values, and this leads to a most involved procedure in respect of elections. After an election by a simple majority, one district council area might vote for annual values and next year, at a similar poll, the people of that area might vote that system out and so cause confusion. In addition, I think that taking certain matters out of the control of local government and handing them over to the Electoral Department is the wrong approach altogether. The more responsibility that is given a tertiary form of government, the better it is for all concerned.

The Hon. G. T. Virgo: You blokes are sour on the State Returning Officer, aren't you?

Mr. McANANEY: I am a good friend of the Returning Officer, who is a most admirable gentleman and conscientious in doing his job. The question is whether it is best to have the Returning Officer do this in Adelaide or have someone in, for example, Streaky Bay do it.

Mr. Keneally: He could delegate power.

Mr. McANANEY: I thank the honourable member for helping me to make my point. The Bill sets up someone in authority who can delegate authority to another person in Streaky Bay, although there is already an elected body in that area that can do the job. Control has been taken away from the council and given to someone else. What is the justification for this? At the local government level, there are few disputed returns. Since I have been a member of Parliament, there have been two, I think, courts of disputed returns, and much skulduggery and acrimony has taken place in trying to decide what was right or wrong at the election.

The Hon. D. H. McKee: Do you think any of that goes on in local government elections?

Mr. McANANEY: What about trade union elections? I do not want the Minister to get me wrong. At one stage I belonged to the Bank Officials Association. When I reached 21 years of age, I was supposed to receive $440, but an award was introduced that reduced my salary to $320. At present, the Prime Minister has his hand at the helm and is making some efforts to try to restrain inflation, despite pressures from various groups, which are getting Australia into difficulties. That applies particularly to the export industries, and in the end some secondary industries will get into trouble. That is what happens when we have this selfish attitude of "I'm all right Jack; as long as I get something the rest of Australia can go to hell". We must have a strong man at the helm, and the Prime Minister is being that strong man; I have no doubt

he will achieve what he is setting out to do in the interests of the people of Australia.

One part of the Bill gives more power to the Minister to interfere with local government. I believe that is a major mistake. Local government has to control weeds, but the Minister of Agriculture has some overriding authority to see that the work is done. Many councils do an excellent job in this respect, but the weeds officers who are under the control of the Minister of Agriculture in some instances more or less compel the councils to soft pedal. Then there is the ridiculous situation that, when there is a fruit fly infestation in Adelaide, they immediately drop everything and try to stop it. With the weed infestation—

The Hon. G. T. Virgo: What has this to do with the Bill?

Mr. McANANEY: The Minister is being stupid, as usual. I am referring to powers under the Local Government Act, and I am making the point that the Minister is being given more control over local government. However, in regard to weeds, the Minister of Agriculture does a most ineffective and inconsistent job. With weeds officers being employed by local government, people have to be seen two or three times before a prosecution can be launched, and by that time the weeds are in seed. The Government is the worst offender in regard to weeds, but I must not elaborate on that. If the Minister is given more and more power to interfere with local government, councils will become ineffectual. Anyone who has been a councillor, and unpaid, knows that he will receive much abuse from his electors for not doing a good job. During my eight years as a member of Parliament I have received only one abusive letter and few criticisms, but I have received hundred of letters praising me for what I have done for people. A councillor is under pressure from the people who elect him, and they ensure that what the councillor does is right.

Until the administrative and financial structure of councils is brought up to date with the needs of modern society, I shall oppose adult franchise. When everyone in the area contributes to what is going on, I will support it. I will never vote in favour of compulsory voting for council elections: it is an insult to people to be told that they have to vote. The Minister often uses the expression that we encourage people to vote by compelling them to vote. I hope that the member for Mawson, who is an academic theorist and who makes some astounding statements in this House, will be able to elucidate that. When I left the university my thoughts were similar to those the member for Mawson has now, but one's attitude changes when one lives in a world of reality instead of one of fantasy.

I do not believe that the Minister should have more power to interfere in any way with councils. I am not saying that local government is 100 per cent good, because I know of cases in which administration could be improved. However, councils have as good a record as, if not better than, this Government has at this stage. I oppose some provisions of the Bill but, because of my sweet reasoning and logic, cultivated in the country from which I came in the first place, I will accept any amendment that I think improves the Bill and benefits the people of this State. I do not believe in telling people what to do. They cannot be made more interested by being compelled, if they are not prepared to accept their responsibility as citizens and enrol and use this precious right to vote.

Mr. HOPGOOD (Mawson): I would never describe the member for Heysen as being woolly-headed, for we have all admired the head, the countenance and the hair of the honourable member for some time, and we could not cast aspersions in that direction. Far be it from me to suggest to the honourable member that he was on the wrong track, because he was on no track at all: he simply wandered all around the place. He is no locomotive: I think a beach buggy would possibly be a better description of his speeches in this place. It has been interesting to hear the styles of delivery and content of the speeches that have come from members opposite until now. We have had the usual pyrotechnics from the Leader, and the usual pettifoggery from the member for Light, and the member for Heysen has given us his usual ramble from Dan to Beersheba.

The most interesting factor, I think, to come out of the efforts of members opposite thus far in this debate is that the mantle of Liberalism has fallen from their faces. This applies particularly to the Leader. You know, Sir, there is a feeling around in the community (and I think this has been fostered by the newspapers) that the real division in this Parliament lies not between Labor and Liberal but somewhere in the middle of the Liberal Party, that there are those small "l" liberals in the Party who are attempting to drag—

Mr. Becker: Have you got proof? If not, sit down.

The ACTING DEPUTY SPEAKER (Mr. Ryan): Order!

Mr. HOPGOOD: I am merely stating the sort of impression I get from discussions with people in the community. People feel that there are those in the Liberal Party—

Mr. McANANEY: Mr. Acting Deputy Speaker—

The ACTING DEPUTY SPEAKER: Order! Is the honourable member for Heysen raising a point of order?

Mr. McANANEY: Yes, Sir, on a point of order, what have the internal workings of the Liberal Party to do with this Local Government Act Amendment Bill?

The ACTING DEPUTY SPEAKER: The honourable member for Mawson must confine his remarks to the Bill under discussion.

Mr. HOPGOOD: Thank you, Mr. Acting Deputy Speaker. Am I in order in speaking to the contents of the speeches that have been made by honourab'e members opposite?

The ACTING DEPUTY SPEAKER: Order! Is the honourable member for Mawson seeking the advice of the Chair?

Mr. HOPGOOD: Yes, Sir.

The ACTING DEPUTY SPEAKER: Any member may make brief reference to remarks that have been made during the course of the debate, but he must make his remarks relevant to the Bill under discussion.

Mr. HOPGOOD: Thank you, Sir. I shall do that. There is a feeling in the community that there are in the Liberal Party those who are Liberal and those who are Tory, and that those who are Liberal do not differ very much from us on the Government side. My view is that this feeling in the community should have been dispelled by the remarks of the Leader this afternoon. He has been shown in all his naked Torydom. He has shown us that he opposes adult franchise in local government, and I think there may be those in the community who will be disappointed in the attitude he has taken.

The Leader, in his tirade this afternoon, painted a Utopian, almost bucolic, picture of the situation of local government in this State. He gave us to understand that everyone was extremely pleased with the situation. One wonders whether the Leader has ever attended a progress association meeting anywhere in the metropolitan area and whether he really wants us to believe that it is not normal practice for companies involved in land subdivision to attempt to get members of their companies on councils in the areas that the companies are subdividing. We assume that he does not know that certain councils blatantly disregard the present provision of the Local Government Act with regard to preventing the nominees of councils who have plural votes from voting by posting in their ballot papers. One assumes he has never heard of any corruption at all on councils and municipalities in South Australia.

If these sorts of assumption are in fact true of the Leader, all we can say is that he is really and truly living in a fantasy land. This is an indication of the logic of the Leader. He got up in this House and said, "With regard to sewerage Adelaide is the best served of any metropolitan area in the whole of Australia." Of course, this has nothing to do with local government; it is something that arises from a State Government department. However, he said, "This shows how everybody is happy with the system." What sort of system is he talking about and what sort of logic is he using? Does the Leader of the Opposition in his upholding of the principle of the plural vote really believe that, because a person has a financial interest in Adelaide and in Melbourne, he should have a vote in the State elections in both of those capital cities? That is the logical corollary to what he is saying.

Turning to another point raised by the Leader, he says that this provision that we are bringing in, and in particular the ramifications that might arise from the clauses dealing with compulsory voting, will make the situation far more confusing; yet he wanted us to have Legislative Council voting on a day different from the State elections for the House of Assembly. Furthermore, I submit we are greatly simplifying the whole system as regards the franchise. If people are not voting at local government elections, one of the reasons is that they are confused as to whether or not they are allowed to vote. In support of my contention, I should like to quote from a letter from a friend of mine, which was made available, by the way, to the Mayor of Brighton. In commenting on a certain circular which was current in the Brighton council area, amongst other things my friend said this to the mayor:

> Before seeing this letter I, as an occupier of a flat on a weekly rental basis, was not clear about my "rights" in relation to voting at council elections but after seeing your letter I resolved to find out. In the course of finding out I spoke to one member of Parliament, who did not know, a councillor's wife, who thought that everyone had the right to vote at council elections, a town clerk, who advised me that

the rights of flat dwellers to vote varied from council to council according to how rates were assessed, and a mayor (yourself), who did not know how my wife would stand in relation to her right to vote (that is, if I had a wife!) but told me that I could easily find out from the town clerk. I also made inquiries of colleagues at work about their impressions of what were the qualifications for voting and received almost as many different answers as persons I asked.

With such a picture of confusion over the qualifications for local council voting, it is immediately obvious that the law relating to council voting needs some amendment, if only to ensure that the general public can understand it!

In this measure we are making the issue as simple as we possibly can: if a person is enrolled for the House of Assembly for State elections, he is entitled to vote in his local ward at a council election. Nothing could be simpler than that.

The Leader of the Opposition also made certain references to what happens in councils in other States. I want to say one or two things about that, and I will refer to the Sydney City Council. It is a wellknown fact that the Sydney City Council had an extremely progressive policy with regard to the distribution of social welfare in the very needy slum areas immediately adjacent to the central business area of Sydney. It is also well known that the Reform Party, which is a front for the Liberals in New South Wales and which represents the commercial interests on the Sydney City Council, was under pressure from these commercial interests to stop this. They did not want to see the large rates they were paying to the city council going into these social welfare programmes, so when, as a result of the effluxion of time, a Liberal Government came into power in New South Wales, it did a gerrymander: it removed from the Sydney City Council area a Labor-voting slum area adjacent to the commercial centre, and this left the commercial centre as a pocket borough for the commercial interests behind this reform group. That is the true story behind the so-called reform of the Sydney City Council by the Liberal Government in New South Wales.

The Leader talks about rates and loans being raised for councils. However, he said little, if anything, about grants received by councils, which come from the Treasury. Everyone who pays taxation contributes towards them, and no-one can fool me into believing that a separate class of people foots the entire bill for the income of these councils. Everyone contributes in one way or other through State Government taxes, in the rent they have to pay if they are renting a property, or in the rates they have to pay if they are ratepayers. The Leader, when talking about plural voting, also raised the matter of zoning. I should like to refer to this aspect, because he said that these poor commercial interests will not have a vote in order to protect themselves against the zoning plans of councils. The important thing about a commercial person protecting himself from the zoning policy of councils is that, before zoning regulations are promulgated, there is a period of interim control during which a person who feels that his rights have been aggrieved as a result of a council decision can take the matter to the Planning Appeal Board, and this refers to commercial interests. That same right of appeal does not appear in the Act for the ordinary householder or elector, that is to say, if a commercial person is knocked back as a result of the zoning intentions of a council, he has a right of appeal, whereas the average person who feels that his rights may in some way be infringed (not in a legal commercial way but because it affects the appearance of his property) has no right of appeal.

This has been tested in the courts, and this sort of safeguard that has been written into the Planning and Development Act is a greater safeguard to the commercial person than whether or not he should get a vote in that area. Indeed, the Planning and Development Act discriminates in his favour, and that is quite opposed to the sort of line the Leader was trying to put over. The member for Light said that we need evolution in local government. However, he said this is not evolution but revolution. I wonder just what the honourable member meant by that. How else can the system evolve except by amendment in this place? I suspect that the honourable member and other honourable members opposite really meant that the evolution that they want is that which will be fed to them by councils, councillors and the Local Government Association—

The Hon. G. T. Virgo: And the Adelaide Club!

Mr. HOPGOOD: —and not by the people who are living in these council areas. The Government wishes to govern in the interests not of councils but of the people who live in the council areas. The intention of this Bill is to make councils that much more responsive to the wishes and desires of the people living in these areas. The member for Light complained about the cost: does not the

preparation of rolls under the present system cost money to councils and municipalities? Are no economies of scale involved in turning over the whole process to the electoral officer? Of course there are.

The Hon. G. T. Virgo: And the computer.

Mr. HOPGOOD: This is the whole point. The computer is programmed, and it produces the roll. It seems to me that there is a tremendous economy of scale in doing this sort of thing. The member for Heysen, to whom I have already referred, says that we have to get up to date in regard to financing local government. I agree completely with this: I can see many archaic features in the way in which local government is financed, but I do not believe that we should stop the necessary constitutional reform in local councils while we are waiting for new means of financing to be generated. My attitude towards this Bill can be demonstrated fairly simply: there are three levels of government in Australia (Commonwealth, State and local), and I can see no reason why the arrangements under which people are elected at each of these levels of government should differ from one to the other. These bodies all exercise executive powers and legislative powers.

The people who live within the areas dominated by these authorities have to abide by the legislative decisions and the executive actions of these various levels of government, and I believe that they should all have a vote to determine what the legislation should be and who should control the executive decisions of these authorities. Let us look at the several electoral arrangements of the body politic as it exists today at the Commonwealth and State levels: all adults have the vote; each person has only one vote; and each of these votes should, as closely as possible, have the same value. Of course, in this State we still lag behind in that provision, but perhaps we are slowly catching up. Finally, the getting-out process is nationalized; that is to say, instead of having to rely on political Parties' paying people and cajoling people and generally trying to drag them along to the polling booth, it is done by the State. It is nationalized in such a way that it will be fair to all who are attempting to gain election to the Commonwealth or State Parliament.

I believe the four provisions I have mentioned should apply as much to local government as they apply, and have applied for many years, to these other two levels of government. I consider that this legislation will make actual the first two things I have outlined (that all adults shall have a vote and that each person shall have only one vote), and it will make possible that each of these votes should, as nearly as possible, have the same value and that the getting-out process should be nationalized. It is interesting to turn to Professor Crisp on electoral reform in Australia and to notice that, regarding State elections in South Australia, plural voting has never existed. We were far ahead of the rest of Australia in this respect.

It took Western Australia (that State has done a little catching up in the last week or so) until 1907 to abolish plural voting at State elections, and it took even Queensland until 1905 to abolish plural voting. We know, too, that South Australia had manhood suffrage by 1856, whereas Western Australia had to wait for it until 1907. South Australia, at the State Government level, has led Australia in providing these constitutional reforms. It is pitiful that we should have lagged so far behind some of the Eastern State capitals in applying these same principles to the local government level.

I want to say one or two things about certain clauses and the effect they will have on some of the principles I have just enunciated. For example, clause 12 refers to petitions to divide an area or ward, and the procedure will be simplified by the fact that reference is now made to electors and not to ratepayers and ratable property. That is important indeed. When the matter of the revision of this Act came up many months ago, there appeared in the *Advertiser* of August 13 an article under the signature of Mr. Geoffrey Richmond that quoted Alderman G. W. L. Spencer of the Adelaide City Council as telling a meeting of the Metropolitan Regional Council that adult franchise would mean that 155 caretakers, cleaners and other residents would be able to outvote 3,125 owners of properties in the Hindmarsh ward, which includes Rundle Street.

If this ever actually occurred, I would regard it as a rich and delicious situation. I can think of nothing better than to see 155 stout proletarians deciding the future of the commercial interests in Rundle Street. However, to overcome this situation provision has been made in the Bill that a person can elect the ward in the council to which his vote shall apply, and that will go part of the way towards meeting the fears and problems of commercial interests. When the article

was published I wondered why ward boundaries seemed to be regarded as immutable. Why was it that they had been laid down way back in the year dot and never seemed to change? Members should look at a map of the wards of the City Council. Regarding South Adelaide, south of the river there is a neat division into four quarters, a division which had great validity when residences were spread fairly equally over the city square mile but which is completely out of date at present. Although I do not have the facts and figures for the Adelaide City Council, I do have them for the Noarlunga council, and I will read them for the edification of members. I have no quarrel with the Noarlunga council, which is a most progressive body. I need say nothing more in its favour than that it decided not to associate itself with the Local Government Association in that association's opposition to this Bill. What further praise can I give to this council?

It is interesting to look at the number of electors in each of its wards under the present system. I will give rounded-off figures because the ward rolls are brought up to date to the last man and woman only when there is a contest for those wards, and in some wards it has been a long time since there has been a contest. According to my source of information, 18,350 people are enrolled to vote in a Noarlunga District Council election, if all wards voted at once. The disposition within the wards is as follows: McLaren Flat, 400; Seaview, 400; Noarlunga, 2,550; Morphett Vale, 3,000; Reynella, 1,200; St. Vincent (the ward in which I reside), 2,800; Christies Beach, 3,600; Port Noarlunga, 2,400; and Hackham, 2,000. Yet we criticize the situation at State Government elections with regard to one vote one value; the situation regarding the Noarlunga council is just as bad. The councillor for Christies Beach must act as ombudsman for 3,600 ratepayers, plus the various other people who do not get a vote but who will come to him for advice and consolation, and who have a general grizzle about what is going on.

On the other hand, the councillor for Seaview is ombudsman for only 400 people. I was rather surprised that the figure for Seaview was as high as that, as this ward seems to have the proverbial "one man and a dog" situation applying to it. One possible reason for the variation in these figures is that the area has expanded quickly, so that in wards such as Hackham, which were not any different from McLaren Flat or Seaview a few years ago, there has been a considerable suburban population explosion.

The Hon. D. N. Brookman: Do you know the percentage of electors who voted at council elections?

Mr. HOPGOOD: In some wards there has not been an election for some time. Surely the ward boundaries should be relocated in order to allow for this expansion, so that the one vote one value type of situation could continue to apply. To this situation I applied the so-called Dauer-Kelsay index, which I explained in my maiden speech. It is the measure of the extent to which one vote one value applies. The theoretical upper limit is slightly in excess of 50, and in this situation it works out to 35. This is worse than applies to the State electoral boundaries, if the same measurement is applied. I have singled out the Noarlunga council because I have been able to obtain facts and figures, but I imagine, particularly with regard to the new provisions in the Act, that the situation in the Adelaide City Council would be far worse. I believe clause 12, by putting the emphasis on the elector rather than on the ratepayer, will bring a new flexibility to the situation and assist councils to up-grade the whole thing.

Concerning enrolment, I have said that under clause 21 the ratepayer may elect to be enrolled in respect of any one ward in which he has interest. Let us hope that this will quieten Alderman Spencer's fears. Clause 21 provides for the compilation of the electoral roll, and I have spoken of the large economies of scale that will flow from handing this job to the State Electoral Office. I was interested to note that the Leader had looked fairly closely at clause 32, as I have done. He gave us one of those bits of doggerel such as "the pig will not jump over the style so I cannot get home", and possibly the whole thing needs elucidation. Clause 32, which enacts section 116, provides:

(1) Voting at an election shall be compulsory or voluntary according to the determination of the council.

(2) A determination must be made under this section within three months after the commencement of the Local Government Act Amendment Act, 1971.

(3) The council shall give public notice of a determination under this section.

(4) Within one month after public notice is given under this section a poll may be demanded by petition signed by one hundred or more electors for the area to determine

whether the determination of the council is supported by a majority of the electors voting at the poll.

(5) At any such poll voting shall be voluntary or compulsory according to the determination of the council.

Here I believe is where councils which are very much opposed to and which have been outspoken in relation to compulsory voting will be hoist with their own petard. Let us consider the situation where a council is opposed to compulsory voting and will do anything in order to prevent its being introduced. It will make a declaration that there will be voluntary voting. Then possibly someone will get 100 signatures (which would not be too difficult to do), and there would have to be a poll. In this situation I wonder what the local council will do. Will it order a voluntary poll, because if it believes in voluntary voting this is what it should do? Will it perhaps say, "With a voluntary poll, not too many may come out, and the 100 who signed the petition may get a few mates out and there will be a majority, so perhaps we had better have a compulsory vote"? By ordering a compulsory vote, it will be underlining the principle of compulsory voting.

Mr. Mathwin: Which council will you try first?

Mr. HOPGOOD: It is entirely up to the declaration of the councils what they will do in this respect.

The Hon. G. T. Virgo: And the electors in each council area.

Mr. HOPGOOD: Yes, and the response of the electors in the council area to what happens. If a council really believes in voluntary voting it will have to make sure that the poll which determines whether voting is compulsory or voluntary should be voluntary. Otherwise, it will be underwriting the very principle it is trying to do away with.

The Leader of the Opposition has said much about interests and how they are very important in councils. In effect, he has drawn an equation between franchise and interests. I completely reject that there is any relationship between the paying of rates and the awarding of franchise. People pay rates not in order to get the franchise but to get services from the council. The franchise should be based purely on humanity, as it is in respect of the State Government and Commonwealth Government, but I know that it is extremely difficult to persuade the Tories on that.

One of the most important clauses in this Bill is clause 72, to which the member for Light has referred already. It refers to the provision of houses and services for the aged and infirm, and I applaud this provision. I consider that there should be a considerable expansion of local government into this area and also into the area of social work, which is something we sadly lack, although to listen to the Leader of the Opposition one would think this is not the case. Perhaps he is not very interested in these things. It is interesting to see what the report by the Local Government Act Revision Committee had to say on this. It states:

Although the community is becoming increasingly aware of the needs of its senior citizens, the meeting of those needs in South Australia has hitherto been largely, although by no means wholly, left to religious bodies and to other groups or corporations constituted specifically for that purpose. Hitherto, the part played by local government in South Australia in this regard has not been an extensive one. In November, 1967, the Parliament of the Commonwealth of Australia introduced a change which may prove to be a very far-reaching one. In that month it amended the Commonwealth Aged Persons Homes Act to establish all local authorities as organizations eligible to receive the subsidy paid by the Commonwealth of Australia for the establishment of homes and infirmaries for senior citizens. Here is a new power and a new opportunity for local government.

For this reason, I applaud the statement made by the Minister in his second reading explanation of this Bill, and I remind the House of part of what he said, as follows:

Clause 72 inserts a new section 787a. which is of paramount importance. It will empower a council to spend money in the provisions of homes, hospitals, infirmaries, nursing homes, recreation facilities, domiciliary services and other services for the aged, handicapped or infirm.

I applaud the Government for the action it has taken in this respect. Speaking generally to this Bill, I consider that it is long overdue. I consider that it will hasten the necessary evolution of local government in this State in an extremely desirable direction. It is interesting to note the squawks and screams that were raised when this legislation was first mooted. The Local Government Association sent out circulars and did all sorts of things. District councils spent ratepayers' money to put over what, in effect, was a political whine. It is interesting to note a quotation in the press that is obviously from a spokesman for the Local Government Association. It states:

Their biggest concern was the obvious cost of compulsory elections and the fact that—

here it comes —

non-ratepayers would be eligible not only to vote, but to stand for election.

How shameful and extraordinary! Just how Tory can those people get? They will not stand up and suggest that people who do not pay taxation should be disfranchised at State or Commonwealth Government level. I do not pretend that I am a great ornament to this place, but if this qualification had applied at the State Government level I could not have stood as a candidate at the last State election, because I was not at that time earning a taxable income. No doubt, others would have been in the same position. We can think of a man much younger than I am, a member of the Commonwealth Parliament some time ago, who was living with his parents and so would not have been entitled to vote for the Legislative Council. Until he acquired property, he could not vote at his local government elections. Yet this was a man who had a short but meteoric career, and graced our Commonwealth Parliament. It is high time the State Government took us into the twentieth century.

The Local Government Association had many things to say in the circular. Most of them were copied parrot-like by those councils which decided to send out circulars to their ratepayers. Practically every phrase in those circulars was an appeal to self-interest. It said to the ratepayers, "You are a privileged class at present. Do you want to share your privileges with others? What do you stand to gain by these amendments?" There was no attempt to promote altruism; it was a pure appeal to the self-interest of a privileged class. I know it is a numerous privileged class, but even so it was a privileged class of people who were able to exercise a franchise denied to others.

Mr. Goldsworthy: And they got the privilege by paying the money.

Mr. HOPGOOD: The honourable member for Kavel reveals himself in all his naked Toryism. To him the franchise is purely a reward for the possession of wealth and property.

Mr. Goldsworthy: I am not saying that at all.

Mr. HOPGOOD: I challenge the honourable member to get up in his place and enunciate the same principles in respect of State and Commonwealth Government elections. I see no reason why the principles that we apply to local government voting should differ in any material particular from those applying at the State or Commonwealth Government level.

The Hon. D. N. Brookman: What about unions?

Mr. HOPGOOD: This has already been gone over. A union is a voluntary and private organization. I may choose to be in a union, or not to be; I can choose to be a bondholder with some finance organization, or not to be. I stress the voluntary aspect of these organizations. The same applies to the Glenelg football club or to the Parkside bowling club: voting in those voluntary organizations is voluntary. However, I have to comply with the by-laws promulgated by the local council, and I have to obey the laws of the land as they are passed through these Houses of Parliament and the Commonwealth Houses of Parliament. For this reason, I believe I should have as much say at the voting level as, and no more or no less than, the member for Alexandra or anybody inside or outside this House. The only qualifications that should apply are humanity and adulthood.

I thank honourable members opposite for the anticipation with which they awaited my speech. It is interesting to note that a member of the *Hansard* staff during the adjournment was looking for a "pull" of my speech. So much has been said about my attitude that he assumed I had already spoken in the debate. I had to break the news to that gentleman that I had not yet spoken. I thank honourable members opposite for the interest they have taken in my anticipated remarks, and I hope I have not disappointed them too much.

Mr. GOLDSWORTHY secured the adjournment of the debate.

UNFAIR ADVERTISING BILL

Adjourned debate on second reading.

(Continued from March 2. Page 3700.)

Mr. MILLHOUSE (Mitcham): I thank the Attorney-General for not proceeding with this Bill yesterday, when I was absent in another State, so that I would have an opportunity to speak at the second reading stage. I do not much like the Bill in its present form. As I said in 1969, when speaking to a Bill which was introduced by the then Leader of the Opposition, and which the House was able to improve at my suggestion, I think it is necessary to have legislation on this topic, although I do not like the Bill now before us. I was rather surprised at the brevity of the Attorney's explanation in introducing the Bill. He referred then to the Rogerson report and used that as his reason for introducing the legislation. If one looks at that report one finds that chapter 5 headed "Misleading advertising",

is very brief and consists largely of a quotation from the 1967 Unfair Trading Practices Bill, which the former Labor Government introduced in its dying hours. That chapter says very little about misleading advertising or the justification for the form of the Bill.

The authors say that they see no reason why the Bill should not work. So, this is a Bill the subject matter of which we all agree is proper. However, we have a measure which, in its present form, is too sweeping and which is not supported by the Minister who introduced it with a very lengthy explanation; nor is it supported significantly by the authority on the subject that he quoted. Having said that, I will deal with some of the provisions of the Bill.

I notice that the definition of "advertising" includes every form of advertising by the display of notices and so on, or by means of radio or television or any other way. I point out to honourable members that our ability to regulate advertisements on television or radio is limited because of the Commonwealth legislation on this topic. While it can be argued that the Commonwealth legislation does not cover this field specifically and that, therefore, under the Constitution we still have some area in which we can legislate, it is a most uncertain topic. As one of the most significant areas of advertising now is on television and another is on the radio (and I believe we will find it difficult to touch these areas), the scope of this Bill is not particularly wide. However, as the Attorney-General said, the real meat of the Bill comes in the definition of "unfair statement", which I believe is far too wide. This definition is as follows:

"unfair statement" in relation to an advertisement means a statement or representation contained in the advertisement that is—

(*a*) inaccurate or untrue in a material particular; or

(*b*) —

they are in the alternative—

likely to deceive or mislead in a material way a person to whom or a person of a class to which it is directed.

It is a broad definition, good for the courts (for the legal profession). It is broad, because what do we mean by a material particular or a material way? These expressions are broad, indeed, and will need judicial interpretation to get any substantial or any clear and definite meaning. It seems to me to be too wide, as I have said, to have them in the alternative, and to say that an unfair statement is one either which is inaccurate or untrue, even though it may not mislead or deceive, or which is not necessarily inaccurate or untrue but which does deceive or mislead in a material way. I believe, if this is to be a proper measure, that those two should be conjoined, not alternative. I will take action accordingly in Committee.

To illustrate the wideness of this Bill, one has only to look at the newspaper and, really, to look at the first page that one opens. I happened to have my *Advertiser* open at page 5 when I was thinking about what to say this evening, and on that very page that good old South Australian institution John Martin's would, I suggest, be in trouble. On page 5 we have the following:

John Martin's of South Australia—Autumn Home Sale.

I guess we are getting pretty close to autumn, although it seems like summer in here. The advertisement continues:

Buy for no deposit, easiest terms in town!

I beg to suggest that it would be difficult to prove that the terms offered there are, in fact, the easiest terms in town, and if they are not the advertisement is inaccurate or untrue in what could well be regarded as a material particular. That advertisement, which frankly is perfectly all right as far as I am concerned, would be caught by this Bill even though it had not misled or deceived anyone. This seems to me to be wrong, and one can test it many times, either in the *Advertiser* or the *News*, and in every edition of them.

The Hon. J. D. Corcoran: You are very discerning, though.

Mr. MILLHOUSE: No, I am not. All I have done is to take those definitions and apply them to concrete circumstances, and that is what we should always try to do with legislation. It happens to be easy to do it in this case, because we have the papers with us, but when we do that we see how widely the definition has been drawn. As I say, I think it is too wide.

The Hon. J. D. Corcoran: Have you a proposal?

Mr. MILLHOUSE: If the Minister could bestir himself sufficiently to look on the file, he would see the proposals I have on this matter. I refer now to clause 3 (3), which deals with the exceptions. The way the Bill has been drawn is to excuse everyone but the person who actually has the advertisement inserted. With great respect to the Attorney, I think that some of the drafting in this

subclause is infelicitous. I think that the use of the phrase "without limiting the generality of the expression" is unfortunate and unusual. I do not know why it was used, and I do not think it should have been used.

Leaving aside that point (and no doubt the Attorney will be able to improve the drafting if he wishes), we see that the people who are in particular excused under the Bill are owners, publishers or printers of any newspaper, publication, periodical or circular and owners of any radio or television station, but their employees are not specifically excused. I do not know why this applies, because, in the 1967 Bill introduced by the unlamented Government of that day, provision was made to excuse an agent or employee of any person, and I believe that should be included in this Bill. Incidentally, it was certainly included in the perfected version of the Unfair Advertising Bill that was passed by this House in 1969. Why the Labor Government should have deliberately (I presume it was deliberate) omitted protection for employees of newspapers and radio and television stations and so on I do not know. We will try to help the Government by making good the omission.

I agree with other members that there should not be an open go for prosecutions in this matter, otherwise we could have John Martin and Company Limited suing Myer Emporium (South Australia) Limited or vice versa in respect of advertisements such as the one to which I referred a few moments ago. I believe that prosecutions should only be on the certificate of the Attorney-General. This will cut down the opportunity for prosecution and will take away altogether the opportunity for vexatious and spiteful prosecutions. As I believe this would be a proper provision to make, I hope to have it made. I do not much like the Bill in its present form. Although I believe legislation on this topic is justified, I hope that the Bill will be substantially improved during the Committee stages in a way similar to that in which I was able to improve the then Leader's Bill on the same topic a couple of years ago.

The Hon. L. J. KING (Attorney-General): I seem to have been the subject of some criticism by reason of the brevity of my second reading explanation. I hope I shall not be subjected to criticisms of a different kind when I conclude my reply; I will try to be as brief as I can. The criticisms of this Bill have been strange. All Opposition speakers have professed to be devoted to the principle of protecting the consuming public against false and misleading advertising, but all of them have found some reason or another for saying that the measures introduced for this purpose should be opposed. This is a tactic one has heard on other occasions when members have not really wanted something but are not prepared to say to the public that they are against it and have had to find an excuse or a reason for opposing the Bill.

When one analyses the reasons put forward for opposing the Bill it is transparent that there is no substance in them, and if Opposition members are genuinely interested in protecting the consuming public from unfair advertising they will feel obliged to support the Bill. The Leader of the Opposition led in opposing the Bill, and he sought to suggest at the outset of his speech that in some way this Bill was drawn in a wide and unfair way and, indeed, that it was an unfair Unfair Advertising Bill. What he said to prohibit unfair advertising in those terms was itself unfair. Perhaps what he failed to do was to read the Bill carefully and see the use that had been made by the draftsman of the expression "unfair" because, although what is prohibited in clause 3 is an unfair statement in advertising, the expression "unfair statement" is used compendiously to include two broad classes of statement that are set out in the definition clause, as follows:

"unfair statement" in relation to an advertisement means a statement or representation contained in the advertisement that is—
- (*a*) inaccurate or untrue in a material particular;

or
- (*b*) likely to deceive or mislead in a material way a person to whom or a person of a class to which it is directed.

In other words, what is prohibited by this Bill is not simply a statement in an advertisement that is characterized as unfair but a statement in an advertisement that falls within one or other of the broad classes specified in the definition of "unfair statement", namely, it is inaccurate or untrue in a material particular or one that is likely to deceive or mislead. It is surprising to hear that criticism (and it was repeated by the member for Bragg and the member for Mitcham), because Opposition members said that the Government should be satisfied to allow the industry to police itself by means of its code of ethics. When one looks at the Australian Code of Advertising

Standards, the criticism that the expression "misleading" is too vague and in some way would catch many advertisements which are perfectly legitimate and which should not be caught out sounds strange, because the code itself, under the heading "Recommendations (1) Presentation" uses the following expressions:

> (*a*) Advertisements shall always be truthful about what is offered—

that is our first branch—

> and shall not be liable to misinterpretation by implication or because of omissions.

Under "Descriptions and Claims" the code states:

> No advertisement shall contain any descriptions, claims, or illustrations which directly or by implication mislead about the product or service advertised, or about its suitability for the purpose recommended.

Apparently, advertisers themselves in drawing up their code of ethics do not find anything so vague or unsatisfactory about the term "misleading". They do not think it is unfair to impose that obligation on their members or that it is unfair for them to use the expression. So, what is wrong with using it in the legislation designed to deal with this subject? Further, under the heading of "Price Claims" the code states:

> Advertisements shall not contain exaggerated, fictitious price comparisons, non-existent discounts or savings, nor employ list prices known to be false or not current—

"false" is our first limb—

> All prices quoted shall be accurate and incapable of misleading by distortion or undue emphasis.

So, the advertisers themselves in drawing up their code of ethics drew it up in the alternative. They prohibit a false statement and, in addition, they prohibit statements that are misleading. That is precisely what has been done in this Bill. For some reason or other, it is thought that it is all right if it is in the advertisers' code of ethics but not in the Statute intended to regulate the conduct of the industry.

The Leader of the Opposition made what I think is a most remarkable criticism of this Bill. He said that the very introduction of the Bill was a reflection on the advertising industry. That was remarkable enough but it was even more remarkable to hear the member for Bragg, when the Leader used those words, say "Hear, hear!" It was remarkable to hear the member for Bragg say that, because he is a member of a profession that has a strict code of ethics, breach of which involves a member of the medical profession in liability to be struck off the medical roll for unprofessional conduct. Do the member for Bragg and his fellow medical practitioners consider that the existence of that disciplinary measure is a reflection on the whole body of medical practitioners? The idea is absurd.

The member for Mitcham is a member of the legal profession. In that profession we find, again, that provision is made for disciplinary measures that have the effect of a practitioner's being struck off the roll of practitioners if he is found guilty of unprofessional conduct, but have we ever heard a lawyer say, "It is a reflection on me, as an honourable lawyer, that there should exist such a disciplinary action"? The suggestion is absurd.

Every industry and profession that value their integrity welcome disciplinary provisions, because they are a guarantee of the standards of the honest members of the professions and their very existence serves to preserve high standards in the professions and to preserve them so that there is no tendency for an unscrupulous or less scrupulous operator to gain an advantage, thereby bringing down the standards of those trying to uphold them honestly and scrupulously.

To say that the introduction of a Bill to prohibit unfair and misleading advertising is in some way a reflection on honest people in the industry who do not stoop to that kind of thing is, in my view, again absurd. The Leader of the Opposition also said this Bill was unnecessary, and he cited figures from New South Wales relative to the period since the passing in that State of the Consumer Protection Act of 1969, which prohibited misleading advertising. He stated:

> If the incidence of unfair advertising in New South Wales is so low, why is it necessary to introduce such a provision?

However, how are we to be assured that the figures would have been so low if the provision in the Act had not existed? Perhaps when the Unfair Advertising Act of 1971 becomes law in South Australia, we shall be able to boast in a few months' time that the same happy state of affairs exists here. The fact is that, unfortunate though it may be, we in South Australia have had numerous experiences of false and misleading advertising, to such a degree that the Prices Commissioner has advised that misleading advertising has been of concern to his branch for some years and that the present provisions of the Prices Act are too weak to allow a strong line to be adopted. He has

stated that the situation justifies legislative action and he has found in his department that the type of advertising about which complaints have been made includes goods being offered for sale that have been falsely described in the advertisement, goods not being as depicted in the advertisement, exaggerated claims as to quality or performance, goods advertised but not available, and incorrect prices advertised. These are the complaints that the Prices Commissioner has received over the years.

The Hon. G. R. Broomhill: This should have been known to the member for Mitcham.

The Hon. L. J. KING: Doubtless it should have been known to gentlemen who are now on the opposite side and who at one time had Ministerial responsibility for the Prices Branch and, indeed, for the protection of the public. The Leader of the Opposition and the member for Mitcham, one would think, almost certainly would have been aware of that experience of the Prices Commissioner in this area. The member for Bragg, having repeated the criticism that the Leader of the Opposition had made of the term "unfair advertising", went on to criticize the expression "false or misleading". Indeed, that criticism was repeated by the member for Mitcham. It was made to sound as though this was some novel idea, as though the law dealing with statements that were false or misleading was some new and strange conception which no doubt a Socialist Government in South Australia would try to inject into what was a reasonable piece of legislation.

Mr. Millhouse: No-one said anything like that.

The Hon. L. J. KING: The member for Mitcham was not present when the member for Bragg was speaking. The member for Bragg made it clear that he thought that the expression "false or misleading" was completely vague.

Dr. Tonkin: Unfair.

The Hon. L. J. KING: My note, which can be checked with *Hansard,* is that the member for Bragg severely criticized the expression "false or misleading". If I am wrong I shall apologize, but my belief and recollection is that the member for Bragg did so criticize that expression. The member for Mitcham thought that the words "false or misleading" should be "false and misleading" because he thought, apparently, that to introduce this concept was something strange and novel to the law.

Mr. Millhouse: Why should you make that assumption?

The Hon. L. J. KING: Because the honourable member was making a criticism. If, as I said—

Mr. Millhouse: You should say what I said instead of making an assumption.

The Hon. L. J. KING: If the member for Mitcham knows that the words "false or misleading" are commonplace in the law, is it strange that he should find them in a Bill dealing with unfair advertising? We need only a few short extracts from cases dealing with misrepresentation to illustrate my point. I will cite a few of them, and the member for Mitcham can check them at his leisure, at a convenient moment when he likes to read some law reports. The first is the case of *Aaron's Reefs v. Twiss* (1896 Appeal Cases, page 273) where the then Lord Chancellor (Lord Halsbury) said:

> If by a number of statements you intentionally give a false impression and induce a person to act upon it, it is not less false although if one takes each statement by itself there may be a difficulty in showing that any specific statement is untrue.

That is precise misrepresentation which is aimed at by the use of the word "misleading". Then in the case of *Curtis v. Chemical Cleaning and Dyeing Co. Ltd.* (1951, 1 King's Bench, page 805) Lord Justice Denning said:

> In my opinion any behaviour, by words or conduct, is sufficient to be a misrepresentation if it is such as to mislead the other party . . . If it conveys a false impression, that is enough.

So a statement may be "likely to deceive or mislead" without necessarily being "inaccurate or untrue in a material particular". In the law of contract, any statement that gives a false impression, that is misleading although one cannot point to a specific statement that is false or untrue, amounts in law to misrepresentation.

In the case of *Rex v. Kylsant (Lord)* (1932, 1 King's Bench, page 442) statements in a company's prospectus were all perfectly true but its effect was to give a false impression of the position of the company. That was sufficient for a conviction on a charge of making a false statement in a prospectus under the Larceny Act then in operation in the United Kingdom. So the whole notion of prohibiting by law misleading statements is by no means novel. It is perfectly appropriate in a Statute of this sort, and to suggest that there is any difficulty in applying the notion of a misleading statement to

advertisements is unsubstantiated. The member for Bragg complained that a misleading or unfair advertisement within the definition was punishable by a fine of $1,000. I do not know whether he thought that every offence had to be punished by a fine of that magnitude. The honourable member certainly did not seem to realize that this was a maximum fine and that the court would impose an appropriate penalty in the circumstances prevailing. He instanced the case of a minor mis-statement made without any great guilty intention, which might be punished by a fine of $1,000.

The member for Bragg sought to say that the whole concept of proscribing unfair advertisements, defined in the way they are defined in this Bill, was wrong, and suggested that we should be proscribing certain specific types of unfair advertising. He did not deign to suggest how we should do that or what category or list of improper advertisements we should forbid. Of course, this was the very thing that the Rogerson committee said was not practicable; it said that the generality of the type of provision contained in this Bill was amply justified by the nature of the evil being struck at, because no list of categories of misleading advertisements would ever defeat the ingenuity of advertisers, who could always think of some other way to get around a specific category.

The Bill proscribes untrue statements and misleading statements, with both of which the law has had ample experience. As the Rogerson report points out, the courts have never in the past experienced difficulty in distinguishing what has been false or misleading or what was a mere exaggeration of a kind which would be acceptable and which would not mislead people that read the advertisement. The terms "false" and "misleading" are well known in the law, and can be as easily applied in this area as they have been applied in other areas in the past.

The member for Mitcham, who spoke this evening, seemed doubtful about the expression "material particular". This really surprises me, as this expression is also well known in law. A material particular in a matter of this kind is a particular that may affect the judgment of someone making a decision on the strength of an advertisement. The law has never had difficulty with this expression in the past, and I know of no reason why it should experience difficulty in relation to this term in the Bill in the future.

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I do not think the member for Mitcham said anything else to which I wanted to reply. I have already dealt with his suggestion that "untrue" and "misleading" should be made conjunctive rather than disjunctive, and that a statement should have to be false and misleading. As I have pointed out in the extracts from the cases to which I have referred, some of the most dangerously deceptive statements are those in which one cannot point to a specifically untrue statement of fact but in which the whole effect of the advertisement is to mislead. This sort of thing happens in company prospectuses and other statements that have been dealt with in countless cases decided in the law of misrepresentation.

Mr. Millhouse: You realize, of course, that in urging this point of view your Party is not being very consistent?

The Hon. L. J. KING: If this is an attempt to change the subject in some way, it is a tactic to which we are fairly accustomed, but it may be better if we stick to the Bill. This notion of the member for Mitcham would, in my submission, weaken the Bill, and it would be a most undesirable amendment, because it would have the effect of eliminating from the Bill the prohibition against statements that are misleading, although one may not be able to point to a specifically untrue statement. The other point the member for Mitcham made related to exclusions, that is, the type of person who is excluded in the Bill. He seeks to add the category of employees or servants of the class of persons referred to in clause 3(3).

I have no objection to that being done if the member for Mitcham desires it. However, the plain fact is that the only offence created by this Bill is an offence committed on the part of an advertiser, and the advertiser is defined as the person on whose behalf the advertisement was published. In other words, he is the principal. Therefore, in fact, it is not necessary to exclude any of the classes of person referred to in clause 3(3) at all. Those categories were included doubtless to give some rather more comfortable feeling to the people referred to therein so that they would feel an assurance that they would not in some way be caught by this Bill. They would not be caught, anyway, but I have no objection to adding yet one more category to them, and at the appropriate time I shall be quite happy to accept that.

I suggest that none of the criticisms that have been made about this Bill has any validity at all and that, if it is true, as members opposite have said, that it is their desire to protect the public against unfair advertising, this Bill is drawn in a form that will do that as effectively as legislation can. I suggest that the way in which Opposition members can demonstrate their desire to protect the public in this way is to vote for the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

Mr. MILLHOUSE: I move:

In the definition of "unfair statement" after paragraph (*a*) to strike out "or" and insert "and".

Although this amendment, in form, is a short one, it is, of course, of considerable importance. No doubt because of his inexperience, the Attorney-General has already addressed himself to this amendment although, of course, Mr. Acting Chairman, he was out of order in doing so.

The Hon. L. J. King: Then you were out of order when you referred to it in your second reading speech.

Mr. MILLHOUSE: No; one can refer to something that needs remedying in the Bill as introduced, but one cannot canvass the remedy. I now propose to canvass the remedy. I believe that the disjunctive, having the definition of "unfair advertising" in the alternative, casts the net too widely. As this is new legislation, it should be shown that the unfair statement is both inaccurate or untrue and likely to mislead or to deceive. In rubutting my comments, the Attorney-General referred to several cases. In the 1969 Bill, which Government members supported, it was not in the alternative but was joined together. Part of clause 3 (1) of the 1969 Bill states "which advertisement contains any assertion, representation or statement that is inaccurate, untrue, deceptive or misleading (that is the equivalent of the first leg of the definition of "unfair statement") and which such person knew or might on reasonable investigation have ascertained to be inaccurate, untrue, deceptive or misleading". Although it is not exactly the same—

The Hon. L. J. King: It's not the same at all.

Mr. MILLHOUSE: There we have the conjunctive and not the alternative.

The Hon. L. J. King: What word is before "misleading"?

Mr. MILLHOUSE: "Or"; that alternatve is the corresponding alternative to "inaccurate or untrue".

The Hon. L. J. King: It is "untrue or misleading".

Mr. MILLHOUSE: It is "which is inaccurrate, untrue, deceptive or misleading". The main point I have made is that, in legislation that is new and to an extent experimental, we should proceed cautiously and draw the line on the narrow side rather than on the wide side. It is only fair that if there is an inaccuracy or any untruth it should also be shown that someone has acted on that and that it is likely to mislead or deceive in a material way. If this is done, we restrict the meaning of "unfair statement", and if this becomes unduly restrictive we could widen it.

The Hon. L. J. KING (Attorney-General): The member for Mitcham suggested there is some inconsistency between what is now being done and what was sought to be done in the earlier Bill. He suggested that in the present Bill we have made the concept of "misleading" alternative to the concept of "inaccurate or untrue". The only difference between the two Bills relates to the way in which it is expressed as to the capacity to mislead a person. I prefer drafting in the present Bill in which we refer to "inaccurate or untrue in a material particular". A material particular is one that may affect the judgment of a person reading the advertisement and, therefore, deals with the question of the capacity to affect the judgment of a person to whom it is directed. Also, we have the alternative "likely to deceive or mislead". If this amendment were carried it would mean that the sort of statement in which it is impossible to point to any specifically false statement of fact, but where nevertheless the advertisement read as a whole is misleading, would escape the provisions of the Bill.

Mr. McRAE: I oppose the amendment, and emphasize the examples I gave in which three statements were made that were true but the overall effect of which was misleading. Radio Rentals advertise no deposit, no hire-purchase, and no interest: that could be true, but what is not stated is that the price ultimately has been loaded to include these things. In moving the amendment the member for Mitcham has had some regard to what has been put forward by the industry here. Under the provisions of the English Act, which is

stricter than ours, the use of any expression that could in any way be treated as not being exactly factual could lead to prosecution. For example, an advertisement that referred to fully-fashioned stockings resulted in the advertiser being successfully prosecuted, because it could have been taken that those stockings meant A grade stockings as distinct from anything else. However, one would imagine, on looking at the advertisement, that he was generally describing the stockings as being of reasonable manufacture. The code of ethics of the industry in Australia is almost an exact copy of the English counterpart, except that the Australian group says in its code of ethics that there is nothing wrong with the use of hyperbole, frank exaggeration, and certain other matters. In other words, one may say something that is not false in itself but can be misleading by the use of hyperbole and/or frank exaggeration, which I say is one of the worst features of the industry. I should prefer to have the provisions of the English Trades Marks Act. In the words of some judges, that Act has replaced the principle of *Caveat emptor* with *Caveat vendor*, to the extent that even such words as "beer is best" and claims about gallonages of petrol could be regarded as unfair advertising. Fines as high as one thousand English guineas were imposed as far back as 1962 under that Act in England. I support the amendment. The proposal in the Bill is reasonable, when we consider what is in force in Britain.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, Rodda, and Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (22)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Slater, Virgo, and Wells.

Pair—Aye—Mr. Ferguson. No—Mr. Lawn.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 3—"Prohibition of misleading advertising."

Mr. MILLHOUSE: I move:

After subclause (3) (*c*) to strike out "or" and after "bookseller," to insert "or (*e*) a servant, employee or agent of any of the persons referred to in paragraphs (*a*) to (*d*), inclusive, of this subsection."

I move this with much more confidence than I moved my last amendment, because the Attorney-General was kind enough to reply to the amendment before I moved it when he wound up the second reading debate. He indicated that he was prepared to accept this amendment, and very properly so. If we are going particularly to except owners and publishers of newspapers and owners of television stations, we should also except their employees—the printers, and so on. That is the only purpose of this amendment. It may be arguable, as the Attorney did argue, that this amendment is not strictly necessary. On the other hand, it may be argued that it is necessary. I think it is better to have an abundance of caution than none at all.

The Hon. L. J. KING: For the reasons that I indicated earlier, I am happy to accept this amendment.

Amendment carried.

Mr. MILLHOUSE: I move to insert the following new subsections:

(4) It shall be a defence to a prosecution for an offence that is a contravention of subsection (1) of this section for the defendant to prove that the unfair statement was of such a nature that no reasonable person would rely on it.

(5) A prosecution for an offence that is a contravention of subsection (1) of this section shall not be commenced except with the consent of the Attorney-General.

(6) In any proceedings in connection with a prosecution referred to in subsection (5) of this section a document purporting to be a consent referred to in that subsection shall in the absence of proof to the contrary be deemed to be such a consent.

The purpose of proposed new subsection (4) is to provide a defence to a prosecution to prove that the unfair statement was of such a nature that no reasonable person would rely on it. This reduces to some extent the severity of the offence that has been created, and it is a desirable amendment. Proposed new subsections (5) and (6) restrict prosecutions to those authorized by the Attorney-General. Other members who have spoken have suggested that a provision such as this should be included in the legislation.

The Hon. L. J. KING: When the Bill was being drafted, the view was taken that a provision of this kind was unnecessary. The courts have always looked in these circumstances to a person of reasonable firmness of

mind and, consequently, there would be no need to include a provision of this kind. Nevertheless, I appreciate that the honourable member is concerned to ensure that the sort of statement which would be a mere puff and which would be unlikely to affect the judgment of a reasonable person ought clearly to be excluded from the provisions of the Bill. I am happy to see it expressly dealt with, and for that reason I am happy to accept the amendment.

The amendment that is designed to require the Attorney-General's authority for certain prosecutions is a desirable one. It was put to me by one of the organizations engaged in advertising, and I told that organization that I would favourably consider it and, in fact, I obtained Cabinet's approval to make the amendments before the debate resumed. However, the member for Mitcham gave notice of his intention to move an amendment in this respect, and I indicated that I would accept it. The Trading Stamps Act contains an analogous provision, and it is included in that Act for the same reason; there is a danger with this type of legislation that an irresponsible member of the public or a business competitor might misuse the provisions of the Act by laying private complaints with the object of harassing a business advertiser. Protection is given to such people by the requirement that the Attorney-General's authority is necessary before such a prosecution can be launched. I therefore accept that amendment also.

Amendments carried; clause as amended passed.

Clause 4—"Offences punishable summarily."

Dr. TONKIN: I would like to move an amendment.

The ACTING CHAIRMAN (Mr. Ryan): Order! The honourable member cannot move an amendment. The amendment becomes operative only if the clause is defeated.

Dr. TONKIN: Thank you for your guidance, Sir. As it stands, the clause provides for summary hearing of cases and fixes a maximum fine of $1,000. I think the member for Playford said that this was not a large sum (certainly not to business organizations), but I think it is a large sum, particularly to some small businesses. I think anyone should have the right to trial on indictment rather than summarily. I am greatly reassured by the immediately preceding clause and the course it has taken. Nevertheless, as I consider that there should be a safeguard for perhaps just that one occasional occurrence when someone could be penalized unfairly, I oppose the clause.

The Hon. L. J. KING: I would never wish to deny to anyone charged with a serious crime the right to trial by jury but it would be a novel thing for an offence of this type, punishable by fine only, to be an indictable offence. That does not seem to me to be appropriate, and I wonder whether advertisers themselves would want this provision. I had a submission from one of the national advertisers in which this suggestion appeared: I discussed it with members of the deputation and raised with them the point whether they really wished that this offence should be an indictable offence. I invited them to consider the matter and to make a further submission but, as I did not receive any further submission, I do not really know whether it is their wish that the offence should be triable on indictment.

Indeed, I doubt whether this would be the desire of people engaged in advertising if they understood what it meant. As the offence is punishable by fine, the offender's personal liberty is not in jeopardy. Such matters are ordinarily dealt with summarily by a magistrate, and, of course, there is the right of appeal from a magistrate to the Supreme Court. If we are to be consistent, many other offences punishable by fine only would have to be dealt with in the same way if we did not agree to this clause.

Mr. MILLHOUSE: I am disappointed with the view expressed by the Attorney-General, and I hope I detected in his remarks some degree of hesitation and perhaps some willingness to listen to argument. Even though this is an offence punishable only by fine, the fine is a substantial sum for a small business man to find. That a fine is the only penalty that can be imposed loses, I suggest, much of its significance when one considers the maximum fine that can be imposed, and particularly when one considers the default term of imprisonment that it is likely will be imposed. This usually works out at about one day's gaol for each $2. The Attorney-General said that he did not believe that those who could conceivably be charged with these offences would wish to be tried on indictment, but if they do not wish to avail themselves of the right to trial by jury they do not have to do so.

The Hon. L. J. King: The prosecution might wish to do so.

Mr. MILLHOUSE: Only the defendant may elect to be tried on indictment.

The Hon. L. J. King: That gives him a right he would not have in the case of a normal offence, but that does not mean that the court may not decide to commit him for trial.

Mr. MILLHOUSE: It is hard to conceive of circumstances in which a defendant would be indicted unless he elected to be. It is unlikely the court, of its own motion, would decide to send a man on for trial. The intermediate courts have been operating for some months. Before their operation, we knew that it was not possible for the criminal court to handle a greater volume of offences triable on indictment. One of the objects I had in mind in recommending to Cabinet that we set up the new courts was simply to allow of the right to trial by jury to be more widely enjoyed in South Australia than it had been before. For decades, we had been in the habit, whenever we created new offences in this Parliament, of providing that they should be tried summarily. From what the Attorney has said, I take it that he believes that trial by jury should be widely allowed. At the first sitting of the new court, I heard him say that the whole idea was his anyway, and came out of a memorandum he wrote in 1964. I do not know that I have ever seen that memorandum. I hope the Attorney-General will reconsider his attitude towards this amendment.

Mr. McRAE: For two reasons I oppose the suggestion to change the provision for a summary hearing to another type of hearing. If our opponents would give up their disgusting hypocrisy in opposing trial by jury in civil road accident cases, I would accept their argument. If I were acting for an advertiser of the class with which we are dealing I would be horrified at the thought of putting him before a jury, and if I were the advertiser I would much rather stay with the magistrate. A completely new and novel procedure is being suggested and it is also difficult to interpret.

Dr. TONKIN: The member for Mitcham suggested that counsel did not have to put his client before a jury if he did not wish to do so. Everyone should have a right to trial by jury for what to him is an important matter. As the member for Mitcham has pointed out, if there is default in payment of the fine a substantial term of imprisonment would result. Occasionally, trial by jury would be the only way of getting round a certain set of circumstances and making sure that justice was done, and that is the very time when a fine of $1,000 or imprisonment in default could be disastrous for the small man.

The Hon. L. J. KING: I agree with most of the things said by the member for Mitcham and the member for Bragg, and I am not unsympathetic to their point of view. However, I suppose that finally a question of this kind becomes a question of degree, as there is a point at which it is clearly inappropriate to make an offence an indictable offence. Otherwise, we would have no summary offences. I am not convinced that this provision is inappropriate, and I ask the Committee to pass the clause as it stands.

The Hon. D. N. BROOKMAN: As he said that he agreed with most of the points made, I thought he would accept the arguments. The member for Playford apparently did not agree with the Attorney-General that it was a question of degree. He merely used this occasion to insult the Opposition, as he frequently does. He spoke of the disgusting hyprocrisy of the Opposition, which apparently has earned this title because it does not favour juries assessing damages in motor car accident cases. It is questionable whether he was in order in saying that in this debate, as it is entirely unrelated to whether an offence under this Bill should be dealt with summarily. The Opposition has generally considered that assessing damages requires some experience, and the issues involved in jury cases are of a simpler kind. Under this clause a fine of $1,000 can be imposed and, although the Attorney-General favours people having the right to trial by jury, he asks whether the degree is severe enough in this case to warrant it. This Chamber spent an afternoon debating whether the charge for impounding a bull should be 50c a day or $1 a day, and I have heard a Labor member move that the minimum totalizator bet on the flat at Victoria Park—

The ACTING CHAIRMAN (Mr. Ryan): Order! I cannot allow the debate to proceed along those lines. Will the member for Alexandra address himself to clause 4?

The Hon. D. N. BROOKMAN: I am disappointed that you have ruled in that way but I suggest that the examples I have been allowed to give show that this Chamber has spent hours debating much smaller sums. The penalty in default of payment of the fines of $1,000 may be imprisonment for about one year. The person charged is denied the right of a trial by jury, which the Government claims it

favours. The Attorney-General said it is a matter of degree. If a $1,000 penalty is of such a low degree that the right is to be denied, much legislation will be introduced into this place containing some extraordinarily heavy penalties. If we are to deal summarily with offences involving that sum, what are we using these intermediate courts for?

There is insufferable arrogance on the part of the member for Playford when he says that the person he is thinking of would not be game to be tried by a jury. The honourable member is like many members on the Government benches who deal with what they call a class of person as though they were crooks or worthy of some uncomplimentary description. I have heard members opposite criticize various classes of person; they invariably make snide remarks about land agents and almost automatically refer to Mr. Gorton whenever they want to make some criticism of Commonwealth policy.

The ACTING CHAIRMAN: Order! There is nothing in this Bill about Mr. Gorton.

The Hon. D. N. BROOKMAN: Now the honourable member will be referring to the second-hand car dealers and other advertisers in the daily newspapers. Those people should have the right of trial by jury; the Attorney-General knows they should have the right. He said it is only a matter of degree; $1,000 is very much a matter of degree. I support the amendment and oppose the clause as it stands.

The Committee divided on the clause:

Ayes (23)—Messrs. Broomhill, Brown and Burdon, Mrs. Byrne, Messrs. Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Noes (19)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin (teller), Venning, and Wardle.

Pair—Aye—Mr. Lawn. No—Mr. Ferguson.

Majority of 4 for the Ayes.

Clause thus passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 10.31 p.m. the House adjourned until Thursday, March 4, at 2 p.m.