HOUSE OF ASSEMBLY

Thursday 5 April 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 10.30 a.m. and read prayers.

PETITION: TEACHERS

A petition signed by 22 members of the Goodwood Primary School community praying that the House urge the Government to convert all contract teaching positions to permanent positions; establish a permanent pool of relieving staff; improve the conditions of contract teachers; and improve the rights and conditions of permanent teachers placed in temporary vacancies was presented by Mr Mayes.

Petition received.

QUESTION

The SPEAKER: I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

GOVERNMENT FORMS

In reply to **Mr TRAINER** (15 November).

The Hon. D.J. HOPGOOD: Periodic attempts have been made to improve the design of Government forms. Several years ago a working party was established to examine forms issued to the public. Following this examination, seminars on forms design and control were conducted for departmental officers. Some worthwhile improvements were subsequently made by people who attended the seminars, including the Education Department's forms working party and in the area of prisoner documentation in the Department of Correctional Services.

The Government Printing Division advises departments on request, particularly in the area of forms which collect information to be entered by keyboard operators into computerised data bases. Extending this role to one of ensuring that forms submitted for printing conform to designated standards would have some difficulties. There would be an impact on the flow of work through the division and full co-operation would be needed from other departments. The manner of specifying forms in regulations would also need to be examined.

The actual design of forms is only one aspect of this whole issue. For example, while particular forms may be clearly worded and well designed, they may serve no useful purpose or they may impose an unnecessary burden on the people who have to fill them in. Another important aspect is the fact that most of the cost associated with forms is incurred in the clerical processing of them.

It is therefore important for Government agencies to not only design their forms well but also examine the need for their forms and, if they are necessary, to simplify their clerical processing of these forms. I understand that the Public Service Board has recently commenced a review to identify areas where improvements can be made, initially concentrating on forms issued to the business community.

SUB JUDICE RULE

The SPEAKER: Yesterday, the member for Flinders asked me a question relating to the *sub judice* rule—in fact, what he was seeking from me was a ruling and I am replying accordingly. The *sub judice* rule operates to protect courts and other tribunals from real and substantial danger of prejudice to the proceedings and for that reason the practice of this House has been to be quite restrictive on any reference to matters before the court. However, Parliament cannot be restrained from legislating merely because a matter is before the court. To do so could conceivably result in any area of the law being placed out of the reach of consideration in Parliament by vexatious litigation. *Erskine May*, 20th Edition, page 429, states the rule succinctly:

> Subject to the discretion of the Chair and to the right of the House to legislate on any matter or to discuss any matters of delegated legislation, matters awaiting the adjudication of a court of law should not be brought forward in debate.

On the reverse side of the question raised by the member as to the 'court case being in breach of Parliament', the House has been scrupulous in its endeavours to ensure that the courts are untrammelled in their deliberations.

MINISTERIAL STATEMENT: TOURISM PROMOTION

The Hon. G.F. KENEALLY (Minister of Tourism): I seek leave to make a statement.

Leave granted.

The Hon. G.F. KENEALLY: The House will be pleased to learn that today in Sri Lanka the South Australian Department of Tourism is receiving a gold award for its 'Enjoy' tourism promotion. The award is being presented by the Pacific Area Travel Association. The Department's marketing Director, Mr Andrew Noblet, is presently in Colombo to receive the award.

The Department entered a selection of its video, radio and poster advertising material for judging in what PATA called its 'Launch promotion' award, which was a new creative award begun only this year. PATA had advised possible entrants that it was interested in hearing from travel and tourism organisations which had invested considerable sums and efforts in making the biggest 'splash' surrounding an opening, start-up or introduction of a new service or programme. It was in this highly competitive and professional field that the South Australian Department of Tourism, and of course its advertising agency, Clemengers, has taken the inaugural gold award.

The Government finds it heartening to get this external evidence that the considerable sums it has been pouring in to travel promotions have been well employed. What we are seeking, of course, is increased numbers of visitors—and these are now in evidence. PATA, as members might be aware, is the influential and premier tourist organisation covering both north and south Pacific, South-East Asia and Asia. Its gold awards are prestigious. Finally, I will add that consideration is now being given to inviting PATA to hold its 1988 conference, which will involve 3 000 delegates, in Adelaide.

QUESTION TIME

AMERICA'S CUP CHALLENGE

Mr OLSEN: Is the Premier having talks today with South Australian industry about the possibility of having this State's America's Cup challenge yacht built in South Australia? The Opposition has had discussions which demonstrate beyond doubt that the South Australian marine construction industry has the skills and capacity to build a 12-metre yacht of the highest international quality in this State. This

industry has a long record of innovation and technological superiority.

In fact, the technology used in the hull construction of Mr Alan Bond's successful *Australia II* was first developed in South Australia 20 years ago. While the Opposition accepts that a South Australian challenger will provide a variety of benefits to the State, there is mounting concern that our yacht will be constructed in Western Australia and that South Australian industry will not be directly involved in this important aspect of the challenge. Construction of the boat in South Australia will provide prestige to the challenge and employ local boat builders and apprentices. Given that the Premier told Parliament only last week that conditions for the State Government's $1 million guarantee for the project had not been finalised yet, I assume it is not too late for the Premier to take action to ensure that the challenge yacht, paid for by South Australians, should be constructed in South Australia.

The Hon. J.C. BANNON: I guess the member for Semaphore can feel fairly complimented, and perhaps wonder about the late discovery by the Opposition of this particular aspect which he raised I think about two weeks ago in this place. At that time I answered that question. In fact, I had talks yesterday with industry representatives in which this particular matter was raised. I explained then, as I have explained before, that the project is in fact in the hands of a private consortium. There are certain conditions that the Government has laid down. I would like to correct some information, or an expression of opinion, which I gave in answer to the honourable member's question, that it may be that the technology required to construct the hull of this yacht is not available in South Australia.

I have since been advised that there is such technology, and the member for Semaphore in fact put that before me and I have been made aware of it. That comprised part of my discussions yesterday. However, the fact still remains that what the consortium is acquiring is a Ben Lexcen design. Lexcen works with a Western Australian builder and intends to do so. That is where he believes and is confident that his design will be best accomplished. The Government has put a lot of pressure on the consortium to have as much as possible of the yacht construction done here—and remember that there are sails and other things involved.

As to the hull itself, the consortium has consistently said that that is not on. The condition of the Lexcen design is that it will be built in Western Australia. That has been the case right from the beginning, as the member for Semaphore pointed out, and as the original answer indicated. I guess that we will have a choice. If we really insist that a yacht be constructed here, the consortium (and it is not the Government: the Government is giving support to a private consortium) would have to start from scratch, devise a design and work with local yachtsmen. It could not be done in that time. The condition under which—

Mr Olsen interjecting:

The SPEAKER: Order! I ask the Leader to come to order.

The Hon. J.C. BANNON: —the design is being made available is that the hull be constructed in Western Australia. That is the position and that is what will happen. In fact we on the committee have attempted to ensure that it be done here, but the consortium has made the point that either we get the boat that can be competitive or we do not. If we are not to get the boat that will be competitive, then we simply cannot be in it.

That is basically the position. Let me say this: in my discussions with members of the industry yesterday (and I am not aware of any discussions that are being held at lunchtime today) I made the point that, in fact, the challenge of the yacht here, the promotion that it will bring to South Australia, and the events that will be run here will have a very direct benefit to the industry in South Australia; there is no question of that. That is what we are attempting to keep in terms of a spin off and it simply means that not each and every component will be done in South Australia. But that was always so from the beginning of the proposition. I am surprised that the Opposition is using this as some sort of lead question on such old news which has been raised and canvassed already in this place.

PORT LINCOLN ECONOMY

Ms LENEHAN: Will the Premier please explain to the House what the Government is doing to boost the local economy at Port Lincoln?

Members interjecting:

The SPEAKER: Order! I ask the honourable member for Light to come to order.

The Hon. J.C. BANNON: I think that it was some few weeks ago that the honourable member and some of her colleagues were in Port Lincoln looking at the tourist and development potential there.

Mr Hamilton interjecting:

The Hon. J.C. BANNON: I think that the member for Albert Park was also a member of that group. When they returned they questioned me on the details of development. I point out that Port Lincoln has a pretty high unemployment rate at present. There is a real cloud over the meatworks at Port Lincoln. They are simply losing drastic amounts of money at present and there are some real difficulties there. Therefore, there is an immediate problem which, I believe, the Government has some responsibility to address. It so happens that there are also some other elements—

Mr Olsen interjecting:

The SPEAKER: Order! I will warn the Leader if he keeps up this kind of behaviour.

The Hon. J.C. BANNON: It is really a bit pathetic. In fact, we then bring in a number of other elements. The Department of Marine and Harbors was considering having to do some fairly large capital cost work on developing the harbor and safe fishing fleet facilities. A major expenditure of some millions of dollars was facing it. It should be borne in mind that this is the largest commercial fishing fleet in the southern hemisphere, operating out of Port Lincoln. It is a vital component in South Australia's industrial development. Obviously, there was an obligation to do something there; the fishing fleet at the moment is not sufficiently protected and needs safe and better harbor facilities. That is another aspect. Then there is the question of the tourist potential of Port Lincoln. I think many people (of course, including the local member, the member for Flinders) would very strongly support that. There is a feeling that the tourist potential of Port Lincoln has not been recognised fully for the specific and unique advantages it can offer.

Then there is the matter of community amenities in Port Lincoln. The community is in need of improved recreational and other facilities, and there is a demand for them in what is a significant centre of population in South Australia. If one adds together all those four elements, one has the makings of an approach which would separately tackle each of those problems. As it happens, we have been able to combine them into one very important major entrepreneurial exercise involving a partnership between the Government, local government, the local fishing community and, of course, involving also landholders and developers at Port Lincoln itself. It is a major entrepreneurial partnership which has brought together a package which tackles each of those four elements that I have mentioned. Just a few days ago we received advice from a particularly important component of this whole exercise. Let me say first that the response of

the fishermen to the suggestions for the marina has been very positive indeed. In fact, the project will include 70 berths for the local fishing fleet, as an all weather haven, and more than 50 per cent have placed their deposits with the State Treasury, indicating that they are going to take up this option. There will also be prime residential allotments as part of the marina development.

In terms of recreation facilities, in fact with help from the Community Employment Projects funding, work is well advanced on a community centre which will be an integral part of what is now known as the Porter Bay project, the roof of which, I understand, is one of the largest roof constructions of its type in the southern hemisphere and at this moment is at a stage of nearing completion. There is that element of the project that is well under way.

The final element, which we were waiting on, and which is very close to detailed commitment, concerns those who are going to service the tourist component. I think it is fair to say that Port Lincoln needs publicity and marketing (it would be regarded in some terms as a remote area). We have obtained the commitment of travel operator groups—United Touring International Pty Ltd in association with Quality Inns, which is a very large international group, and a Queensland group, PRD Realty Pty Ltd—which are prepared to form together a consortium to take an active part in the project. They will combine with Ansett Transport Industries to introduce market management and promotion of Porter Bay. That, of course, is a very crucial element to this whole project. It means that there will be tourist operators committed to bringing tourists to a development in which they have direct equity.

It is a very exciting project indeed. Today I have announced that the Government is prepared to make its commitment to this project. It will put its money down as part of the entrepreneurial venture. We know that a number of other groups, such as local government and private developers in Port Lincoln itself, are putting their money down on the project. Once we see a finalisation of the agreement with the tour operators and touring groups in terms of their equity participation, then this project will go ahead. Once that element falls into place, we will have a very important project. So, the will is there. I believe the finance is there for what will be not just a development that can transform and aid the long-term future of the fishing commercial enterprise and the tourist potential of Port Lincoln, but will benefit the whole of South Australia.

MR HUGH HUDSON

The Hon. E.R. GOLDSWORTHY: Will the Minister of Mines and Energy say whether the Government intends to replace Mr Hugh Hudson as Chairman of the Pipelines Authority of South Australia and as Chairman of the South Australian Oil and Gas Corporation now that he has been appointed Chairman of the Tertiary Education Commission in Canberra? It has been announced publicly fairly recently that Mr Hudson has been given this full-time appointment as Chairman of the Tertiary Education Commission.

The Hon. J.D. Wright: He is qualified for it—

The Hon. E.R. GOLDSWORTHY: I am not suggesting that for a moment, but I understand that it is a full-time job and that, if he retains all of his current responsibilities, including the two very important jobs that he has in charge of PASA and SAOG, his emoluments probably will be more than that of the Prime Minister, but his responsibilities will be very vast indeed. In fact, I do not believe that it would be—

The SPEAKER: Order! I ask the honourable member not to debate the matter.

The Hon. E.R. GOLDSWORTHY: The Pipelines Authority of South Australia and SAOG are two vitally important enterprises in South Australia where the responsibility for rationalising the gas contracts for instance is of vital concern to the future of this State. A full-time job in Canberra and its responsibilities indicate that it would be impossible to fulfil those requirements in that most important job to South Australia. Does the Government intend to replace Mr Hudson in those two positions to which he was appointed earlier?

The Hon. R.G. PAYNE: The general answer to the question is that that matter is under consideration. However, in putting the question, the former Minister pointed out indirectly that Mr Hudson is extremely well qualified and suited for the two positions that he has raised the question about. In respect to his throw-away line, for which he is often noted, about his emoluments being greater than that of the Prime Minister, I can inform him that I do not think that he has an understanding of what applies in relation to Commonwealth appointments such as that talked about.

There is a requirement under the Commonwealth rules, as it were in these matters, that a person appointed in the capacity as has been announced by Mr Hudson would be required not to accept emoluments for other appointments, and therefore the Deputy Leader's rather scurrilous remark that he is noted for seems to be somewhat misplaced. The advice that I have is that, if Mr Hudson were to continue in one or both of those posts, he would be entitled to receive only out of pocket expenses and no direct emolument for the positions at all. The position in respect of the requirements of the Commonwealth post that Mr Hudson will be taking up on 1 July is such that it is, as stated, a full-time position. However, the importance of the matter is such that I will return to my first remark to the former Minister: the matter is under consideration.

The SPEAKER: Before calling the next question, I indicate that questions directed to the Minister of Community Welfare should be directed to the Minister of Mines and Energy, and that questions directed to that Minister on behalf of the Attorney-General or Minister of Consumer Affairs should be directed to the Premier.

INTERNATIONAL YOUTH YEAR

Mr FERGUSON: Can the Deputy Premier, in his capacity as Minister responsible for youth affairs, tell the House what preparations have been made by the South Australian Government for International Youth Year? The United Nations has declared 1985 International Youth Year. The aim of the year is to encourage greater participation by young people in all aspects of society. Young people today face great pressures in the community from many sources, and I believe it is essential for the Government to do as much as possible to help young people learn how to deal with them.

The Hon. J.D. WRIGHT: I certainly agree that young people are under enormous pressures in our society, and the Government has taken this into consideration. Before the last election I made a commitment that, once in government, we would participate fully as a Government in International Youth Year. For the past 12 months I have been operating on that quite successfully and with much consultation with the various youth groups in the State.

Recently I have had two or three meetings at which I have observed that the young people are well preparing themselves to participate in this event. I am sure they are pleased with what the Government has been able to do and

to organise for them. I will list some of the activities for which my Department and the Government have been responsible. As the honourable member mentioned in his question, one of the aims is to promote the themes of participation, development and peace for young South Australians. Three other major aims are: to give young people the opportunity to develop and use skills in decision making and in management; to promote long-term gains for young people; and to strengthen and develop existing youth affairs structures throughout South Australia.

The Department of Labour has set up a full-time secretariat in the Youth Bureau to co-ordinate those aims. We have also set up a co-ordinating committee comprising representatives from youth organisations in the Government and private sector, to plan specific activities for International Youth Year. That committee is being chaired by Mr Paul Thompson, the Managing Director of radio station SA-FM. I was particularly pleased to secure the services of Mr Thompson, as he has an excellent reputation throughout Australia as a successful manager of radio stations that cater specifically for young people. That was why the Government concluded that he was the best person for the job.

In keeping with the aims to help young people to develop their skills in decision making and management, the Deputy Chairperson is a youth worker from the Salisbury council, Tracey Ladhams. In addition to that committee, a Government subcommittee has been set up to investigate the contribution Government departments can make to IYY. I have also recently circularised all department heads, asking them for their ideas on contributions to IYY. The Government has also given a special grant of $15 000 to the Youth Affairs Council of South Australia to help it begin a campaign to promote awareness throughout the community of the aims of IYY. The Government is also aiming to make 1985 a year of continuous discussion about the issues facing young people. We also want to make it a time of recognition and celebration of young people who, after all, are the greatest resource this community has at its disposal. I urge everyone in this House and in the community at large to participate fully in the activities of the International Youth Year, and I look forward to that co-operation from all members in this Parliament.

JOB CREATION SCHEME

Mr BAKER: Can the Minister of Labour explain what controls he exercised over the management of the wage pause job creation scheme money provided to South Australia by the Commonwealth? As members are aware, the Commonwealth Government allocated $17.6 million to South Australia as part of the wage pause money to be used for job creation schemes. A report has been produced by the Bureau of Labour Market Research entitled *Public Sector Job Creation, Interim Report on the Wage Pause Programme.* The report points out that three particular criteria were to be used for the selection of people for the programme.

First, as far as possible job seekers referred must be long-term unemployed; secondly, equal opportunity for placement in employment is to be given to men and women; and the third criterion places special emphasis on disabled persons. In this report the Bureau of Labour Market Research analyses the performance of each State in regard to use of the wage pause money. I seek leave to have inserted in *Hansard* without my reading them tables of a purely statistical nature appearing in this report.

Leave granted.

Table 19: Wage Pause Programme: labour intensity by State

	Average project labour intensity[a]	Average State labour intensity[b]	Estimated labour intensity for unemployed target group	Pearson's correlation coefficient (R) for labour intensity, and total project cost
		per cent		
N.S.W.	83.1	71.6	71.5	−0.44*
Vic.	80.5	73.2	63.0	−0.37*
Qld	63.4	52.9	42.4	−0.25*
W.A.	72.5	58.6	58.5	−0.37*
S.A.[c]	61.8	48.6	48.6	−0.42*
Tas.	81.2	75.7	75.2	−0.30*
N.T.	85.1	87.3	87.3	*(d)*
A.C.T.	85.9	82.4	82.4	*(d)*
Australia	77.5	63.9	59.2	−0.32*

(a) Unweighted average.
(b) Weighted average.
(c) South Australian labour intensity is understated due to the omission of workers compensation insurance.
(d) Estimates omitted due to the small number of observations.
* Significant at the 0.1 per cent level.

Table 21: Wage Pause Programme: average cost per job duration and cost per week by State

	Average cost per job			Average cost per job per week		
	To Commonwealth	Total	Average duration of jobs	To Commonwealth	Labour component only	Total
	$		weeks		$	
N.S.W.	10 156	10 156	24.7	377	294	410
Vic.	9 669	10 881	28.5	354	279	381
Qld	7 460	15 135	25.6	371	313	591
W.A.	12 833	14 253	26.5	445	315	538
S.A.	6 190	9 273	15.0	394	301	619
Tas.	6 260	7 148	20.1	329	270	356
N.T.	9 141	9 422	26.2	351	314	360
A.C.T.	12 701	12 701	44.0	327	238	289
Australia	9 021	11 380	24.7	371	294	461

Table 23: Wage Pause Programme: main CES placements and other data by State programme Part B: S.A., N.T., A.C.T., and Australia

	Approvals to date			Projects with placements			Placements to date		
	C'wealth funds allocated	No. of projects approved	Expected total jobs	No. of projects	Percentage of projects approved	No. of persons	Females per cent	Aged under 25 years per cent	Unemployed for 8 months or more
SOUTH AUSTRALIA									
Total	89.9	270	2 549	156	57.8	938	15.9	31.7	64.2
TASMANIA									
State Government repairs and maintenance	97.8	135	420	86	63.7	342	50.3	60.2	67.0
National Parks and Wildlife	98.0	27	52	23	85.2	57	35.1	56.1	66.7
Forestry	97.9	18	86	12	66.7	93	44.1	74.2	79.6
Local Government and community	86.3	75	290	57	76.0	258	31.0	62.0	76.4
Total	94.4	255	848	178	69.8	750	41.7	62.3	71.7
NORTHERN TERRITORY									
Historical preservation	90.5	3	16	3	100.0	20	30.0	15.0	85.0
Public areas	99.2	5	102	5	100.0	168	5.4	39.9	70.8
On the job clerical	100.0	2	14	2	100.0	8	87.5	37.5	75.0
Aboriginal communities	97.1	7	48	6	85.7	54	18.5	46.3	74.1
Total	97.9	17	180	16	94.1	250	12.8	39.2	72.8
A.C.T.									
Total	97.3	60	233	55	91.7	217	53.0	53.5	75.1
AUSTRALIA	93.5	4 024	20 611	2 609	64.9	13 165[a]	31.2	50.4	71.0

(a) Includes 36 projects with 204 placements which were inadequately coded.

Table 24: Wage Pause Programme: distribution of CES placements to 31 December 1983 and CES registrants as at June 1983 by Sex and State

	Female proportion of all placements on projects	Female proportion of CES registrants[a]	
		All registrants	Unemployed 9 months or longer
	per cent		
N.S.W.	38.2	27.5	23.1
Vic.	41.1	30.6	27.3
Qld	17.7	26.4	23.1
W.A.	25.8	26.3	22.4
S.A.	15.9	28.5	25.2
Tas.	41.7	28.0	22.4
N.T.	12.8	23.9	18.4
A.C.T.	53.0	28.5	18.0
Australia	31.2	28.0	24.2

(a) Commonwealth Employment Service Statistics Issue No. 1 June Quarter 1983, AGPS Canberra 1983

Table 30: Wage Pause Programme: CES placements, average duration of unemployed and percentage of persons employed with a duration of unemployment of less than 8 months, by State

	Males	Females	Persons	Proportion of placements who were unemployed for 8 months or more
		weeks		per cent
N.S.W.	50.6	50.7	50.7	69.4
Vic.	52.5	56.9	54.3	85.8
Qld	46.5	49.8	47.1	68.0
W.A.	49.3	42.7	47.6	66.8
S.A.	55.7	55.4	55.7	64.2
Tas.	54.7	61.7	57.6	71.7
N.T.	55.4	58.2	55.7	72.8
A.C.T.	69.0	77.9	73.7	75.1
Australia	50.4	53.2	51.3	71.0

Mr BAKER: The first table shows the labour intensity of the programmes operating in each State. One of the criteria, of course, was labour intensity, and jobs were to be created to provide people with some job experience. The percentage of labour intensity of the projects in South Australia was 48.6 per cent as against 59.2 per cent for the Commonwealth.

The SPEAKER: Order! I do not want to interrupt the thrust of the honourable gentleman's question, because I realise that, first, it is important and, secondly, he has obviously put some work into it, but it is running contrary to Standing Orders, and I think he must endeavour to at least generalise or compact this part of his explanation. The honourable member for Mitcham.

Mr BAKER: Thank you, Sir. I will certainly compact the question. The tables relate to South Australia's performance on the scale of criteria used for the job creation scheme. On each scale, the Bureau of Labour Market Research reports that South Australia did very poorly, in that 15.9 per cent of jobs created were allocated to females. It failed to reach the criteria of 50 per cent, as required by the Commonwealth. Youth employment, as required under the scheme, amounted to 31 per cent, as against the national average of 50.4 per cent. The cost of jobs created in South Australia was $619 per job, as against the national average of $461 and was the highest of any State in Australia. Will the Minister say what controls he had over the money involved?

The SPEAKER: Before calling the Minister, I indicate that I will have a careful look at that question in *Hansard* tomorrow, or whenever we next sit. As I say, I am not in any way down-playing the importance of the question at all, but the difficulty that I now see is that, having been very generous in allowing such scope for the explanation, I imagine that the honourable member and other honourable members can now anticipate a fairly lengthy reply. The honourable Deputy Premier.

The Hon. Ted Chapman: That is giving licence.

The SPEAKER: That is giving no licence.

The Hon. J.D. WRIGHT: Mr Speaker, I am going to disappoint you and the House. The honourable member knows full well the management system that operates under the job creation scheme. He understands—

Members interjecting:

The Hon. J.D. WRIGHT: I am talking to the honourable member who asked the question.

The SPEAKER: The Minister is speaking to the Chair at all times.

The Hon. J.D. WRIGHT: The honourable member knows full well that the management aspect of the job creation scheme involves a joint Commonwealth State secretariat. He also understands that that joint secretariat now mostly involves, I suggest, Commonwealth staff. I have not checked recently, but the numbers involved would be similar. The control exercised by the Minister is a consequence of the

guidelines. I have been dissatisfied with some areas and have complained about them quite strongly, and I have also attempted to change the various patterns concerning women and youth employment. It has been quite difficult to find appropriate schemes to accommodate those people, and I have said that publicly. The honourable member has revealed nothing new about this matter.

However, I will try to answer the questions asked by the honourable member in relation to the facts and figures he has given. When I last checked the figures, South Australia was the outstanding State by far in relation to this matter. All States, with the possible exception of Queensland (although I am not sure about that), have sent officers to South Australia to learn what we are doing about job creation. Indeed, Ministers from other States have visited South Australia to examine its performance in this field, because it is generally recognised—

Members interjecting:

The Hon. J.D. WRIGHT: I listened to the honourable member in silence.

The SPEAKER: Order! The honourable Minister.

The Hon. J.D. WRIGHT: Other States have even sent their Ministers, and it is generally considered throughout the Labour Ministry areas—

Members interjecting:

The Hon. J.D. WRIGHT: Do you want an answer or not? You are starting to aggravate me; it happens every time I rise to my feet. If you want a long answer I will give you one and, if you have more questions to ask, I will take up more time. One member opposite apparently has some concern for the unemployed and is interested in job creation: the member for Mitcham. Obviously, all other members opposite are not interested in unemployment: they are interjecting all the time. I want to tell the member for Mitcham, through you Mr Speaker, that the South Australian schemes, policies and attitudes in this field have been picked up by the other States, but how all the figures in relation to the performance of this Government compare with those of other State Governments I do not know. However, I shall have the honourable member's facts and figures checked thoroughly and bring down a considered reply.

CURRICULUM CENTRE

The Hon. JENNIFER ADAMSON: Can the Minister of Education say what is being done to provide a more cost-effective schools curriculum centre? An article in yesterday afternoon's newspaper states that the Education Department may buy the former Enfield Hospital site to set up Australia's first schools curriculum centre.

The Hon. LYNN ARNOLD: We have spent considerable time looking at how to improve the delivery of curriculum materials and curriculum support to people in South Australian schools, both Government and non-government. Certain issues have been followed up by the Government since I became Minister. One of these that was announced the other day by way of the press release to which the honourable member has referred relates to a feasibility study of the creation of a one-site curriculum centre to bring together the present disparate centres with their various curriculum support functions, especially in the metropolitan area. At present, we have up to 10 sites from which various curriculum activities are conducted, and the feasibility study will investigate whether that number of sites can be reduced by having the various functions conducted by one centre.

The press release referred to the Health Commission facility at Enfield as a possible location. Much work has still to be done to ascertain whether or not that proposal is feasible, but it seems at the outset to be worth investigating. Considerable support costs are involved in the maintenance of the present 10 separate sites, and savings would be possible on those costs. Any such savings would be available to support the dissemination of curriculum materials and the professional development of teachers in the field when curriculum materials become available. Those are two important points about the work being done in the area of curriculum development.

We are excited that this proposal may provide more resources for the dissemination of curriculum materials. South Australia has an enviable record, not only in Australia but also in other parts of the world, in relation to curriculum development. Any move to rationalise the provision of these materials by making one site a predominant centre is likely to help maintain the pre-eminent record that we already enjoy. As Minister, I have been keen to pursue the further sale of our materials in other States and overseas.

Before the last election I gave a commitment that a study would be made of the possibilities of selling more materials overseas. At present approximately $50 000 a year is returned to State revenue from the sale of curriculum materials, yet we know from the feed-back we get from interstate and overseas that they are very popular materials, and we could possibly sell a great deal more. In fact, last year we put out to tender a consultancy and as a result of that actually appointed a consultant to provide me and the Government with a report on how we could further develop the sale of our materials. I think that the initial report from the consultant is that there are promising fields in South Australia and we could be earning more money from interstate and overseas on the sale of our materials.

I hope later in this financial year to be able to make further announcements about that matter. The curriculum centre has been proposed on the basis of trying to provide more support for curriculum development in our schools in South Australia. The basic purpose of that is to provide more support for teachers in the classrooms. We feel that we can do that by investigating this proposition. We will make some savings on the support costs, and those savings will be available to improve the educational product and support of that product in the classroom.

PORTER BAY MARINA

Mr BLACKER: Can the Premier indicate whether the Porter Bay marina project will be staged in its development and, if so, is it expected that work will commence on the actual marina basin during this financial year? Also, when is it expected that commercial fishing fleet berths would be operational? Today's very pleasing announcement by the Premier is another important step in the development of the marina project and is giving the green light to nearly three years of detailed work by the promoters, David and Ann Kelsey, and the Corporation of the City of Port Lincoln.

The focal point now is the actual basin which is vitally important for not only the project but also work opportunities on Lower Eyre Peninsula. I note from the Premier's comments that 250 construction jobs will be available, and it is assumed that a significant portion of those jobs would be available upon the commencement of the basin.

The Hon. J.C. BANNON: Yes, the scheme will be staged. The exact nature of the staging is still being worked on by the consultants in terms of the pattern of development. However, it is aiming to meet a timetable that would see the project being completed effectively over a period of about two to three years, and obviously the infrastructure (that is, the basic work in the basin and marina) has to be completed before the development construction work can take place on the accommodation and tourist facilities.

As the honourable member would be aware, the council has already gone ahead on the recreation facilities aspect but, of course, that is on land which is already able to be developed. As the honourable member would know, a lot of the site requires considerable work to be done in preparation for actual building to take place. Much of the soil testing, and so on, has been completed. I would not envisage a start being made in this financial year, apart from further preparatory work. The final feasibility studies on the project are to be presented and completed in July, and they will have the critical path of development set out in them.

However, I would hope that early in the new financial year (that is, post-July) the scheme will be ready to go into operation, and we can look to a two-year span on activity on the actual construction phase. Of course, the most exciting thing about this development is that, construction having been completed, we are then in possession of a facility which will in turn create some hundreds of jobs in servicing the tourist and recreation aspect, so it is a long-term project.

DISABLED PEOPLE

Mr MAYES: Can the Premier say whether a person has been chosen for the position of Adviser to the Premier on Disabled People?

The Hon. J.C. BANNON: As the honourable member has raised this general question previously concerning the Government's promises in regard to the disabled, he would be aware that the Government's policy is to ensure that the needs of the disabled are met. There is an ongoing programme embodying a number of legislative and other changes. A very important step in that was taken today. The short answer to the member's question is 'Yes, an adviser in fact has been appointed,' and just this morning at Executive Council that appointment was endorsed. The first adviser to the Premier on matters relating to disabled people will be Mr Richard Llewellyn, who is not only disabled himself but very well known as an activist in this area. Presently he is working in the Health Commission. He has had a wide range of contact in the various areas of health and other developments. This position, of course, goes well beyond that.

The concept of the executive officer, an adviser, involves heading or servicing an interdepartmental committee on a whole range of disability matters. The position was advertised widely: in fact, we got a very good response, and Mr Llewellyn was chosen by way of a very competitive process. We are certainly looking forward to his going into operation. We hope that this exercise will involve a shopfront concept for advice and assistance to the disabled as well as a co-ordination and a lobby within Government and the community generally for the needs of the disabled. This is something that I think will be welcomed by the whole of the community and is a fulfilment of another key part of the Government's policy concerning the disabled, as announced prior to the last election.

PECUNIARY INTERESTS

Mr MEIER: My question is directed to the Minister of Labour. Does the Government insist upon applicants completing all of the details incorporated in the new form to be completed by persons who come under the terms of the Builders Licensing Act, especially as it appears to breach the civil liberties of those persons in relation to the declaration of their pecuniary interests, and will the Minister seek to have the form redrafted so that persons do not feel under a Big Brother threat? Most members of this House would remember the debate on pecuniary interests of members of Parliament. The form I am referring to makes aspects of those forms look tame in comparison.

The SPEAKER: The honourable gentleman is beginning to debate the matter already. I would ask him to try to contain his explanation.

Mr MEIER: This new form requires persons such as plumbers, carpenters, bricklayers and other persons subject to the Act to give specific financial details to the Builders Licensing Board using actual dollar and cent amounts as the following examples show. In relation to fixed assets, one finds the applicant is required to detail the name of the owner of the house, the value of the house and the mortgage owing. House contents, including personal effects, are to be fully disclosed. The names of the owners of vehicles are to be stated; again, the value and amounts owing in this respect are required. Similarly, plant and equipment needs to be detailed in dollars and cents. As an added barb, other assets of the applicant are required in detail. The limit of the overdraft from the bank needs to be stated.

In relation to working capital, the Board asks for the values of materials in stock, the cash balances including full disclosure of the amounts in the cheque accounts, savings accounts, building societies, cash in hand, and full details of other cash assets such as stocks and shares, trade debtors, that is, amounts owing to the applicant—excluding bad debts—are also to be listed. As if this is not enough, the form also requests details on work in progress, less progress payments, and, finally, other deductions are requested, namely, amounts owed by the applicant to trade creditors, overdrawn cheque accounts and any other liabilities.

The SPEAKER: Order! There is far too much audible conversation.

Mr MEIER: Full details are to be given. I accept that it is the Board's intention to ascertain whether the applicant has sufficient financial resources to carry on business, but this form will drive business out of South Australia unless it is re-examined forthwith.

The SPEAKER: Order! The honourable gentleman has completed his question by debating the matter, and I must give warning that suitable action will be taken in the very near future if this practice continues.

The Hon. J.D. WRIGHT: The only research that the honourable member did not do, which he should have, is in regard to portfolios—it is not my portfolio. He has done a great deal of research on what the form says, but he did not consider where the question should be directed. Seeing that the member is new in the House and perhaps has not learned from where all the particular areas are controlled, I will, for his benefit, take on board the message and make sure that it goes to the Attorney-General in the Upper House so that he can bring down a report for the honourable member.

POWER STATION SITE

Mr WHITTEN: Can the Minister of Mines and Energy provide any information concerning a site for a proposed new power station? In the country edition of the *Advertiser* this morning, an article on page 11 under the heading 'Two battle for power station site' states:

> Kadina—The Wallaroo corporation has reaffirmed that Myponie Point, north of Wallaroo, is the best site for a proposed power station. The corporation spoke out following a statement by the Port Augusta corporation that Port Augusta should have the next power station. The Wallaroo corporation led a recent delegation to the Premier, Mr Bannon, to seek his support for the Myponie Point site, which is near coal deposits at Lochiel and Wakefield.

The article concludes:

The spokesman said the Opposition Leader, Mr Olsen, had indicated support for Myponie Point.

However, it has been my understanding that the Deputy Leader, the member for Kavel, would support the development of the Kingston brown coal deposit, which would entail the establishment of a power station in the South-East.

The Hon. R.G. PAYNE: In response to the honourable member's fairly topical question, I am tempted to say, in relation to information on a power site, that I have a hell of a lot, because in the past 12 months I have received more submissions, talked to more deputations and listened to as many offers as one could dream of as to where, why, how big and so forth a power station ought to be in South Australia. However, members will recall that this is one of the tasks put before the Stewart Committee. That committee has been sitting for a long period and, as I indicated I think the week before last in the House, the Government is due to receive the report of that committee through me. I can inform the House that I received it this morning. I have not yet opened it or had time to look at it because of the new sitting hours, but I will do that; in due course the report will go to Cabinet, and I will follow the other usual steps.

When I first saw the article in the paper I thought it was a reference to that power struggle, not to put too finer a point on it, between the Leader of the Opposition and the Deputy Leader. I thought it might also be a reference to the struggle which appears to be going on in the Liberal Party in the South-East in respect of whether or not Kingston ought to get a guernsey. When I read the article further, I saw that it contained the connotations that the member for Price has put before the House. The answer to his question is contained in the Stewart Committee Report, and I will be giving attention to the Report.

TRAINING PROGRAMMES

The Hon. B.C. EASTICK: Will the Minister of Labour indicate whether the Government has initiated or intends to initiate any specific training programmes or, alternatively, recruitment programmes, to increase the available pool of tradesmen with building skills. There has been a very commendable upturn in building operations right across the board, but there is evidence of a hotspot developing in the lack of skilled tradesmen to fulfil the requirements of the building operations. It has been suggested that this has resulted from a number of trades people going interstate when there were fewer building opportunities here, and a number of people having left the trade and going into more remunerative activities, such as truck driving and the like. Because there is an ongoing programme of building, has any action been taken or is any contemplated?

The Hon. J.D. WRIGHT: I have some sympathy with this matter for two reasons. First, there has been a loss of tradesmen to other States over the years, particularly with the downturn of the building industry; secondly, not enough responsibility was taken right across the board. I refer to this matter in a general way, and I will name no-one. There was not enough consideration and concern given to training apprentices. The apprentice intake during that downturn was at an all time low and, although employers were warned generally that those economic circumstances would not last forever, and that ultimately there would be some sort of upturn and therefore a need to train people, that did not take place. I am hopeful that this year the apprenticeship intake will be much higher than it has been.

Industry has a responsibility, and it ought to be able to understand where it is going and try to keep appropriate numbers of apprentices coming through. I have had no direct complaint from anyone that labour cannot be found. It has been mentioned to me on a couple of occasions, off the cuff and in throw-away lines, that, if the building industry keeps heating up as it is and all the projects get off the ground, there could be a shortage. However, my attention has not been directed specifically to the fact that there is a shortage at present.

The honourable member would be aware that the building industry has its own continuing group apprenticeship training schemes. Now that the honourable member has raised the question, I will make more specific inquiries to ascertain the concerns of industry, if it is concerned at this stage, and if necessary I will ask the training commission to consider the matter and see whether it can evolve some scheme to get people back into training quickly. There are apprenticeships in most industries: there are also bricklaying courses and other courses of a much shorter period. I will have the matter checked out for the honourable member, see what the state is and let him know later.

ROXBY DOWNS

Mr GREGORY: Can the Minister of Mines and Energy inform the House whether the Commonwealth Government has yet provided the Olympic Dam joint developers with development approval for their project at Roxby Downs?

The Hon. R.G. PAYNE: Yes, I can. The honourable member has been pursuing this question with me for some time and I can now advise him and the House that last Monday I was informed by the Minister for Resources and Energy, Senator Peter Walsh, that he had written to Western Mining Corporation, representing the joint venturers, on 29 March, informing them of Commonwealth development approval for the project. Senator Walsh kindly provided me with a copy of the letter written to Mr Hugh Morgan, and I would like to quote a section of that letter to the House:

Dear Mr Morgan, In my letter of 11 August 1983, in response to the request contained in your letter of 27 June 1983 seeking development approval for the Olympic Dam project in South Australia, I undertook to contact you again when Government consideration of uranium issues had been completed.

You mentioned in your letter that foreign investment approval had been received for the project and that the South Australian Government had given approval to the environmental impact statement relating to the project. My colleague the Minister for Home Affairs and Environment has also advised me that arrangements have now been agreed between his Department, the South Australian Department of Environment and Planning, and Roxby Management Services concerning all outstanding environmental issues and that there are no envionmental objections to Commonwealth approvals for the project.

The Government has decided that if a commercial decision to proceed with development of the Olympic Dam project were to be made by the project joint venturers, the Government would permit the export of uranium produced from that mine; and the export of that uranium will be subject to whatever safeguards arrangements apply generally to uranium exports at the time of export. In this circumstance, the joint venturers have approval to proceed with development of the project.

I believe the granting of Commonwealth approval for the Olympic Dam project is an important step forward for this major project. The way is now clear for the joint venturers to complete their feasibility study, secure in the knowledge that all the necessary approvals they required have been obtained.

PORT LINCOLN ABATTOIR

The Hon. TED CHAPMAN: Can the Premier say whether he was, in giving his reply to a question from the member for Mawson, paving the way for his Minister of Agriculture to announce the closure of Eyre Peninsula's only abattoir

currently located at Port Lincoln? I am prompted to raise the matter again as the Premier in his reply referred to a 'cloud hovering over that abattoir facility', or words to that effect. Last year the Minister of Agriculture told the Port Lincoln community that his Government would be announcing its decision to retain or close the Port Lincoln abattoir within six months, and that time is about to expire.

The Premier clearly has conveyed his Government's concern for the level of unemployment in and around Port Lincoln (and we share that concern). He has cited a number of initiatives and programmes that hopefully will assist in the improvement of the unemployment position in that region. However, the rural, commercial, local government and, most importantly, the local meat industry employees have expressed great concern to me about the hovering threat placed over the future of their work site and their meat processing facility at Port Lincoln by the Minister of Agriculture, as I have explained. It is claimed that concern will be further heightened by the remarks made by the Premier today in this place unless that specific matter is clarified.

The Hon. J.C. BANNON: The future of the Port Lincoln abattoir has been of concern to Government for a number of years. I understand that the abattoir is being subsidised to the extent of about $1 million a year and the base employment at the moment is about 15. There is evidence that in fact the abattoir is not getting the throughput of product nor the support from local producers that will enable it to become financially viable in the short term. The Government has made many studies and many approaches to see what different uses can be found, what special contracts can be devised, in order to try to get the abattoir on to an economic basis. At the moment it looks fairly bleak and I think the honourable member would agree that we cannot continue a situation where a subsidy of the order of $1 million a year is being paid for a service that is as shaky as it is. Very serious decisions will have to be made soon but certainly the future of the abattoir is looking bleak.

SHOPPING CENTRE LEASES

Mr GROOM: Will the Premier consider providing in the proposed legislation dealing with shopping centre leases an express power giving small business the right to mortgage or assign their leases? Currently small leasehold businesses are limited to a bill of sale over plant and equipment when raising finance unless there are other substantial assets outside the business to secure. The provision of a right to sublet or assign one's lease on the basis that the lessor cannot unreasonably withhold consent, similar to the right that is in the Residential Tenancies Act, would go part of the way to ensuring greater access to finance by small business. It has been put to me by a major financial institution that to couple a power to assign with an express power to mortgage a lease will mean that small business can with greater certainty provide additional security, thereby ensuring greater access to finance for the purpose of maintaining or expanding their business and, if feasible, this concept would be of great benefit to small business.

The Hon. J.C. BANNON: The honourable member certainly raises an interesting point and an interesting concept. It is true that the financial needs of small business, ability to obtain loans at sustainable interest rates, is one of the keys to its success, although many other elements are involved, as the Report of the Small Business Working Party pointed out and as were canvassed in this place when we discussed the Small Business Corporation Bill. I will certainly take note of what the honourable member has suggested and undertake to have that matter investigated. It could well be something, for instance, that the interim Small Business Corporation Board, once established, could address itself to as a matter of urgency.

RAILWAY LINES

Mr EVANS: Is the Minister of Transport aware of the very poor condition of the permanent way upon which Adelaide's passenger trains are being carried? Some regular travellers on the Hills line have told me that they were concerned when they heard that a passenger was thrown from a seat of the Overland when the train hit a square joint (a joint where there is an uneven match-up) on a section of the Hills line.

These passengers then decided to have a look at some aspects of the track because the Hills line is now known as the 'rock and roll railway'. They found many square joints; the points at Long Gully are very thin and the top flange of the rail is worn thin to a dangerous state. In discussions with some people associated with rail they were told that the big C30 class engines of Victorian Rail have caused damage to tracks in Victoria and are doing the same thing in South Australia. Boughs are lying on the communication links signals and telephones all through the Hills area and in the winter months when rain increases the weight on them the wires are likely to snap, because they are very tight at the moment. The lines are in a dangerous condition in the Blackwood yard, and at Long Gully there is still a hole in the permanent way following a derailment that occurred there recently. I have been told that a blanket limit of 90 km/h has been put on all suburban lines and one section of the Hills line has had a limit of 25 km/h placed on it.

Commuters are worried that there will be a major derailment either of a goods or passenger train. Our State's main concern, of course, is the passenger link. Also, I am told that near the Eden Hills tunnel and at the last curve into the Coromandel station there are several square joints. I ask the Minister to obtain a report on the overall situation if he does not have the information now.

The Hon. R.K. ABBOTT: I will be happy to get a report for the honourable member. I am not aware of a number of the specific matters that he has raised. The Authority is spending considerable money on upgrading the whole railway operation, including the purchase of new trains and upgrading of the line itself. Several months ago I authorised the purchase of new equipment for testing the line. The equipment in use is antiquated and simply does not do the job sufficiently well to indicate the work necessary to upgrade the lines. Of course, I think that all honourable members are aware of the millions of dollars being spent in the resignalling programme. So, large amounts of money are being spent in upgrading the system. But, I am prepared to look in detail at specific matters raised by the honourable member and see what the Government can do about it.

PERSONAL EXPLANATION: COAL DEVELOPMENT

The Hon. E.R. GOLDSWORTHY (Kavel): I seek leave to make a personal explanation.

Leave granted.

The Hon. E.R. GOLDSWORTHY: I was misrepresented, as was indeed the Leader of the Opposition, earlier today by the member for Price in a most uncharacteristic way, I might say, for him.

Ms Lenehan: Oh dear me!

The Hon. E.R. GOLDSWORTHY: The member for Price is unlike an unnamed member opposite whom I would have thought quite capable of that sort of misrepresentation. I was misrepresented in relation to statements made by the member suggesting that I was supporting one project in relation to coal development as opposed to another, supposedly supported by the Leader of the Opposition. As the honourable member knows, that is completely untrue. All members of the Opposition know that, including the Minister. If they do not I draw their attention to a press statement which I made in the South-East in relation to the Kingston coal deposit. Let me remind members opposite who may be seeking to lend some support to the mischief-making of the member for Price that—

Mr Ferguson: Is this a personal explanation?

The Hon. E.R. GOLDSWORTHY: I am explaining the facts.

Members interjecting:

The SPEAKER: Order! The honourable member is now beginning to debate the matter. I call him back to order.

The Hon. E.R. GOLDSWORTHY: The Hon. Mr Crafter said, during the debate on the matter:

> This is a matter of concern to all citizens of this State. Here we have a conflict between the interests of people who live in and around the settlement affected in Kingston and the overall interests of the people of this State.

The Minister of Mines and Energy, who repeated the same sort of accusation in his answer, spoke in that debate. It is perfectly clear from what he said that he is, as is the wont of the Government, hiding behind the Stewart Committee, which he set up. He has taken no action whatsoever to allay the fears of the people in the South-East of the State.

The SPEAKER: Order! This is becoming a second reading speech, and I ask the honourable gentleman to come back to the point.

The Hon. E.R. GOLDSWORTHY: To misrepresent the position of the Opposition, as was done today, and to talk of an imagined conflict which does not exist, simply to mask the inactivity of the Government in this area, is quite deplorable.

COMPANIES (ADMINISTRATION) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The SPEAKER: Call on the business of the day.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1984

Adjourned debate on second reading.

(Continued from 4 April. Page 3262.)

Mr BLACKER (Flinders): Despite my reservations on certain aspects of the Bill, I intend to support the second reading so that amendments that have been foreshadowed can be presented and debated in this House. But, I would have liked the opportunity to spend most of my time talking about the joint local government and State Government venture announced by the Premier today. However, I know that time is short, so I will reserve that until the Appropriation Bill, when hopefully I will have more to say about that tremendous complex. Thanks should be given to all sections of the community and Governments, irrespective of levels for that tremendous project.

This Bill is a part re-write of the Local Government Act. As it is the first time that a serious re-write of that legislation has taken place for 20 years, we must welcome that, because without doubt certain aspects of that Act as originally passed were obsolete. They needed to be deleted, and, in many cases, needed to be dramatically changed. However, all councils in my electorate have contacted me and put points of view. If I use as the basis of my comments a letter sent to me by the District Council of Elliston, I think that adequately summarises the general views of councils in my area.

The ACTING SPEAKER (Mr Ferguson): Order! I ask honourable members to quieten down so that we can show courtesy to the speaker.

Mr BLACKER: The letter from the Elliston council was to the Director of the Department of Local Government, dated 16 November 1983. Whilst I do not wish to buy in unduly to all comments made in it, certain aspects need further explanation. The letter states:

> Dear Sir,
>
> It is advised that council has examined the draft Bill to amend the Local Government Act together with explanatory notes and has made the following comments in regard to the proposed amendments contained in the said Bill.

I highlight the fact that today is 5 April and this letter was written on 16 November last year. Since then, some changes have been made to the Bill. The first part of the letter referred to the name of the local authority, and deletion of the word 'council' from its name. Common sense has prevailed. It has been agreed that we retain 'the District Council of Elliston' or 'Tumby Bay', so that it will not become 'the District of Elliston' or 'Tumby Bay'. This suggestion has merit in that it is practical and saves the cost involved in altering letterheads, signs and so on.

For the little that is expected to be gained from the change of name, I believe that the move is not justified. Concern is expressed in paragraph (2) of the letter (and other councils have expressed similar concern) about the provision to include on the Local Government Advisory Commission a representative of the United Trades and Labor Council. In this respect, the letter states:

> The inclusion of a member nominated by the United Trades and Labor Council of South Australia on the Commission is of concern to council. It is council's view that such appointment is discriminatory and should be counter-balanced with greater employer association representation.

Concerning the term of office of council members, paragraph (3) of the letter states:

> Council is opposed to the amendments where the proposed term of office is for three years with the whole council retiring at the one time. It is council's opinion that the present provisions of the Act providing for rotational retirement with two-year terms are entirely satisfactory.

Many other councils in my district oppose this provision. Since November, there has been a drift in popular opinion in this matter, and it would now seem that councils opposing the three-year term are showing sympathy for a four-year term with biennial elections so that only half the council retires at the same time. The expressions of these people are appreciated because the turnout at a council election is usually relatively small, so a pressure group in an area can stack a council by organising the votes in the respective wards.

In this way, the ultimate result is that a pressure group can get on to a council by actively canvassing for votes and thus picking up an extra 100 votes for candidates so as to win most of the wards. Therefore, a pressure group that wants, say, a sporting facility could get its members on the council and arrange for the provision of that facility, and

then its members could retire. So, although this may sound a theoretical occurrence, actual events have shown that it could happen if such a pressure group were established. Therefore, I sympathise with those councils opposing this provision. Paragraph (4) of the letter, dealing with expense allowances, states:

Council objects to the payment of allowances to all elected members. Existing provisions regarding the payment of allowances and expenses are deemed entirely adequate.

Sympathy in respect of this matter has been expressed by many members of this Chamber over the past few days. The letter continues:

(5) Meetings of council:

The strongest possible objection is raised by council in regard to section 58 (4) *(b)*, where it is proposed that ordinary meetings of council be not held before 5 p.m. This section is unrealistic in view of the extraordinary distances that members in this area have to travel to attend meetings. Three councillors each travel in excess of 100 kilometres over unsealed roads and in locations where prevalent wildlife makes driving conditions at night extremely hazardous.

This is a practical problem for this council. I point out to members that wildlife, especially kangaroos, constitute a hazard on country roads at night. Recently, when returning to Port Lincoln from Elliston, I had to stop to avoid 23 kangaroos, only one of which would have had to hit me to cause much damage.

We have heard much about how one section will be disadvantaged if councils sit before 5 p.m., while we have also heard that sitting after 5 p.m. will also have disadvantages for some people; but I do not think either side is correct. Discretionary power could be given to councils to allow them to determine this matter, but I believe that, if a member of a council objects to the council's sitting before 5 p.m., the council should sit after 5 p.m. Of course, should a member be genuinely disadvantaged by the earlier sitting time because of the nature of his employment and not merely because he wants to go fishing, he should have the right to have the council meeting held later so that he may attend a meeting. The obligation could well be on the council to determine this matter. However, many of the councils to whom I have spoken concerning the time of meeting have no problem in this regard. In this respect, I am speaking of councils in rural districts where most people are not tied to a 9 a.m. to 5 p.m. job. Further, many of them perform community work and naturally become council-conscious.

It has also been put to me that, if a council meeting is held after 5 p.m., a quorum may not be present and the question arises as to when a meeting will be adjourned. In other words, will council proceedings stop because of the inability of certain members to attend? In my district two councillors (and there may be more) are shiftworkers. They are happy with the present arrangement of holding council meetings during the day, because they could not attend at night. One councillor works full time in the restaurant industry and the other in a security service, much of whose work is done at night. These problems merely show that there is no all-embracing solution to the problem and that it should be left to the discretion of councils to determine what is the most appropriate and convenient time to sit. Concerning the appointment of officers and employees of councils, paragraph (6) of the letter states:

Section 67 (2) which requires council to appoint an engineer unless the Minister approves otherwise is of concern to council. It is council's view that in its own case the appointment of an engineer is unnecessary and unaffordable. At present consulting engineers are engaged by council as and when required and it is considered that such an arrangement should be allowed to continue.

That is a fair comment in practical terms. I do not believe that smaller councils could justify the appointment of a qualified engineer. Provided that the engineering capabilities are there for councils to use as and when required, the position should be satisfactory. I am also concerned about the growing tendency for the Government to tell local government how it shall spend its limited funds. The more impositions placed on councils (and this may or may not be an imposition), the less chance councils will have to say how they will spend their rate revenue, and less money will be available for roads and the other basic services that councils have hitherto provided.

It sounds nice to hear it said that councils should be in charge of their own destiny, but telling a council how to spend its money will take away rate revenue from the purposes for which it was originally intended. Councils are being asked to carry out more and more State and Federal Government functions and ratepayers are complaining that they are getting less and less for their rates because councils are providing certain extra services that were not provided previously. Paragraph (7) of the letter, which relates to the method of voting at elections, states:

Council objects to the introduction of optional preferential voting and firmly believes that the first past the post system is entirely suitable. It cannot see the need for the introduction of more complicated forms of voting into local government elections.

I guess that we could argue all day over voting systems. I am not a supporter of first past the post voting, neither do I agree that what we have proposed here is necessarily the best option. However, local government generally wants the first past the post system, and if local government and the community are happy about it I think that those views should be at least respected. This matter came up some time ago, when material was circulated among councils about the change to the voting system, and I think that the Hon. C.M. Hill was a very strong proponent for a change in the system. He was quite strongly rebuffed for daring to suggest that there should be a change from the system which councillors and local government had become used to over many years. I see that there is this concern in the community.

The register of interests has caused much concern in the community. I have heard it said, and I suppose only time will tell, that many councillors will not continue in local government for the love of it if they are obligated to disclose the sorts of interests that have been talked about. I think that much of this could be a misunderstanding or misapprehension of what is envisaged by this legislation. Nevertheless, we have a situation where people give freely to the community of their time and have done so in some cases for many years. From the experiences I know of where a person may have a conflict of interest, it usually involves a voluntary offer by the person concerned to push his chair back from the table and refrain from participating in the discussions or the vote because he has a declared interest. Generally the Chairman will direct that anyway, if a person does not automatically disclose his or her interests.

We are dealing in local government in areas where the communities are small, so the actual interests of individuals are generally fairly widely known. I believe that, merely from the point of view of administration or debating within local government, the register of interests will cause animosity and distrust among many members. So I say, some persons have threatened that they will not go on with local government, but I do not know how serious those threats are: only time will tell.

However, it has been expressed to me that there are a number who say that they will not go on if they have to accept that measure, because they believe that it is an invasion of privacy, and as such they do not believe that their contribution to the community is worth the invasion of privacy which they might suffer. I know that Government members have different views on that matter. Apart from the objections raised in regard to the proposed amendments which I have just explained, the council stated the following:

. . . it is council's general view that the draft Bill has been well drafted and contains many improvements over existing legislation. It is trusted that council's objections will be taken into consideration and that the Bill will be amended accordingly before going to the House.

Like all members, I have received copies of correspondence from many councils. I received one also from the Lord Mayor (Mrs Wendy Chapman) stating the City Council's views. The main points of concern were compulsory night sittings, voting systems, the register of interests and terms of office, and I have already mentioned that. I support the second reading.

Mr GROOM (Hartley): From the outset, I want to congratulate the Minister of Local Government for introducing this measure. However, I also want to pay tribute to the previous Minister of Local Government because the member for Napier quite clearly worked hard and assiduously in bringing—

An honourable member interjecting:

Mr GROOM: That may be so. To that extent any Minister who has contributed substantially to meeting the need for reform is to be congratulated. The changes will in fact elevate the status of local government. This is the first major overhaul since 1934. In fact, the 1934 Act was itself a consolidation of approximately 50 different Acts of Parliament from 1840 to 1932. Prior to 1934 there were separate Acts relating to municipal corporations and district councils. The first District Council Act was passed in 1852 and the first Municipal Corporations Act in 1861. These Acts were both amended and consolidated from time to time until the passing of the 1934 Act. In 1952 in a case heard in the Supreme Court, the then Chief Justice stated:

The provisions of the Statute—

that is, the Local Government Act—

are involved and confusing, and it seems to me that there is little to be gained by comparing the language used in the different provisions of the Act, or by studying the history of the legislation. It is obvious that the language has been altered, and that provisions have been added, from time to time, in order to meet particular situations or objections, without any regard to the general conspectus, until the whole suggests not so much a thing of shreds and patches as a heap of junk. I propose, therefore, to start by looking at the wood before examining the trees.

Really, the first major deficiencies in the 1934 Act were observed publicly in 1952, and at least to that extent, combined with other reports and inquiries since that time, local government has had some 32 years to adjust to the need and to prepare for changes. These are important changes and ones which I believe will elevate the status of local government. I think that it is a tragedy that approximately only 5 per cent of eligible persons actually vote in local government elections. I want to deal very briefly with at least three major issues.

The Hon. B.C. Eastick: That wouldn't be valid would it, because it is not compulsory?

Mr GROOM: That is true, but I think that it is a tragedy whether it is voluntary or not. If it was compulsory, quite clearly one would get greater community participation in voting. However, I think it is a tragedy that only 5 per cent of eligible people actually vote in local government elections. In other words, there is some distancing from the actual local community in a general sense. However, I want to deal with three major issues: the annual allowance, night meetings and the disclosure of interests. First, there is quite clearly a need for an annual allowance. Presently, working people are clearly discriminated against in seeking election at local government level.

The reason for this is that the current costs for a councillor to maintain himself in the necessary way—attending functions, stationery, telephones and the use of motor vehicles—is very high. It is very difficult for wage earners supporting a family on $200 to $300 per week to even contemplate standing for local government elections, because there is simply no surplus with which to use moneys whereby one can service a constituency. Working people are very harshly treated as a consequence of there being no allowance, in the sense that they simply cannot afford to stand for election to local government.

Elected members incur expenditure. It is very analogous to the situation of members of Parliament. When members of Parliament were not paid, that discriminated against working-class people, quite simply because they could not afford to be elected to Parliament. We made that change to ensure that there would be community participation. Local government has reached the point where it cannot afford to discriminate against very large sections of the community.

To ensure that it is properly representative and that all sections of the community have the right to participate in election to local government, it is necessary to provide an annual allowance. So, I do not think there is any substance in what honourable members say in regard to their opposition to the provision of an annual allowance, quite simply because local government in this day and age cannot afford to be the preserve of any elite.

In relation to night meetings, it is desirable to set a general standard to allow maximum community participation, and, with community habits being what they are, where the great mass of people work between the hours of about 9 to 5, the holding of daytime meetings clearly discriminates against working people. For example, I cannot understand how any blue collar worker can approach his or her employer in industry and say, 'Look, I need the afternoon off to go to a local government meeting,' or some other committee meeting that is being held during the day.

The Hon. B.C. Eastick: It has happened frequently.

Mr GROOM: It does not happen frequently enough. The fact of the matter is that it takes a great deal of effort for a blue collar worker to go to his or her employer and ask for time off to attend local government meetings, because they are there to produce—the member for Hanson can laugh, but the fact of the matter is that working people who work during the day are clearly discriminated against.

Mr Becker: I am not saying that at all.

Mr GROOM: If I have misrepresented the member for Hanson, I am sorry. The community standard is for work between 9 to 5, and if councils hold daytime meetings that must discriminate against the great mass of people who work during those hours and must discourage them from seeking election to local government. The office must be accessible to all sections of the community—not 'all' in an absolute sense, but to allow the maximum community participation. The difficulty with not imposing a standard is that one is allowing people with vested interests in maintaining this type of discrimination to be the ultimate arbiter. They are the ones who decide, and they are the people with a continued vested interest in maintaining daytime meetings. This legislation seeks to set a community standard, a standard to allow maximum community participation. It is simply a matter of the desirability and the need to set a standard.

The third major issue concerns disclosure of interests. The passage of legislation in this regard last year has not affected the workings of this Parliament. This simply relates to public confidence in local government, as it relates to public confidence in elected State representatives. Such a measure has not affected adversely the workings of this Parliament and nor will it affect adversely the workings of local government. People are entitled to know what pecuniary assets their elected members have, so as to ensure that there is no risk of conflict of interest (or to minimise the risk). If one wants to stand as an elected public representative, one should be quite prepared to make details of one's

pecuniary interests available for inspection, thus ensuring that the public has confidence in a person as an elected representative and that he will not use his ability to make decisions so as to benefit himself or his friends.

The Hon. B.C. Eastick: Are you going to propose amendments to make candidates for local government elections eligible as well?

Mr GROOM: I am not saying that. I refer to elected representatives.

The Hon. B.C. Eastick interjecting:

Mr GROOM: That quite clearly would be a desirable trend. If the honourable member wants to advocate that, I will support him. I am pleased to hear the member for Light speaking in that vein, because I think it is important that people facing election should do so on an equal footing. I agree with the member for Light that there is a clear need to consider including candidates for local government election in this type of legislation, and I hope that the Minister will give consideration to the interjection made by the member for Light and will take up that matter seriously and examine it. Members of Parliament face a disadvantage in that the next time we face the people at a State Government election our pecuniary interests will be disclosed, although interests of candidates will not be disclosed, until they are actually elected. So, a very cogent argument has been advanced by the member for Light about including candidates in the pecuniary interests register. I commend the member for Light for bringing that matter to the attention of the House.

The Hon. H. Allison: Will you leave in the political affiliation bit as well?

Mr GROOM: Again, I agree with the member for Mount Gambier that, regrettably, there is a lot of politics in local government, and perhaps the honourable member's idea of including political affiliations on the register ought to be considered. Personally, I do not feel that we need to go that far at this stage, but I am sure that the honourable member's idea could be considered.

I have agreed not to speak very long in this debate in the interests of the efficiency of the workings of Parliament. In conclusion, I simply say that these reforms will elevate the status of local government in the community. I think in time this will lead to far greater community participation in local government. I congratulate the Minister for these measures.

Mr INGERSON (Bragg): I want to refer to the attitude expressed to me by two of the three councils in my electorate which have responded on these matters, most of which is a duplication of what has already been referred to by other honourable members. One area of concern is in relation to voting by the mayor, a matter which has already been canvassed and on which an amendment is to be moved. I would like it noted that one of the councils in my area is particularly concerned about the procedure of voting by the mayor. A point that has clearly been indicated by the responses of various councils, as has been clearly indicated by all speakers in this debate, is that no definite opinion has been expressed on any of the issues facing councils. In regard to the issues of the register of interests, preferential voting, voting by mayors, terms of office, and night sittings, no definite trend either way has emerged. Because of that, the Government should seriously consider amendments to accommodate some changes that councils have proposed.

In regard to the register of interests, for example, it is interesting that one of the councils which responded to this matter is in total support of the proposal, while the other council is violently opposed to it. That highlights the situation that exists in these matters, namely, that on the five major issues involved there is not a clear movement either way. One of the councils is concerned that the register of interests may bring forward unsavoury areas of involvement within the community. It has requested that the Local Government Association or the Minister hold the register of interests so that there will be as little abuse as possible.

In regard to preferential voting, one of the councils is clearly in favour of the optional preferential system, while the other supports the current system of first past the post. The council is concerned, of course, that the second choice candidate in the optional preferential system does not get any look in with that method of voting, and so it would prefer the system to remain as it is, that is, first past the post.

On the subject of term of office, both councils support the three-year term. The only comment made was that they are concerned about the length of term of office of the mayor. Obviously, if the mayor is unable to carry out his three-year term he always has the option of resigning in any case. The councils are concerned that tying the mayor into that provision may cause some problems. As far as night sittings are concerned, one of the councils is in support of that proposal, but the other is not in support of it. However, both councils indicated that in most instances they hold their meetings after 5 o'clock anyway, but both councils put forward some concerns about site meetings and obvious administrative running of councils which, in the definition of 'council committee', could be caught up in that particular area.

There was concern that they ought to have the right and the option to choose whether or not they sit after 5 p.m. In most instances, major committee meetings are held after 5 o'clock. The other point brought forward was the January poll closure, but I think this has been amended.

Mr PETERSON (Semaphore): I congratulate the Minister on the introduction of the Bill, which has been a long time coming. The legislation needed to be straightened out, and the Bill represents a significant step forward. As the legislation forms the basis of the administration of local government, it is essential that councils have a clear, comprehensive mandate to manage their communities. The Act as it stands is long overdue for revision and full of anachronistic provisions which councils have to manoeuvre around to make sure that their facilities and their area reflect the 1980s. A few sections of the legislation cause concern within local government, and I hope that the Minister will give due consideration to the points I raise before he responds later in the debate. This Bill will have to stand the test of time, and it is the responsibility of this Chamber to ensure that it reflects the needs of local government and that it is responsive to the reasonable demands of the community in the decades to come.

The question of boundaries and their alteration has been of concern to local government since the 1974 Royal Commission. The Bill put forward seeks to establish an advisory commission to advise the Minister on the very complex issues which can arise in relation to this question. The Bill intends that all petitions for changes to council areas should be referred by the Minister to the Commission. This is a very sensible step, and the procedure proposed should provide an effective means to resolve these matters. However, the way is still open for a council which is not satisfied with a decision of the Commission to raise matters of law in the Supreme Court, thereby causing substantial delay and subsequent expense to all parties. Given that the Commission is to be headed by a judge, there would appear to be merit in a provision barring legal action associated with any matter before the Commission. In this way the Commission would be able to resolve disputes reasonably quickly and with minimum expense to the community as a whole. The rep-

resentative nature of the Commission and the ready availability of legal advice to the Commission through its Chairman means that any other recourse to legal action is both unnecessary and undesirable.

However, one aspect of the Commission's proposed method of operation is of concern to me and that is the provision under clause 26 (7) and 26 (9), that the Commission can hear matters in private. It would be possible under those conditions for it to proceed to determine an application without the public being admitted to any part of the proceedings at all. I cannot imagine what justification there could be for a Commission which is to consider council boundaries to sit in private. Just as council meetings are held in public under the terms of the Bill, I believe so too Commission meetings should be held in public. If there are any matters that should be heard in private, such as the employment of staff, they could be listed in the Bill as they are listed for a council.

Under new section 28, the only matter that a council is not required to review is its area. The Royal Commission in 1974 caused so much public concern because so little change had taken place since the last major review of 1929. If councils are to undertake a regular review of their composition and ward structure, so should they undertake periodic reviews of their area to ensure that local government boundaries have not fallen behind community boundaries. Several examples came to mind after discussions with officers of the Department, who told me that in many country areas the council does not have a viable council area. That also occurs in the metropolitan area where boundaries have been set up over the years and the economic base of that council area has altered so that the council cannot fund itself. It should have the ability to look at the boundaries.

Another serious concern arises in relation to new section 30, which gives the Minister very wide and sweeping powers to interfere in the operations of a council. The provisions of the new section are cast very wide and they permit the Minister to appoint an investigator at the merest whim. This new section should be amended to require the Minister to be satisfied that a significantly serious irregularity has occurred in the operation of a council, or that it has failed to discharge its function imposed under this Act, and through its failure has seriously undermined the operation of the Government in this area. The Minister knows that decisions about members of council and how the council will operate are in the hands of the electors of the area, and they are the ones who should determine the standard of service provided and whether or not it is satisfactory. The way they make this known is through the ballot box, and the Minister should consider interference only when the situation is extremely serious.

I am also concerned about the power of the investigator appointed to interrogate members of the council and council staff, and the penalty of $10 000. It would be possible under this Bill, if it became an Act, for a future Minister, certainly not this one, acting on a politically motivated basis to seriously disrupt the day-to-day activity of the council through the use of these provisions. It would be interesting to compare the powers under this Bill, if it becomes an Act, to the powers of the Ombudsman. I do not believe that any Minister of the Crown would allow himself to be subjected to the interrogation and the penalty provided under this legislation in relation to a council employee.

Over the years in this State it has generally been accepted that there has been extremely good local government and this seems to be a star chamber way of dealing with a problem that has not been apparent so far. New section 32 empowers the Minister to give directions to a council and requires the council to act. That also seems to be a very heavy-handed way of doing it. These sorts of provision can only encourage a confrontation situation which could easily become unresolvable and, without the backdown of either party, the Minister will be unable to force the council to accept his decision. The council in the end would have to be disbanded if it could not reach any settlement. That is heavy handed. A council is a publicly elected body—not a private company or a statutory corporation, and we should investigate, and I hope that the Minister will explain, the need for these pretty significant powers under the Act. It does not reflect much faith in the elected members of councils who have served the State so very well over the years. I would like some justification in relation to new section 33 (10) from the Minister when the occasion arises.

I cannot quite see why the administrator appointed by the Minister should not have to comply with the same provisions of the Bill as does any elected council member. The only provisions which should be modified in the case of an administrator instead of a council are perhaps those relating to the conduct of elections and allowances. They are the provisions that are unique to elected members, but I believe that the general provisions of the Act which require public meetings should remain.

I am also concerned about the nature of the power conferred in new section 48(1)*(b)*, which provides that a member can be removed from office by the Governor on the ground of mental or physical incapacity to carry out satisfactorily the duties of his office. I hope that the Minister will clarify how this judgment is to be made. There is no provision in the Bill for judicial review. Last year was the Year of the Disabled and the plight of the disabled has been brought more and more to the fore. I think more detail should be provided on how these provisions will be applied.

New section 61 seems to have aroused significant reaction within local government. It provides that meetings should be held after 5 p.m. I have discussed this with the Minister and we still do not agree completely: I hope he will be able to clarify it further for me. I have listened to the arguments in the debate and superficially it appears to be an attractive provision. However, it is absolute and that is the point about which I am concerned. It does not allow for any modification to suit special circumstances or local conditions, and many cases have been put forward where variations would be needed. There is provision for special meetings to be held at any time: they could be held during the day under that situation.

The very people whom the Minister is trying to protect and give access to council meetings could easily be prevented from attending by that special meeting provision. Those very people could be prevented from attending a meeting at a time of crisis when a decision has to be made. I cannot see where that is reasonable or practical. I know there is a difficulty in the wording to cover all eventualities, but this provision is very rigid. I know of no statutory authority that is so constrained. Many statutory authorities of the State Government are just as important to local government in the decisions they have to make and they are allowed to have meetings during the day. For local government to be deprived in that way seems to be a bit odd.

As I understand from what has been said in this place and investigations I have made, nearly all the metropolitan councils (I think the Adelaide City Council is the only one that does not) hold their meetings at night. I believe that that demonstrates their attitude towards making it possible for everyone to attend a council meeting and participate in the membership. This provision could be interpreted as being an inappropriate restraint upon the meeting times of an elected body. I also believe that a few technical problems could arise from that measure. For example, what would happen if a meeting was adjourned before 5 p.m.? What would happen if the meeting that started after 5 p.m. con-

tinued beyond midnight? Would it have to conclude? The only council in my district, the Port Adelaide council—

The Hon. G.F. Keneally: You're lucky.

Mr PETERSON: I was always lucky. On Tuesday the *Advertiser* contained an article stating that Councillor Denison challenged the Lord Mayor of Adelaide, Mrs Chapman, to debate the issue. The article also stated that the Port Adelaide council had passed a motion supporting the State Government's stand on this matter. I know that this arrangement suits this council and most other metropolitan councils, but it binds every council and that seems to be a bit harsh.

New section 64 (3) provides that a copy of the minutes of a meeting of the council must be placed on public display. That is perfectly reasonable. No-one would dispute that. However, new subsection (6) exempts that part of the minutes that are confidential from the right of inspection under new subsections (4) and (5) but not new subsection (3). In other words, it appears that a full copy of the minutes including any confidential information must be placed on public display, but the public has the right to obtain copies of non-confidential sections only. That seems to be a contradiction in terms. A person can read it on public display but cannot obtain a copy of it.

New section 81 provides that an officer who accepts a bribe is subject to a penalty of $5 000 or imprisonment for one year. Perhaps the Minister will be able to explain the additional penalty which is placed on elected members of local councils convicted of the same offence. They are also liable to be precluded from local government office for seven years. It seems to me that perhaps an employee convicted of such a serious offence should also be liable to a similar additional penalty if the offence is serious enough—perhaps even dismissal from employment.

Regarding the provisions relating to polls under Division VI, why has the Minister chosen to exclude from consideration of a poll anything that requires anything more than a simple 'Yes' or 'No' answer? Surely the council should be free to conduct a poll which invites electors to choose between several options rather than restricted to conducting a poll to which the answer must be 'Yes' or 'No'. New section 124 seeks to prohibit various illegal practices, but it seems to go a bit too far. New subsection (3) includes within the definition of 'bribe' food, drink or entertainment. This appears to preclude a candidate from offering his supporters a cup of coffee or tea at the conclusion of a meeting. I think that is quite inappropriate and certainly not worth the penalty prescribed. Will the Minister consider how the provision might be amended to retain the basic prohibition against those practices which the community would obviously not like to see happen, but to allow a councillor to offer to a person a cup of coffee or tea or even a glass of beer, because I believe that that should not be construed as a bribe?

My next point relates to the register of interests. It is true that we have subjected our own members to the same requirements but there are, we must remember, substantial differences between council members and Parliamentary members. Local councillors are volunteers. Hopefully, if this Bill is passed they will receive a small allowance, on which I will comment shortly. They and their families pay a substantial price for serving the community. No-one denies their entitlement to some allowance.

Many members here have served on local councils and, although I have not, I am aware of many of their duties. No-one would deny that councillors incur expenses for telephone, travel and—if we are talking about women's involvment or single parents—child care expenses are involved. But, the provisions for the register extend to all financial interests, whether relevant or not to duties being performed on a local council. If a councillor owned a block of flats in New South Wales but served on the Port Adelaide council, I cannot see the significance there. I do not see him using his position to colour any decision on the council.

It is significant that all members are required, quite rightly, to declare all relevant interests in a matter when it comes before the council. When such a matter is raised, it will be recorded in the minutes. It seems to me that in the context of the register of interests and penalties clauses 53 and 54 cover the matter. There appears to be a duplication here. A penalty of $5 000 is imposed for non-declaration of interest, but there is not enough justification for the additional provisions. Many points seem redundant with respect to local government. I see the requirement as superfluous.

Whilst I fully support the concept that an elected member should not act in relation to a matter in which he or she has a declared interest, these provisions seem to go well beyond a local member of council who may have a vested interest. It has been said several times that, if we had a register of interest, that brings us into line with Federal, State and local government. The terms of office are similar. I see no reason why a local councillor, if he has to be on a register, should not put in a political affiliation statement. I support the second reading of the Bill. The legislation is a significant step forward, in general terms but I trust that the Minister can provide the additional information I seek and perhaps allay my fears at a later stage of the debate.

The Hon. D.C. WOTTON (Murray): I want to speak briefly to this extremely important Bill, because I am very much aware of the time factor. It is probably some of the most important legislation that has come before this House for some time. I want to commend my colleague, the member for Light, on his excellent contribution as lead speaker for the Opposition. He referred to the Bill in much more detail than I intend to, and pointed out a number of issues to which I will refer particularly in much more detail and on which we will seek clarification during the Committee stage.

In this country, particularly in this State, we have always guarded jealously our three-tier government system. I have always regarded local government as the sector of government closest to the people. I know that that is how the majority of people who serve in that area regard themselves and that form of government. They have much more liaison with the community generally. A number of matters in this legislation will improve substantially their role as members of district councils.

I have always found that generally members of council are very dedicated people. I am pleased to say that I have always, since having first become a member in this place nearly 10 years ago, had an excellent relationship with my councils. I have certainly worked on that, because I believe it is very important that that should be the case. I will be doing everything I can to ensure that that continues in future.

I want to compliment the Corporation of the City of Adelaide, and particularly the Lord Mayor (Mrs Wendy Chapman), for the excellent preparation of its submission. I am also very pleased to have received very well thought out and well presented submissions from the councils I represent. Obviously, there are two or three major issues about which we are particularly concerned. I know that it is a case of repetition, because matters have been brought to the attention of the Minister, the Government and the House previously by other members, but it is important that I refer to them because they are felt very strongly by the councils I represent.

Of course, those concerns include timing of meetings of councils. I will refer in more detail to individual submissions of councils later. But, they have certainly made fairly clear to me where they stand on this matter. Personally, I believe that it should be the prerogative of each council to determine

when it should meet. The other matter relates to optional preferential voting. Certainly, within the councils that I represent I see very little support, in fact none, for that form of voting. From what I gather that is felt fairly generally across the board. The third area relates to registration of interest.

We have heard in this debate Government members attempting to justify their argument in relation to those matters, in particular. I suggest that it really boils down to their being tied to matters pertaining to Labor Party policy and to the platform of that Party because, once again, we have seen that it has been fairly constant. They are obviously unanimous in support of matters that we know are recognised as part of their platform. I hope that the Minister responsible for this legislation will take this Bill above politics, and that he will see the provisions of this legislation as important to all South Australians. It is recognised as extremely important legislation.

I now turn to points that have been raised by councils whose areas are either wholly or partly included in my district. The District Council of Mount Barker has considered the draft Bill at length, taken account of a debate on the legislation at a regional meeting, and presented a submission to the Local Government Association and to me, as its local member. Regarding the time of meeting, that submission states:

> Council is strongly opposed to the provisions of the Bill that all council and committee meetings be held after 5 p.m. While argument can be mounted on the advantages and disadvantages of day or night meetings, surely the interests of all districts can only be served if the council of the day determines the most appropriate time for each meeting. The preamble of the Bill states 'on balance the benefits to be gained from ensuring that elected office is accessible to the entire community favour the requirement in the Bill'. It could also be cited in a number of cases, particularly in rural communities, that the requirement of the Bill that all council and committee meetings be held after 5 p.m. will dissuade many candidates from standing for council.

Despite arguments advanced by some Government members, I support the comment of the council. The council's submission continues:

> A more acceptable alternative to the proposal in the Bill would be that councils held meetings in the evenings except where the Council by a three-quarter majority vote resolves to meet at another time.

According to the council, councils would at least retain their discretion over meeting times. Regarding option preferential voting, the Mount Barker District Council has this to say:

> Council is strongly in favour of retaining first past the post voting. While not supporting compulsory voting in local government elections the optional preferential voting proposed as a means to allow some weighting to be attached to the views of the electorate would not be effective without compulsory voting.

The reference to the views of the electorate is extemely important. Regarding a register of interests, the Mount Barker District Council states:

> Council is strongly of the opinion that the register of interests is an infringement of privacy. There is sufficient protection in the Bill to require interests declared at the appropriate time. It is considered that a member's family is placed in a position of disadvantage in the community by having their private affairs subject to public scrutiny.

Should Part VIII, which deals with a register of interests, remain in the Bill, the Mount Barker council suggests that new section 143 (2) should be deleted, as the register should not be available to the public. Further, new section 143 (4) should be deleted, because to lay the register before the council would also make it available to the public. Again, new section 144 should be amended so that no information from a register can be published. The council feels strongly on those points.

The second council in my district to which I wish to refer is the Murray Bridge District Council, which has asked specifically that I incorporate its recommendations in my speech on the Bill. That council has gone into great detail on certain technical points, and I shall be happy to take up those matters in Committee if they have not already been taken up by the member for Light, who is the Opposition spokesman on local government. Regarding new section 58, the Murray Bridge council states:

> An addition to this section relating to the conduct of meetings before 5 p.m. should be that meetings shall not be held before 5 p.m. unless there is a unanimous decision of the council which determines that the meeting times for the following term of the council will be as nominated. This particular clause should also be related to the conduct of committees. It is recognised that the proposed Act recognises only ordinary meetings but to accept this structural change in any form is not considered to be appropriate.

This statement is similar to the views expressed by the Mount Barker council, and I support those views. Concerning optional preferential voting, the Murray Bridge council states:

> Council resolved that it would support the removal from the proposed Act of the provision relating to optional preferential voting at council elections, the reason being that in the Eastern States councils have indicated that this method of voting would be the first stage to the introduction of party politics into local government in South Australia. As an alternative the existing first past the post method is favoured.

Much has been said about that provision and I shall have more to say about it in Committee. The Murray Bridge council is also concerned about the continual reference to regulations, and a similar concern has been expressed by previous speakers in this debate. In this regard, the council supports the general principle of reducing the volume of legislation and endorsing regulations, but believes that, when major proposals are being made and reference is being made to 'in the prescribed form' or 'by regulation', it should be appropriate to cite the regulations that complement the legislation. The Murray Bridge council recommends that it pursue the stances of being advised and able to comment on the regulations before final acceptance is given to the principles of the legislation. Obviously, it will not be possible to support the point made by the council, but I support the stand of the council because so much importance is placed on the regulations brought down. The council submission continues:

> While we mentioned previously that the legislation brings a number of sections together, before drafting the documentation for final acceptance it would be appropriate to have further cross referencing, that is, some sections of the legislation relate to sections mentioned further along—

because of the complexity of the legislation I see benefits in that course—

> Some areas in the legislation provide for wide Ministerial powers and the council is concerned about that and contends that the Ministerial powers should be reduced and further described either by legislation or regulation.

The submission continues:

> The interpretations which can be placed on the words 'is satisfied' and 'serious failure' in section 33, 'Minister suspects' in section 30, and 'Minister shall determine' in section 29 are areas which are hard to define in any context of a Ministerial decision taken. The Act should in itself give greater power to local government in defining detail and should reduce State Government or Ministerial involvement whenever possible. We believe a clarification and further detail of the Ministerial powers should be followed up.

Finally, the council makes the point that in several instances the Bill does not really take into consideration the detailed workings of a local authority in the rural area, and it cites as an example the matter of counting votes at a poll. It believes that even a council of the size of Murray Bridge has been overlooked in the type of decision proposed in the Bill in this instance.

[*Sitting suspended from 1 to 2 p.m.*]

The Hon. D.C. WOTTON: Referring to the Mannum council, there are three matters I would like to mention in regard to the submission it has put. First, in regard to times of meetings, it has objected very strongly to the proposal to start all meetings of council after 5 p.m. The submission states:

It is felt that this clause represents an unjustified intrusion by State Government into local government affairs.

And I would support that view.

Council believes that it is a fundamental right that all councils should be able to determine the time on which any meeting should be commenced.

In regard to the register of interests, the council's submission states:

The clause relating to the general public being able to obtain copies of the register of interests should be excluded from the Bill.

And it goes into more detail on that matter, but time does not permit me to refer to that. In regard to the allowance to members, the council's submission states:

The payment of allowances to members of council should be excluded from the Bill as it is felt that the existing provisions contained in the Local Government Act for reimbursement of expenses are adequate.

Again, it goes into other details relating to the Electoral Commissioner, terms of office, etc., but I will be able to refer to those at a later stage. Finally, I refer to the submission which I think has probably been referred to before from the District Council of Onkaparinga, which states:

After lengthy and balanced discussion council was unanimously of the opinion that the interests of the district would best be served if the councillors of the day were to determine the most appropriate meeting times, having regard to requests from the electors.

So, on that subject the councils in my area are unanimous. They have also referred to optional preferential voting, and the Onkaparinga council's submission on that matter states:

As this only goes part way to preferential voting and as the preferences of the first candidate (who gains a majority of first preference votes) are ignored it is little better than first past the post voting. Council feels that in the interest of simplicity and decisiveness the first past the post method of voting should be retained.

In regard to the register of interests, the council's submission states:

Councillors object to the philosophy of having to register their interest as it is strongly felt that there is sufficient protection built into the Bill to require an interest to be declared at the appropriate time. It is also pointed out that councillors are not paid and they still have to earn a living in the area, it means that they are placed in a position of disadvantage in the community by having their and their spouse's private affairs subject to public scrutiny. As candidates for election are not required to register their interest it also places an elected member at a disadvantage when seeking re-election.

Because of the time limitation, I will not say any more in this debate. Certainly I will be taking up matters, as I mentioned earlier, if my colleague and the lead speaker the member for Light does not cover them. I am sure that he will: he is very well equipped for this debate. However, it was my intention on behalf of the councils that I represent to bring to the attention of this House those matters about which they have particular concern.

Mr PLUNKETT (Peake): I rise to support the Local Government Act Amendment Bill, which is a product of extensive negotiations between the State Government, the Local Government Association and community groups. Local government is often referred to as the third tier of government in Australia. It receives funding from State and Federal Governments and through council rates paid by its ratepayers. The role that local government plays in our community has been slowly changing over the last decade and the change to me appears to be accelerating. Most people's views of local government 10 years ago was that it collected the garbage, repaired the roads, and generally kept the gardens and streets free from weeds, rubbish etc.

That, however, during the 1970s has completely changed. Local government now provides an ever increasing range of services to its local communities and this has been evidenced right throughout the State of South Australia. As a former President of the Australian Workers Union and an organiser in the South-East, Riverland and the metropolitan area, a large part of my job revolved around local government. My union has 3 500 members employed across South Australia in some 125 councils and I have been in an excellent position to see the changes that have taken place in local government.

I have always been a firm supporter of the value of local government to the community for a variety of reasons. Local government, as the word implies, is local. It is close to the people. It is close to the community groups within society and, as such, it is in a position to be responsive to their needs. I believe that local government has displayed this, as can be seen by the way it has changed. In my view, it will continue to change as the people of our society at a local level become more and more interested in local government and realise the valuable part it plays in meeting community needs, protecting the local environment and improving the standard of living and welfare for the children of our society by the provision of a wider range of community based services.

I believe further that State and Federal Governments, be they Liberal or Labor, will recognise and appreciate the vitality that can be generated within the local community. The resources of any society are its people. Without active and motivated people who have a genuine concern for the welfare of their society, society becomes apathetic. I believe that there are a number of important amendments contained in the Bill before Parliament which will have a positive influence on local government and which in particular will encourage a more active participation by the ratepayers.

It is not possible for me to canvass all of the amendments contained in this Bill, so I will go into only a few of them in detail. Division XII on indicative polls highlights the need for this amendment to be carried. Members would be aware of the dispute currently taking place between the Munno Para council and the Elizabeth council re the proposed amalgamation by the Elizabeth council. Recently a poll was conducted amongst the Munno Para residents who rejected the proposed amalgamation by a majority in excess of four to one against. However, because of the existing legislation, it appears that the matter will proceed to the Minister of Local Government for his consideration. This is despite the fact that clearly the residents of Munno Para are against any amalgamation of their council with the Elizabeth council.

Had this poll been handled under the amendments contained in Division XII, it is quite clear that the Minister would have clearly come to the conclusion that the residents of Munno Para had indicated they were utterly and totally against any amalgamation with the Elizabeth council. This proposed alteration to the Act provides a proper voice for the ratepayers to inform the Minister of their attitude in relation to the poll. Part IV, Division V refers to 'Councillors to be paid an annual allowance and reimbursement of prescribed expenses in the carrying out of their official functions'. I consider this to be an important step forward in encouraging people, irrespective of their financial position in life, to become involved in local government. Historically local government has often been the province of the rich, rather than the ordinary workers of our society.

One has to be able to afford to be a councillor. However, this section will allow people, irrespective of their financial

position, to become involved in local government at the councillor level, without the need to worry about how they are going to meet the expense involved. Members of councils will now be covered by an insurance policy against injury and death incurred in the performance of their duties. I consider this a positive step forward. Part V—'Meeting of Councils, Committees and Electors, contains a section requiring councils to hold their meetings after 5 p.m., and I understand that there is some disagreement with this proposition. However, it should be supported by all sections of the House.

If ordinary working men and women are to be encouraged to become involved in the affairs and the running of their own community (that is, councils), every effort should be made by Government to encourage that participation. Ordinary men and women who are required to work for a living find it impossible to get to council meetings held during the day. I understand that some people are suggesting that this amendment is restrictive: on the contrary, it not only encourages but allows for a situation where any members of society can nominate for council in the knowledge that they will be free to attend the meetings. If Government is serious about getting citizens involved in local government and their community, there will be no hesitation in supporting this section of the Act.

Members opposite would be disappointed if I did not applaud the move by the Government to provide for a representative nominated by the United Trades and Labor Council of Australia to sit on the Local Government Advisory Commission. There are over 7 000 people directly employed in local government here in South Australia, plus many thousands of others who are indirectly involved. It is entirely appropriate that this Government has moved to have on the Local Government Advisory Commission a representative from the trade union movement: it broadens the representation on the Commission and balances the representation from the councils.

Finally, I refer to the requirement for local government members to declare their pecuniary interests. I fully support this provision in the Bill, and I believe that all members should do likewise. The requirement is the same as that applying to members of Parliament, and I believe that, being the third tier of government, local government or council members should be subject to similar rules. But, more importantly, the requirement will enable people to see that there is no conflict of interest in any matter that councillors have to vote on, and in that way there will be some protection for council members. Local councils are involved in planning approvals, they have control over the siting of local businesses, and they are responsible for land development within their areas. The people who elect them must be able to see that there is no conflict of interest in any deliberations undertaken by councils, or that councillors do not stand to make any personal gain from their decisions.

Mr Mathwin interjecting:

Mr PLUNKETT: Such a provision will also protect councillors against unfounded allegations that they have acted improperly in their deliberations. I do not want to enter into any debate across the Chamber: I think the Bill is too important for members to be lashing out with and indulging in interjections across the Chamber, although I know that members opposite are trying to get me to reply. I want to see this Bill go through, and I know that many members opposite share the beliefs that I have just expressed. It is high time that the Local Government Act was amended, and I am sure that the Minister will be successful in implementing this measure with the support of members opposite, because they would realise that the amendments are very worth while. I commend the Bill to the House.

Mr RODDA (Victoria): I rise to say a word or two on this Bill which will rewrite the Local Government Act. The shadow Minister (Hon. Bruce Eastick) has quite properly drawn attention to the fact that this matter dates back to the 1960s, to about the time when I first came into this House 20 years ago. These matters have been under consideration during all that time. Indeed, we now have three Bills involved. This Bill gets down to the nitty gritty and is the lynch pin of the new Act. It is a massive Bill and makes some quite radical changes. Councils in the electorate that I represent have responded on matters about which they have some concern. There are five issues involved: allowances to be paid to councillors, the meeting time, optional preference voting, term of office, and the register of interests.

The Tatiara council agrees with the allowance provision but disagrees with the proposal that the meeting time be after 5 o'clock. Incidentally, all the councils in my district want that provision left open. The Tatiara council did not express any preference concerning the optional voting or the term of office provisions but indicated that it is against the register of interests provision. Lucindale council came out against the provisions involving allowances and the time of meeting. It did not express any views about optional voting or term of office but indicated that it is against the registering of council members' interests.

The Penola council indicated that it is against everything. I was surprised about that, because some opinions expressed to me personally indicated that some of the people on that council were in favour of an allowance. However, that council indicated to me that it is against all five of the proposed changes. The Millicent district council agreed with some reluctance to the matter of receiving an allowance and indicated that it wanted the meeting time to be left to the behest of the council. It agreed, again reluctantly, to the optional voting provision, believing that the term of office should rotate on a two-yearly basis. It indicated that it is against the register of interests provision. The Beachport council, quite a substantial portion of which is in my electorate, expressed no opinion about the allowance provisions, although it is against the meeting time being after 5 o'clock and has indicated that it would prefer that matter be left to the council.

Mr Mathwin: Meeting after 5 o'clock can be very difficult in the country.

Mr RODDA: Well, they will be burning some midnight oil if they meet at 5 o'clock and beyond. Beachport council had no resolution about the optional preference issue, but it believes that the term of office should rotate two years about, and is in favour of all councils being subject to such a provision. It indicated that it is against the register of interests provision. The Naracoorte corporation expressed no opinion on the matter of the allowance. It indicated that it is against the meeting time being altered and had nothing to say about the optional preferential voting proposal or that concerning the term of office, but it is against the register of interests provision. The Naracoorte district council indicated that it is against the provision involving payment of allowances and that it does not wish to have meeting times altered.

It did not express any opinion on optional preference voting but wanted the term of office to remain at two years, and it was opposed to the register of interests. That is the broad spectrum of the opinions of district councils in my electorate.

I realise that this debate will be largely a Committee debate but I wish to raise a few matters at this stage. Recently, a case was brought against the District Council of Millicent for damages and injuries resulting from an accident which happened some years ago. It had involved the Tantanoola council but that council has since merged with the

Millicent council, which inherited this action, among other things. The case went to court, and the council was found negligent and had $350 000 awarded against it. The council appealed to a higher court, lost that appeal, appealed to the High Court and lost that appeal. It has had to pay $350 000, and that has put it under some stress. It made appeals to Government and other authorities. It has had its liquidity knocked around, placing a big strain on ratings and putting a cloud over the district generally. However, I understand that similar cases are pending.

I, as their member, and my South-Eastern colleagues have been approached *en bloc* by the council, but we are not able to help. There was a suggestion made in discussions with the Hon. Mr DeGaris (it was not my idea), but it is believed that councils will be faced with this problem in the future and that a fund should be set up under the Local Government Act (perhaps there is no better place for this than the SGIC) into which councils could pay a premium pro rata to their responsibility, based perhaps on rate revenue. The case of the council I have cited has put a great strain on it (along with the horrific bushfires in the area) and placed it in a very difficult situation. This situation will occur again, and it is a matter that the Minister should take on board and consider. It may not be possible, but something should be done across the whole State.

This accident concerned a young man who was driving a tractor down a road. He moved on to the verge of the road where some stones, which had been thought to be there for some 80 years, had been taken out of a drain. He drove over the stones at quite high speed, the vehicle turned over, he was injured, and consequently this action was brought against the local government body, putting it under severe strain. It will happen again, and I am sure that other local governing bodies will find themselves in similar difficulty.

There should be insurance provisions to take care of a bushfire that could arise, say, from an accident, which we saw happen on Ash Wednesday, or to cover an action for damages which could virtually bankrupt a council.

I am not opposed to the principle of allowances, and some of my councils have agreed with it. However, credit should be given where it is due, and I refer to the days of the Whitlam Government. There are not many Liberals who have had much good to say about Gough Whitlam, but I wish to place it on record that when he was Prime Minister he earmarked and legislated for a portion of the nation's collective revenue to be paid to local government. There was talk at that time that it should be 5 per cent but that seems to have gone into oblivion. Federal Treasurers, no matter how big the cake, do not like to give it away. The proportion involved was 1 per cent, but now I believe it is about 2 per cent.

If we ask and expect local government to do things that people want, it would not be a bad idea if it did not have a bigger slice of the cake. Prime Minister Whitlam envisaged at that time, if one reads his speeches, that he thought that the government closest to the people was the place to make decisions that were closest to the people's hearts, and that view should not be lost sight of. This important piece of legislation is virtually a charter for people to be involved in their own bailiwicks, unlike the positions concerning a member of Parliament, whom people must often come to the city to see, and councils will be able to keep in daily contact with local residents.

Councils have to do a lot of paring with the rates and grants that they receive. Last weekend I had occasion to drive through some far flung areas of my district, and some of the open surface roads are in a rough state indeed. I know that these councils do an excellent job but they do not have the necessary finance to repair all roads as required. The South-East is fairly well off with sealed bitumen roads running north and south but, when one goes to the West Coast, Eyre Peninsula and the Mid North, one sees many miles of open road. The Federal Government, of whatever colour, should look at reimbursing councils with a bigger portion of the public debt collection, as this would greatly benefit ratepayers, now more commonly called electors. Everyone has a right to be enrolled in local government. However, there is a very strong case for carrying out what Gough Whitlam had in mind when he introduced that important legislation in 1972 or 1973.

This is a Committee Bill, and I want to pay a tribute to Bruce Eastick for the work he has done in briefing our Party on the measure. It has been most helpful to members on this side of the House to have had his advice on the ramifications of this Bill. I was interested to see a provision for an advisory council, as I believe it is a good move to have an advisory council made up of experienced people who can assist all people associated with local government.

The Minister who is handling this Bill is not inexperienced in handling difficult situations. He will not find it one of his worst administrations: indeed, he will find it a pleasurable one, I am sure. I wish the Minister well with this milestone, and I hope that he is able to provide the 121 local councils in this State with all the blessings that I am sure are due to them.

Mr EVANS (Fisher): I will not go over all the arguments that have been raised on this matter, although I support what has been said by members on this side of the House. I am conscious of the fact that the member for Light has put a lot of time into the Bill and kept in close contact with his colleagues in the local government area. It would be impossible to introduce a Bill to cover all aspects that local government would want to be covered. I am aware of the fact that more responsibility is being put upon local government these days, quite often because Parliamentarians do not wish to carry it themselves but prefer to pass it on to someone else, sometimes under the guise that an issue is more a local than a State issue.

Quite often political philosophy comes into this matter, particularly from the Labor Party's view point, suggesting that local government should run child minding centres, welfare agencies—a form of social security, if you like, even to the point that some people have suggested that legal aid should be made available through local government. When three agencies operate in that area at the expense of the taxpayer, it can become an expensive system. We are starting to run an expensive system in Australia, and that applies just as much, if not more so, in this State.

I am conscious of the benefits of child minding centres (I am foundation Chairman of a community-based child minding centre which is probably one of the best in Australia because of the staff and the people who work within it, assisted by contributions from the parents). I am conscious of the benefits of such facilities, but the point I am making is that in many areas three arms of government are trying to do the same job, and I believe that they are using taxpayers' money unwisely. I certainly believe that the time has come when the State Government and local government should have to collect the money to provide the services they need. Regardless of which Party is in Federal Government, there is a tendency for the lower forms of government to say that Canberra should provide the money they need to provide their services. I think that when we are in power we want the glory of spending the money but not the stigma of collecting it.

I sincerely believe that one of the reasons why many Australians are asking more and more from Government agencies, regardless of which tier of government is involved (first, second or third), is essentially that they cannot accept

that it is coming from their own pockets. If we were able to tell people that they would have to pay more for the services they seek, particularly in the local government area, local councils would find it a lot easier to manage the community, because members of the community would realise that they were paying for such services.

I know the argument is advanced that our population is widely spread and that the socio-economic factors of one council as against another's can be markedly different. For instance, one council area may have more people in a lower income group than has another council, and one council may have more factories to bring in revenue but not as much responsibility for providing services for residents, not as many of whom may reside in such a council area. There is an imbalance, and there is nothing wrong in saying that the Federal Government should try to reduce that imbalance.

I believe that we are giving the responsibility more and more to local government and that, whereas the States have got away from the income tax area, we should be passing back certain responsibilities. No State Government has, to my knowledge, had the intestinal fortitude to say that it wants a levy placed on income tax to give it more money with which to operate. The opportunity is there for a State, if it wishes, to ask the Federal Government to grant more money to carry out work in that State, but none has done so because they are frightened they will lose votes, not because they do not need the money.

I do not agree with first past the post voting; I prefer to retain the present system. I am not a supporter of preferential voting, because I think it is only a half breed of the two systems and it is not likely to help us at all. With regard to the terms of councils, all sorts of arguments can be put forward. It has been argued that we are moving towards involving Party politics in councils. I think that this is already happening to a greater degree each year and it is obvious that people with political motivations towards one Party or another are attempting to move into local government. They see it as being a first step towards representing their Party in a higher level of government in the future, influencing people in the area or spreading within the community their own political philosophy, which is usually that of a major political Party. There is a trend in that direction, and we are not likely to stop it. It is not likely to make the scene any more peaceful; it is likely that the scene will become rougher and tougher as the years go by.

I am also concerned about the pecuniary interests aspect of this Bill. If a Government is prepared to, say, allow public servants to flout the system more than any other group in society, and if everyone were to be encompassed in disclosing their interests, I would be more enthusiastic about a provision covering councils. I believe that the meeting times should be left to the individual councils, because it depends on the composition of the council and local conditions as to when it is appropriate to hold the meeting. A council could comprise people who are available in the day but are unavailable at night because of family commitments. It is all right to talk about child minding centres but some councillors could be free during the day and have family commitments at night that they do not want to alter, and having council meetings in the evening will be unfair to those councillors.

I think that we as Parliamentarians would be wise to say that that is a decision for councillors. It might change from council election to council election, but it is a satisfactory proposition. I support the Bill at this stage and leave any further comment to the Committee stage.

Mr OSWALD (Morphett): I intend to support the Bill at the second reading to enable certain amendments to be considered by the House. In the meantime, I bring to the attention of the House several aspects which I am having great difficulty in supporting, as is the City Council of Glenelg. I have been in touch with the council which is the main one in the district I represent. I will raise the areas of concern this afternoon, and I assure honourable members that the amendments I will suggest are supported by that council.

First, I refer to new section 20 (1) Division X, relating to the establishment of the Local Government Advisory Commission. It provides that the Commission shall consist of five members, one being a judge; three being appointed by the Governor (or, in actual fact, the Government); one nominated by local government; one nominated by Trades Hall; one with local government experience, nominated by the Minister; and one person holding office in the Department of the Minister.

In that configuration it is clear that within the Commission of five members, the councils, through the Local Government Association, put up one nominee and the Government puts up the other four nominees. Council expressed the view to me that, in view of the powers entrusted to the Commission as regards matters that may have political connotations (and this is very important, bearing in mind local government matters, and the power of the Commission), the Minister should have less involvement in appointments to the Advisory Commission. This is a very appropriate proposal.

I note also in a submission from the Adelaide City Council a proposal that a member be nominated by the Institute of Municipal Management in place of the union representative. I know there are difficulties, with a Labor Government in power, in not having a union representative on the Commission. The Adelaide City Council believes that perhaps that union representative would not have the expertise necessary to sit on such a Commission. I think I am realistic enough to know that there is no way in the world that the Labor Party would give ground or would be allowed to give ground. Therefore, a union representative will prevail. But, so that there is equal balance and better judgment on this Commission, and better quality of representation, would it not be better for the Government to consider enlarging that Commission so that, instead of one representative from the Local Government Association, there were two?

If the Institute of Municipal Management put up one representative, that would make three, and that would be balanced by the union representative, the representative the Minister puts up and the departmental representative, so that then there would be three on either side, which would give a fair balance. So there would be three nominees from the Local Government Association or the Institute of Municipal Management and three put up by the Minister, with an independent judge sitting between them. I believe that that is a reasonable proposition. By that balance, I believe, we would achieve a far better quality of representation on that committee, because, let us face it, the Advisory Commission is a very powerful body with the powers of a Royal Commission. Shortly, I will bring to the attention of the House the areas over which this Commission will have jursidiction.

I now refer to new section 26 (5) of the Bill, which relates to proposals to be referred to the Advisory Commission. It is considered by Glenelg council, and I think with a fair amount of reasoning, that the period should be longer than three years during which a submission to alter existing council boundaries and amalgamations of councils may be referred to the Advisory Commission before making a proclamation. The explanatory notes issued by the Department of Local Government referred to this provision at reasonable length.

I do not think it would hurt to record in *Hansard* some of the powers and jurisdictions of this Commission so that

readers can judge how many powers we are vesting in it. This section contains important provisions for the reference to the Commission of proposals for making proclamations relating to the following: constitution of councils; amalgamation of councils; alteration of the composition of councils; council boundary alterations; formation, alteration or abolition of wards; and abolition of councils. It is a very wide-ranging area of jurisdiction. New subsection (5) provides that this precludes repeated proposals of substantially similar effect from being put forward within a three-year period. It is my belief, and that of the Glenelg council, that a three-year period is too short. The council has not proposed a period, but I believe that it is looking at something like a five-year term, or beyond.

I now refer to new section 61, relating to the need to distinguish, in the council's opinion, between council meetings, council committee meetings, and subcommittee meetings, and to the 5 p.m. provision. Glenelg council is very concerned about being compelled to hold meetings and committee meetings after 5 p.m. The council assures me that its subcommittees need to meet prior to 5 p.m. on most occasions. This is a fact of life and I see no reason at all why the Government should not accommodate the administration of council business, which is essential for the smooth running of councils, and accede to the fact that councils need to conduct committee meetings prior to council meetings.

It is possible that some members opposite have not been able to differentiate between the two. They are hung up on the question of the public having access to what is going on and they say that if a meeting is held after 5 p.m. everyone could be present. However, they overlook the fact, possibly because they have never been involved in councils, that committees and subcommittees on many occasions find it essential to meet prior to council meetings. On that basis, they must meet prior to 5 p.m. The council will face extraordinary difficulties in timetabling and administering council business if committees cannot meet before 5 p.m.

I now refer to new section 100 (1), which relates to voting methods at elections. My council wishes it to be recorded in the strongest terms that it takes the view that preferential voting should apply only when voting is compulsory. Council believes that whilst voting is voluntary the current system of first past the post should prevail. I support that. We should not shift from first past the post voting.

New section 145 refers to the contentious issue of the register of interests. I have philosophical reasons for believing that this clause should not have been included in the Bill, because I oppose a register of interests at local government level. I do not mind council members declaring their interests and withdrawing their chair when a subject in which they have a personal interest is before council. Indeed, that goes on at present. However, I find it offensive, as do many councillors, that councillors who give unpaid and voluntary service should be called on to divulge their family's assets over and above those directly affecting their council activities. It concerns me that members of the public may have access to details of the private affairs of families and may use that information in an improper way and that such information may have nothing to do with the activities of the councillor in his local government capacity. I am angry that men and women who give their time voluntarily for the good of the community may be asked to divulge the financial interests of their families.

In this regard, I have been surprised by the number of letters I have received over the past week or two from members of the public, some of whom have never taken an interest in local government by serving as council members. One such letter, taken at random, is typical of the views of many Glenelg ratepayers. The letter, which I received on 3 April 1984, states:

> Sections of the new Act re local government, which I oppose, and bring to your attention as a ratepayer, under the jurisdiction of the Glenelg city corporation when the above Act is presented in Parliament, are as follows:
>
> (1) As a ratepayer I oppose every member on the council (that is the Mayor, aldermen and councillors) going for election at the same time instead of only half the council retiring as is the present custom. At present the half remaining members are experienced in council management and aware of the difficulties and achievements of ongoing plans and thus able to assist new members in the understanding and the implementation of management goals etc. necessary for the progressive satisfaction of the council. Likewise, a wholly new council membership has no background experience of what is neccesary to continue this work and/or social achievement.
>
> (2) Also, I maintain that each and every council should exercise their freedom of choice in deciding at what time council meetings take place.
>
> (3) I strongly oppose the declaration of their assets by either a councillor or his spouse.

The letter, signed by one of my constituents, is typical of the correspondence that has flowed into my office from Glenelg people who have always shown an active interest in the workings of their council and believe that, if a council steps out of line regarding pecuniary interests, there is always the ballot box at the next election by which to remove it. The member for Light, the shadow Minister of Local Government, has spoken at length on this Bill and I refer readers of *Hansard* to his contribution. I do not intend to recanvass the amendments to be moved by the Opposition, but I give notice that I will support them in Committee.

Mr BAKER (Mitcham): I shall be brief in speaking to the Bill, as all the issues have been canvassed. The councils whose areas fall within my district are those of the City of Unley and the City of Mitcham. There is a divergence of views on some of the provisions of the Bill. The Local Government Association supports certain provisions and there is certainly support from councils in my district on some. Indeed, those councils welcome the changes that will result from the enactment of those provisions.

There is, however, vehement disagreement on the provision affecting the time of council meetings, and the Unley council, although it does not find fault with the provision, realises that it will cause problems for country councils. The time of meeting agreement stretches beyond council meetings, and the council does not believe that the provision requiring meetings to start after 5 p.m. is appropriate for subcommittee meetings and advisory committee meetings, many of which take place during the day at a time convenient to the members concerned and are often conducted around a business such as a hospital, and it is inappropriate to ask that business to stay open so that council members may visit the premises after hours.

Regarding the optional preferential voting system, both councils feel that the first past the post system has served them well. As to three-year terms, the Unley council believes that it can live with the existing provision. Although it is not especially in favour of three-year terms, any change would not worry it unduly. The Mitcham council believes that, for all the reasons previously stated, three-year terms are not appropriate for local government.

The other provision causing great consternation concerns the public register of interests. Although initially it was thought that the keeping of a register of interests would be possible if it could be kept securely, neither council can support the provision as drafted. The Minister is aware of all the comments on the Bill that have been made by councils. He is flying in the face of councils in insisting on certain provisions, while on others he has the support of

the Local Government Association. On the whole, I believe that local government welcomes most parts of the new Bill.

Mr GUNN (Eyre): I shall be brief. I have received correspondence from most of the councils in my district. The member for Light has canvassed in detail the problems that are seen in the Bill by country councils. Obviously, the Minister and the Government have taken the opportunity to try to inflict some of their political ideology on the people, at the same time introducing important amendments that have been sought by local government for a long time. I think that it is a pity that the Minister has introduced such a controversial measure which, from my experience in local government and in dealing with various councils since I became a member, contains provisions such as that concerning meeting times that have not been requested by the public. Also, the provision concerning the register of interests of councillors has not been requested by any council in my district.

My district has changed, as I have lost a number of local government areas and gained a few more from time to time. I have not had one request—not one, and I fail to see what relevance it has to the discussions which those people will have on behalf of the local communities if they disclose their interests. The people in those areas know what line of business people are in before they are elected to council, and I do not believe that it is the role of the Minister to start prying into what should be their own private affairs, in my judgment. In regard to the 5 p.m. rule for meetings in country areas, either someone has taken leave of his senses or there is no appreciation of distance.

A Chairman of one of the councils in my electorate said to me, 'If this provision comes in, I will have to give serious consideration to whether I can serve again. It is just beyond me,' because of the length of the meetings and the amount of business with which they have dealt. I do not think it is the business of this Parliament. It should be for the local government authority itself to determine the times of the meetings, and why are we getting our sticky fingers into the sittings of meetings? If the Parliament tried to interfere in a number of other organisations and set out to tell them when they should meet, there would be wide-scale public anger. Will we start to tell the hospital boards in this State and those bodies incorporated under the Health Commission that they shall meet at a certain time? Will we then start moving into other voluntary organisations such as the elderly citizens homes in this State? Are they next on the list? Will we have Big Brother move in and tell them what time they shall meet, where they will meet and that members must disclose their interests? Perhaps we can go through the list. Will we start telling the school councils—

The Hon. B.C. Eastick interjecting:

Mr GUNN: If I were not out of order, I would speak at great length about what the Minister of Health wants to do. We know what the public wants to do to him and what it will do to him in the future. That is the only bright spot on the horizon. Will we make members of school councils disclose their interests and prevent school teachers from being on school councils? I want to ask the Minister how far down the track he will take us. I know that it is 1984 and the Government has the Big Brother attitude, but I feel obliged to make these comments. I did not intend to make a contribution, because I supplied all my information to the member for Light and he went into great detail. He will handle the amendments.

I hope sincerely that the other Chamber takes the appropriate action on a number of these provisions. If the Minister had not been quite so political in his approach, this debate would not have taken all the time it has, because members would have been prepared to let the Bill go through and have it incorporated in the Statutes with those amendments that will benefit local government. I could take up the 26 minutes left to me in this debate, but I do not think that is necessary. I look forward to the Committee debate, but I wanted to put on record my concern.

The Hon. B.C. Eastick: Do you think that this Minister was left holding the can?

Mr GUNN: One of the interesting observations one makes, having been in this place for a long time, is in regard to the performance of Ministers, and I think that we all were aware that the previous Minister of Local Government (the member for Napier) has been a considerable embarrassment to the Government, and that is treating him very kindly. It is obvious that he would have no hope of handling a long and difficult Committee debate in the House. In view of the fact that no other Minister had the time to sit alongside him and prompt him, he had to be quietly eased sideways into a portfolio where he would not be dealing with any legislation.

The ACTING SPEAKER (Mrs Appleby): Order! The member for Eyre is out of order. He must come back to the legislation.

Mr GUNN: Madam Acting Speaker, I would be grateful if you could tell me why I am out of order?

The ACTING SPEAKER: The Minister is not in the Bill.

Mr GUNN: I am sorry, Madam Acting Speaker, I did not quite hear your ruling. If you could please repeat it?

The ACTING SPEAKER: The Minister is not in the Bill.

Mr GUNN: Thank you very much, Madam Acting Speaker. The Minister is not in the Bill. I would say that a number of these provisions contained in these very extensive amendments to the Local Government Act certainly give the Minister considerable authority. From my limited experience in local government, I would say that the Minister is involved with local government and the effects on local government on a daily basis throughout the State. However, I will not pursue that matter, but I believe that it was an improvement to have the member for Napier transferred and the member for Stuart made the new Minister of Local Government, even though the member for Stuart has not been a member of local government, I understand. However, I hope that he has a fresh approach to the subject.

I am prepared to support the second reading and reserve my judgment to the third reading. I hope sincerely that the Government will be prepared to accept the reasonable amendments which the member for Light put forward. He has had a long experience in this area and fully understands the effects that the Bill as it is currently drafted will have on local government, because I believe that local government should be left wherever possible to get on with the task that it has to perform. We should not have Big Brother looking over its shoulder, telling it how it should go about administering the local affairs in its own area.

In my judgment, the particular matters of concern to me are only the first step towards future amendments which will lay down more and more guidelines. People in local government have told to me, 'State Governments want us to do this and do that, and then tie one hand behind our back and tell us how we should do it. They do not want the odium involved in making difficult decisions.' I believe that, when we ask people to give their time voluntarily to serve on local government in dealing with their own area, they should be given the maximum amount of flexibility and independence. I do not believe that we will improve local government by having a disclosure of interests provision or by setting up a system for paying local government members. If we are to allow for substantial expenses and reimbursement, the next thing we will do is to pay local government members, and then there will be full-scale political involvement in local government. That is something

which I do not believe would be in the best interests of local government or the people of this State. Therefore, I support the second reading and reserve my judgment on the third reading. I intend to support all the amendments of the member for Light.

The Hon. G.F. KENEALLY (Minister of Local Government): I would like to thank all those members who have participated in this debate. I believe that the debate in general has been unusual in so far as members have directed themselves to the Bill and with some rare exceptions have forgotten or neglected to philosophise, as is often the case with Parliament and Parliamentary members. I do not intend in the reply to the second reading debate to try to canvass all the questions and the matters raised by honourable members. I think that it is more appropriate that I do so in relation to the clauses, because this is after all a Committee Bill. I would expect that the matters that have been brought to my attention during the second reading debate will be drawn to my attention in Committee.

Anyway, the Bill has been public property for so long that by and large the attitudes of the Government, those who support it and those who do not support it have been very widely canvassed. I commend honourable members for representing their electorates in the way that they have and the way they have put to the Parliament the attitudes of their respective councils. However, it came through that there is a fair diversity of views expressed by councils in regard to individual clauses of the Bill and the major changes. We as a Government are aware of this, because of the 120-odd responses we received; there was, in varying degrees, support for or rejection of the amendments proposed.

I thank members for their support for this Bill, at least to the second reading stage. A number of members opposite contended that by and large the Bill was very good except that there is some political intrusion. I put it to members of the House that, if trying to ensure that all citizens in this State are able to both see local government in operation and aspire to be a member of local government, is a political act, then I do not really understand the meaning of that term. It is the very basis of the democratic system, namely, that all citizens should have access to local government, as they do to State and Federal Governments. It is up to the electors at large whether their ambitions are fulfilled, but at least they should have a reasonable expectation of being able to be elected.

Frankly, for the majority of citizens in South Australia that opportunity does not currently exist, because the overwhelming majority of people who work for wages and salaries or who are small business people (in which a proprietor may be required to work 10 hours a day up to seven days a week) do not have the opportunity of putting aside one day a week, or a fortnight or a month, as the case may be, to carry out the duties of a member of local government. As the majority of citizens in South Australia are occupied during the spread of hours from 7 o'clock in the morning to 5 o'clock in the evening, it seems not unreasonable that local government meetings, which are important meetings, should be held after 5 p.m. so that people can attend them.

I shall refer to the matter of three-year terms in the Committee stage. The other major sticking point concerns the register of interests. I do not believe that this provision indicates a political philosophy in maintaining that probity of those people who aspire to public office should be protected by a declaration of their interests. I really do not know why there should be problems about that. In his contribution the Deputy Leader of the Opposition argued that, in regard to declaration of interests of members of Parliament, it is the members of the Labor Party who have the greater interests to declare. If that was so, it would indicate that we have a better working knowledge of commerce and industry and that we participate in it to a greater extent than do members opposite. In those terms it would also mean that we on this side of the House should have more to be concerned about. However, we have no concerns whatsoever. The people who are in public office should not be concerned about the declaration of their interests, because that involves a protection of the declarers of such interests. We all know of the sort of charges that can be levelled at people in public office, and all members of Federal, State and local government are aware of that.

This is not an attempt to impose a political philosophy on a group of people acknowledged as acting voluntarily in giving service to the community, but an effort to protect those people and to protect the probity of governments. Governments are coming more and more under attack here, elsewhere in Australia, and throughout the world. There is no doubt about that. People who are prepared to willingly give their services to government at whatever level are under attack, and their honesty and probity are under attack. With this measure we are attempting to provide a protection for those people, a defence against the sort of allegations that can be made. I really do not see that as being indicative of some sort of political philosophy with which members oppose cannot associate themselves.

Other Bills concerning local government will be introduced into the House as quickly as we are able to do so. I do not know whether we will be able to meet the timetable suggested by the member for Light, but hopefully we will be able to do so. I appreciate the member for Light's encouraging words and commitment to assist the progress of those Bills through Parliament, taking into account of course that he or any member of his Party has the right to vote against those measures with which he does not agree.

The Hon. B.C. Eastick: To take the political content out of them.

The Hon. G.F. KENEALLY: As there is no political content in the Bill presently before the House, I doubt whether the Government would be seeking to put political content into the others. Of course, if one does not agree with measures in a Bill, it is much easier to argue that such measures are political rather than argue on the pure facts—which is what is happening here. Despite that, I am pleased to receive the honourable member's commitment on behalf of his Party. What we are attempting to do, and what this measure will achieve, is to give local government the status to which it is entitled and which it should have. We are imposing greater responsibilities on local government as a result of this measure. Its role will expand dramatically, and it will be given greater powers to deal with those additional responsibilities. I thank all members who have contributed to this debate and I look forward now to the Committee stages.

Bill read a second time.

The Hon. B.C. EASTICK (Light): I move:

That Standing Orders be so far suspended as to enable it to be an instruction to the Committee of the Whole on the Bill that it consider each proposed new section contained in clause 7 as separate questions.

The Hon. G.F. KENEALLY (Minister of Local Government): The Government supports the motion. It will enable clause 7, which is of concern to members, to be addressed *seriatim* which will enable us to deal with the measures in a way that the Committee will understand.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. B.C. EASTICK: Clause 2 (2) provides that:

The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

It sounds a mouthful, but I trust that as much of the total rewrite can be effected on the same day as is physically possible, and I hope that it will be all of it. To bring it in in a rag-tag way would be to destroy some of the virtues of the proposed rewrite and add to the confusion which will be inherent in having to pick up a new Bill and remember that the clause numbers have changed. I am not opposed to the proposition. It is wise that that stop-gap provision exists to give consideration as to how it will be introduced, but I express a firm conviction that I would like the total Bill enacted at the one time, or as near as is physically possible.

The Hon. G.F. KENEALLY: I agree with the honourable member. He has pointed out the complexity of the Legislation and that is the reason for the inclusion of clause 2 (2). It is our intention to have as much as possible of the Bill proclaimed, if not all of it, but that is a saving feature to allow us to deal with more complex matters if they arise.

Mr MATHWIN: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Clause passed.

Clause 3—'Arrangement of Act.'

The Hon. B.C. EASTICK: I believe that there is a concurrence with the honourable Minister that clause 3 will be recommitted at a later stage so that the amendment may be considered then. That being the case, I will not proceed with my amendment at this juncture.

The CHAIRMAN: If that is the case, it will be necessary to move that clause 3 be postponed and taken into consideration later.

The Hon. B.C. EASTICK: I move:

That clause 3 be postponed and taken into consideration after the final action taken on clause 7.

Motion carried.

Consideration of clause 3 deferred.

Clause 4—'Transitional provisions.'

The Hon. B.C. EASTICK: In any measure of this nature it is absolutely essential that there be extensive transition provisions. The Opposition accepts and supports that the provisions of clause 4 would appear to cover all of the necessities in that area. However, new section 4 (2) refers to the chief executive officer. There is clear recognition that one way of helping to make the Local Government Act more readable is not to have 'town clerk' or 'district clerk', or in some cases a different clause to refer to a town clerk or district clerk, but one classification or nomination is made and that all such persons will be the chief executive officer. It is understood that notwithstanding that the formal name of that person will be chief executive officer, the right exists for individual councils to determine by what name they will refer in their own structure to that person. So, the demise of the term 'town clerk' or 'district clerk', or the inability of a council to call its chief executive a district manager or whatever, as it exists at the present moment, will be maintained. This will prove quite worth while and no doubt, in the other Bills forthcoming, we will see other occasions where an attempt is made to use a term which will embrace a multitude of areas in other areas of activity.

New section 4(10) has some degree of obscurity. I am not trying to find fault, but is there an explanation which is not immediately apparent to me? New section 4(10) provides:

Where, immediately before the commencement of the 1984 amending Act, periods of service of an employee with more than one council were deemed to constitute a single continuous period of service, those periods of service shall continue to be deemed to constitute a single continuous period of service after that commencement.

I would have thought that it was a natural follow through that a person who had been given a status in the existing council structure would have carried that status through without there being a necessary special reference to it. The fact that there is suggests that there is a possible flaw or contention which might arise. The Committee would welcome some idea as to why new section 4 (10) has been included in the transitional phase. I am not disputing it or opposing it, but I would like some clarification. Subsequent to receiving that information, I would seek to move the amendment standing in my name, unless other speakers wish to raise matters.

The Hon. G.F. KENEALLY: New section 4 (10) provides that a right that existed previously to these amendments will continue: that is, an employee who had a break in service shorter than three months is able to be then re-employed with local government, with superannuation, sick leave, etc. carrying on. This provision ensures that that right that pre-existed will not be denied the worker under the new Act. It is a saving clause to ensure that the right that existed previously will be maintained. It is in the area of a break in service.

The Hon. B.C. EASTICK: I appreciate that it is there. I believe from discussions we had on the Bill last week in relation to superannuation and other matters and when we were dealing with industrial matters before Christmas that there is an industrial clause in the Bill which would have given effect to that situation. Is the Minister making sure that there will be no contentious circumstances to cause embarrassment?

The Hon. G.F. Keneally: I am very cautious.

The Hon. B.C. EASTICK: I move:

Page 4, after line 14—Insert subclause as follows:

(3a) Notwithstanding the provisions of section 47 but subject to the other provisions of this Act, the term of office of the members of a council (other than a mayor) elected at the periodical election first occurring after the commencement of the 1984 amending Act shall be determined as follows:

(a) if there is an even number of such members—the term of office of one-half of those members shall expire at the conclusion of the periodical election second occurring after that commencement, and the term of office of the remainder shall expire at the conclusion of the periodical election third occurring after that commencement;

(b) if there is an odd number of such members—the term of office of a number of those members (being a number ascertained by dividing the total number of those members by two and ignoring the fraction resulting from the division) shall expire at the conclusion of the periodical election second occurring after that commencement, and the term of office of the remainder of those members shall expire at the conclusion of the periodical election third occurring after that commencement; and

(c) the order of retirement as between such members shall be determined in accordance with the regulations.

This is consequential on an amendment we will be moving to clause 47, which deals with the term of office of members of councils and the Bill provides that there shall be an all-in all-out three yearly council provision. The Minister will be aware that in detailed submissions from many councils there was no clear cut decision on the term of office, although there was a majority decision. Many councils said that they believed there should be a retention of the existing situation, that is, annual election, with half the members retiring at each election and that there should be a retention of the mayoralty for one year, councillors for two years, and that the situation regarding aldermen would remain.

The Opposition does not necessarily accept that the retention of what has been the tradition is in the best interests

of local government, and that point was made clearly during the second reading debate. We are not at all satisfied, nor do we believe that local government is satisfied (by local government I mean the full membership of local government), that the alternative proposal put forward by the Government is the right or correct response. It becomes a matter of philosophy perhaps, as has been alluded to by the Minister. It has also been a matter of considerable debate in seminar situations, in local government regional meetings, and it was even addressed at the Local Government Association annual general meeting last Friday.

Arising out of some of these doubts which have been expressed (some of which have been expressed forcibly in the press and by way of material supplied to members by the Adelaide City Council in the past five or six days), a view has firmed that I, on behalf of the members of the Opposition, expressed two weeks ago that a four-two situation, four-year normal council election with members retiring in rotation after the first two years and subsequently every two years for a scheme whereby the mayor would be elected initially for two years with a right to seek re-election and aldermen, like councillors, would be elected for a period of four years, was a better proposition between what exists and that which the Government was proposing.

To give effect to that alternative does eventually require that we amend clause 47. If that amendment is successful, as I hope it will be, it will be necessary to have the necessary transitional phases written into this transition clause. By testing the feeling of the Committee on this matter, it is right that these transitional ideas should be put in at the moment. If we are to have a move from the existing cycle to a four-year, two-year, election cycle, quite obviously to attempt to maintain any of the present membership as of right on the occasion of the first periodic election (which will be, unless there is an alteration to the date, March 1985), then the first election held under the new Act should be of the total council membership. The Opposition is satisfied with that situation.

If the time comes when a change has to be made, initially it will be all out. As a result of that election the mayor's term of two years will be positive and the councillors, having been elected, will then by some method determined by regulation, as is provided in a subsequent election, be determined as two-year or four-year councils. In 1987, which would be the second cyclical election, those who had had the nomination, had the election, but the right of serving only for two years would provide candidates for the next election plus anyone else who might want to. After a short time a normal cycle would have been established. It is necessary to have that provision, and it is necessary to have that commitment. The Party on this side and the Government *de facto* have accepted that all should be out on 1 May 1985, so there is really no argument on that issue.

The only argument, if we put it up as an argument, is length of time that individuals remain in office. The Opposition has taken this attitude not only because, as I have indicated, we believe it is a better end result than that offered by the Bill, but because it counters a number of arguments suggesting that the three-year term is too long. One might rightly come back and say, 'If three years is too long and you are offering four years, aren't you working against yourself?' From the information I have been given, the argument is that a three-year period for the mayor is too long, rather than that a four-year period or a three-year period is too long for the council. Those who have been in local government for any length of time fully appreciate that some people go in with high ideals and a willingness to serve, and after six months they are so frustrated and upset about the whole proceedings they resign.

Mr Mathwin: It's more than they bargained for.

The Hon. B.C. EASTICK: Exactly! They resign and are replaced by someone who has a commitment. But, by and large, if one looks at the membership of councils (I hate to bring about a division between councils, but certainly I suggest that this applies more so to country councils) one finds that many people are there for a long period, some of them too long; let us not argue about that. Someone who claims to have been a councillor for 25 years and, therefore, a senior councillor, may not have done as much in his period in office as a councillor has done during one year in office. I think we can all cite examples of that.

But, by and large, councillors who are committed to the voluntary service and to providing a service to their community in this way go in and are prepared to stay for periods of between six and 12 years, subject of course to what the electors have to say at the cyclic election. However, the same cannot be said of a mayor in relation to the time period that she or he would want to occupy that office—maintain an interest in local government, yes; provide a very worthwhile involvement with local government, yes, but not necessarily at the top of the cherry tree as the mayor.

I believe that in putting this proposition to the Minister and his Government we are seeking to distil from all the comments made on this important issue the best of all worlds. As I have indicated previously, it does not go to the philosophical view that it should be all in all out: it certainly goes a long way towards dispelling the argument, which is acknowledged by many people on both sides of the Parliamentary scene and local government, that an all in all out situation is likely to be most disruptive to local government if one gets some factional group or groups contesting elections and being elected for a specific purpose.

These groups get their contestants in, they build a swimming pool, cricket pitch or whatever it might be, pull out part way through, a debt is left behind, and there is no continuity of service. We believe, as applies in the Legislative Council and the Senate, that there is much to be said for continuity of service with a half and half situation. Therefore, I suggest to the Minister, on behalf of the Opposition and on behalf of a great number of people in local government, that acceptance of this transitional provision and the consequential amendments will serve local government very well. I trust that the Minister will give it his blessing when he responds.

The Hon. G.F. KENEALLY: I would like to raise one query in relation to this amendment and also clause 47, because I want to make quite clear that I do not propose to debate this matter now and then go through the whole debate again when we come to clause 47. So, if we are to talk about the four-year term we ought not to be, I suggest, arguing that matter again later. If that is the case, the argument will be one sided because the Minister will not be involved in it. If we have the argument now, I do not want to repeat it.

I make a couple of points about the four-year term, suggested by this amendment, as against the three-year term that the Government has provided in this Bill. The first and one of the most pertinent matters is that a decision was reached at the Local Government Association annual general meeting on Friday last week, when a large majority voted in favour of the three-year term, which is the Government's measure. I agree with any charge that there is a lack of consistency in the Government's acceptance of local government recommendations, but then again that charge can equally be made against the Opposition. Neverless, the Local Government Association debated this matter fully and decided that a three-year term was more appropriate for its needs. We all accept that there has to be a change and that the current system, with an election every 12 months, means that local government is perpetually in an

electioneering atmosphere and that no sensible planning can take place.

The three-year term brings local government into line with the State and Federal Government situation, and so the system is the same. Secondly, of course, it allows for very sound forward planning. People charged with a responsibility in connection with local government need a significant period to see their planning put into effect. There is an argument that three years is too short. That argument may or may not have value, but I point out that in New South Wales, Queensland and New Zealand, local government has a three-year term all in all out. In the Northern Territory there is a four-year term all in all out.

A measure is now before the New South Wales Parliament to change the three-year term to a four-year term to synchronise with the State Government, which now has a four-year term. We are doing here what is a fact of life elsewhere. I will talk about the possibility of having an election all out when one loses all of the council. As one of my colleagues said earlier, should that happen it is probably the best thing, because if all members of council are defeated after three years there has to be a good reason for it, and the electors are not stupid. There is no possibility that a small pressure group would be able to take over a whole council and the electors not being aware of it. In this Parliament we have a three-year term all in all out.

On only two occasions over a 70-year period has a whole council been defeated. The likelihood of that happening is very remote. But, even if the likelihood was there, it remains in the proposal the Opposition has put to us. The member for Light has said that the first election to be held, if the amendment he has moved were successful, would involve an all out situation. So, although the Opposition says it fears the possibility of a whole council being defeated, gross inconvenience being caused, and so on, there is still the fact that many new members would be there in their own right. I find it interesting that the Opposition would argue that the all out proposition is bad and causes instability, yet it is inherent in its amendment.

I take the point raised by the member for Light that we are not arguing about the length of office. We are talking about two points: stability of the council and the length of the mayor's term. On the first point, there is no evidence that a three-year term, all in all out, causes instability. In New South Wales, 70 per cent of local government members are re-elected at election time. Surely it is up to the individual to ensure by his actions that he or she is re-elected. With half the council coming out every two years, half may come out at a favourable time and be re-elected, whereas the other half, which has been party to the same decisions as the first half, may come out at an unfavourable time and be defeated even though both groups were equally competent. The second argument concerns the position of the mayor, but that argument breaks down. As the member for Bragg pointed out, a mayor or chairman of a district council who wanted to resign could do so and an extraordinary election would be held.

The Hon. B.C. EASTICK: I regret that the Minister took certain of my remarks out of context in attributing to me the statement that a mayor would resign after six months: the context of my statement concerned a councillor. Many mayors serve for long terms; it is the councillor who may resign after a short time because of frustration or family difficulties. I was present at the discussion on this issue held by the Local Government Association at its annual general meeting. It was not a debate. The whole issue was debated and a decision arrived at late last year. Many people in local government accepted the philosophy behind the three-year term all in all out because, they say, they had no alternative at that stage and they accepted this proposal reluctantly. There is not a strong body of feeling for the three-year term. This other alternative had not been discussed prior to a decision being made. I have never heard the Minister use, in respect of elections for the Legislative Council, the argument he has advanced here for a three-year term, all in all out.

It is agreed that there is a distinct advantage in the continuity of service which occurs in the Legislative Council and in the Senate in all normal circumstances except for the double dissolution situation. That has become traditional, and it is a traditional part of local government today that there is a continuity. Forgetting all that, the Minister then referred to decisions which have been taken interstate and attitudes existing interstate to a three-year term. He said that it applied in New South Wales. A question has been referred to me and I have not had the opportunity to test it yet (I intend to do that in the break between this session and the next), but grave concern has been expressed about the inadequacy of the three-year term which, as the Minister indicated, will be possibly extended to four years.

It is not a final decision: it might be a decision of the Government that it will move to four years, but in the ranks of local government it is not necessarily a decision that local government wants to embrace, and I am advised that that debate is still going on. What is the situation in respect of Victoria? I was pleased to have delivered into my hand the MAV (Municipal Association of Victoria) newsletter, No. 2 of March 1984, which on page 1 refers to councillors' register of interests, to which I will not refer. However, I will read the total submission in respect of triennial elections, as follows:

> You were advised in the last newsletter that the MAV had expressed on behalf of councils, opposition to the proposal to apply triennial elections to all municipalities from the 1985 election year. A MAV circular was recently sent to councils advising that the Minister had amended the Bill to grant councils the individual right to hold elections on a triennial basis within their municipality at council's option. The MAV has asked the Minister not to proceed with this amendment until the views of councils have been expressed by the MAV to the Minister. As the Minister wants an early expression of view, the special meeting of the MAV called for 5 April will be asked to resolve a stance on this proposal. A circular setting out the details of this issue has been sent to councils.

That is an update of the situation that exists in another State, where action was being contemplated along the lines of the action of this Government. It is a contentious issue in Victoria. I said that it was a contentious issue, and it is not totally embraced in the changing circumstances in New South Wales. I believe that it is a contentious issue in South Australia. I know that that is the view held by local government people and by members on this side and in another place, and it is a matter on which debate will continue even if we discharge it in the manner that the Minister has suggested here. The Opposition strongly supports this view, and we will contest the issue on the basis that it ought to be supported.

The Hon. G.F. KENEALLY: Very briefly, I acknowledge that it is a contentious issue and, whenever one changes a long-lasting provision such as the one that has applied to local government, concern will be expressed: that is natural. However, there is an acceptance that there has to be change, and I believe that the recommended change of the Government has majority support within local government. That in itself can be argued. Nevertheless, what we are debating here is simply whether the change will be as the Opposition suggests or as the Government suggests. The Government is firm in its commitment to the three-year term and as such will be opposing the amendment.

Mr MATHWIN: I am very disappointed in the way in which the Minister answered the question, particularly in relation to three-year terms for mayors. In a way, he ridiculed

the member for Light by saying that many mayors wished to retire early. I would remind the Minister that in the second reading debate I referred to a number of matters in the submission of the Brighton council. I will read it because he probably did not understand it when I read it at about 2 a.m. The submission states:

It was considered that it may be unreasonable to expect an aspiring mayor to commit himself/herself for a three-year term.

It is all very well to say that these people do not have to continue with it if they do not wish. However, it is the beginning of the term which matters, and a person should have the opportunity to take the highest office in the city if he so desires without one having to know that that person has to stick it out for three years. It is not suitable for some people to continue for that long. It is a very demanding job, and it is very difficult at times to fulfil the obligations that are bestowed on one as a mayor. By replying in the way he did, it shows that the Minister is either naive or really does not know what it is all about.

I do not suppose that he has been a member of local government, and that would explain the way in which he replied to the member for Light. The Minister said that we have three-year terms in the State Government—why not have them in local government? Of course, there is a great difference between the State Government and local government. Local government is supposed to be non-political, and generally speaking (there are a few exceptions to which members on both sides could point) it is non-political. There is quite a difference between a non-political situation and the political situation of the State Government.

The Minister likens the two situations and suggests that they should involve three-year terms, but the innuendo is that the next rung in the Local Government Act will be political elections—we will have political councils, and maybe that is what it is all about. Maybe the Minister unintentionally has lifted the wraps on the whole situation, and it explains why he is emphatic that we should retain the three-year term.

The amendment moved by the member for Light for a four-year term (half in and half out at a different time) means that one would lose half the members and not replace all councillors simultaneously, including the high office of mayor. To me that would make sense. As the honourable member pointed out, it works well in the Federal and State Parliaments in relation to Upper Houses. Therefore, it would be a safety valve. I know that the Minister was quite plausible when he said, 'What examples have we? How many times has it happened?' and so on. The amendment would certainly provide continuity in the sense that the safety valve will be there if only half the council is going out at one time.

The Minister would well know of the type of chaos that could ensue following the removal of all members of council if they were all beaten at an election. The Minister said that that would be rare, although he knows very well that in relation to local government, things can be organised fairly well but then heavy-handed musclemen can come along and if they so desire under the voluntary voting system can rule the roost and take command of the situation. I ask the Minister to have another think about this. I think the amendment proposed by my colleague is a good one and deserves more consideration. The Brighton council, in particular, does not believe that it is right that an incoming mayor should have to commit himself or herself to a three-year term and that it will lessen the opportunity that people have of becoming a mayor for a short period.

I agree with the Minister's comment that a number of mayors stand for a longer period than one year—of course they do. The general outlook in this regard is that, if they are successful and accepted by the people, the aldermen and the councillors, then they will continue for another term of one year, and so on. It is a shaky situation when first taking on the job. Some members join councils and then, after having been there for a minimum of three years as a councillor, take on the high office of mayor. Indeed, that was the situation that applied to me at Brighton. However, I think it is quite unfair for people to have to commit themselves for a three-year term. I would ask the Minister to reassess his thoughts on this matter in relation to the amendment moved by the member for Light.

The Hon. G.F. KENEALLY: The member for Light, as lead speaker for the Opposition, has pointed out that the argument about the mayor is not a relevant one that he wants to pursue. Therefore, the member for Glenelg and the member for Light are somewhat at odds in that regard. However, I point out to the member for Glenelg that in fact what he is doing is reflecting upon the intelligence and integrity of people who wish to stand for the position of mayor. If it is stipulated that the term of office will be for three years and people know that that is the case it is up to them to make a decision before they stand as to whether or not they want to be a mayor for a period of three years. It is similar to the member for Glenelg making a decision and a commitment when he comes into this Parliament that he will be a member of Parliament for three years. That is the onerous task that he takes upon himself. The same applies to anyone who nominates for election to a position.

Such a person would know full well the tenure of the office before standing. The decision that a person makes in that regard is based on that person's commitment and desire to serve for a certain period. Further, if one was mayor for only 12 months and then subject to re-election, having regard to the necessary campaign leading up to re-election, one would not have much time in office to put into effect what one wanted to do as mayor, as leader of the council. If the mayor has a term of office of three years then he or she would be able to implement programmes that would have an opportunity to bear fruit, thus ensuring that at the time of the next election after three years one's record would be on the board. That cannot be done in 12 months.

Whatever the stipulated term of office, people standing for that office will do so in the full knowledge of the length of the term required. As the member for Light pointed out, by the time one gets to the stage of standing for the position of mayor, one has been in local government long enough to appreciate the pressures of the mayoral position and would make a decision to stand for that position with the full knowledge of what it means. The crunch comes when one stands for local government in the first place. My answer to the member for Light stands. I thought that I had better canvass the matters raised by the member for Glenelg otherwise I might have been embroiled in an argument with him. We have discussed the proposition put by the member for Light, but, although the member for Glenelg disagrees with my answer to that proposition, the Government remains firm in its commitment to a three-year term, and so will oppose the amendment.

The Hon. B.C. EASTICK: I do not want to lead any further information in regard to this matter. However, I think that people following this debate in due course should be given the opportunity to know precisely what was intended. We adverted to new section 47. Had this amendment been accepted (and I am eternally hopeful that the Minister will have a change of heart), the Opposition would have moved a consequential amendment to clause 7 in regard to new section 6 by inserting a further paragraph as follows:

(h) determine or provide for the determination of, the respective terms of office of the first members of the council.

I alluded to that. Further, I would have moved an amendment to new section 7 (3) by inserting paragraph *(ga)*, which provides:

Determine, or make provision for the determination of, the respective terms of office of the first members of the council to be formed by the amalgamation or each such council;

That would be consequential, but in a slightly different circumstance associated with amalgamations. Also, it was proposed to insert a further new subsection in new section 11 as follows:

(3) Where the Governor makes a proclamation under subsection (1), the Governor may, by the same proclamation or by a subsequent proclamation, make any provision with respect to the terms of office of members of the council that may be necessary or desirable in view of the alteration of the composition of the council.

That also would be consequential under the same circumstances. In regard to proposed new section 43, an amendment would have been moved to leave out 'three' and insert 'two' at line 5, referring to the term of office of mayor, and line 12 would have been amended in the same way. An amendment was proposed to new section 47 as follows:

Leave out this proposed new section and insert:

47. (1) Subject to this Act, and the provisions of any proclamation made under Part II, the term of office of—

(a) the mayor of a council shall be a term expiring at the conclusion of the next periodical election occurring after his appointment or election as mayor of the council;

or

(b) a member of a council (other than a mayor) shall be a term expiring at the conclusion of the next periodical election one occurring after his appointment or election as a member of the council.

(2) A person elected to fill an extraordinary vacancy in the membership of a council shall, subject to this Act, hold office for a term equal to the unexpired balance of the term of office of his predecessor.

All of those provisions were consistent with the clause we are now considering, which the Minister has indicated he will insist on. The amendments were to provide for fine tuning. Having had the liberty of drawing attention to the proposed amendments I think that presents the package as a whole and overcomes the need for any discussion at a later stage.

Mr MATHWIN: I want to take up again the matter of term of office of mayor. I take it from the Minister's explanation that anyone who wishes to become mayor must take the position for three years or not at all, unless he becomes mayor and then resigns, although no-one likes to resign from office. Therefore, one has to take on the position for three years or forgo the chance of ever becoming mayor. There is no hope for a person who wishes to take on the position for one year, which is the present length of term of office, or for two years.

Mrs Appleby interjecting:

Mr MATHWIN: What was that?

The CHAIRMAN: Order! The honourable member should not take notice of an interjection.

Mr MATHWIN: The member for Brighton said very little about the Bill. With due respect, I would say that she does not know much about this matter. The Minister is saying that, unless a person is prepared to take on the position for three years, he will have no opportunity of taking on the job.

Mr Hamilton interjecting:

Mr MATHWIN: It has nothing to do with that. We are talking about local government and about people working voluntarily for the community. They are not being paid for it, they are not fat cats, or whatever you like to call it. These people want to work for the community for nothing and give their services to the community.

Mr Hamilton interjecting:

The CHAIRMAN: Order!

Mr MATHWIN: There are people who would be happy to serve for one or two years, but who would be a little frightened by the provision that they must serve for three years.

Mr Hamilton interjecting:

The CHAIRMAN: Order! The member for Glenelg has the floor.

Mr MATHWIN: He is a rude man, that member for Albert Park.

The CHAIRMAN: Order! The honourable member for Glenelg should not take any notice.

Mr MATHWIN: The Chair is right, I am naughty for doing so, but one day I will sort him out.

The CHAIRMAN: Order!

Mr Hamilton interjecting:

The CHAIRMAN: Order!

Mr MATHWIN: Yes, I have. Before I was so rudely interrupted by the member for Albert Park—

Mr Hamilton: I'm sorry.

The CHAIRMAN: The honourable member for Glenelg should address the Chair and not the member for Albert Park.

Mr MATHWIN: The Chair is right. There are people who would wish to gain the top position but who would not wish to commit themselves for three years as mayor, and the Bill is unfair in that respect. If it were for a lesser period, it would give many people in council an opportunity, which they are entitled to have, to become mayor at some time. In Brighton there are six councillors and three aldermen and, if the term is for three years, how could, say, the last person on the council aspire to be mayor. When I am approached by a person in local government who asks for my support or vote, I say to myself, 'Would he make a good mayor?', because I believe that every person should have the opportunity of having the top seat.

This scheme of demanding a three-year minimum period creates a lesser chance for other members, especially those in their mid-50s, of ever aspiring to be mayor: it is quite wrong. I would ask the Minister to consider some flexibility and to have some sympathy with this situation.

The Hon. G.F. KENEALLY: The short answer is that there is no shortage of candidates for three-year mayoral positions in other States. The honourable member says that it is the right of everyone who goes into council to serve as mayor. It is not a decision made by the council; council is not a club, and it is quite inappropriate for the honourable member to assess people and say whether they will be the mayor. It is the people in the council electorate who will determine the mayor of the council, not the council itself. It is not the honourable member's decision. One does not take turns at being the mayor of the council. The leader of the council should be there by the vote of the people in that council area, although in the case of district councils I understand that the system is different. It is not a matter of everyone taking a turn, it is a matter of who the people in the area want as their mayor. Council is not a club; it is a democratic system where people in the electorate have a democratic right to cast a democratic vote to elect the person they want. There is no shortage of people prepared to stand for a three-year term as mayor.

The Committee divided on the amendment:

Ayes (21)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Oswald, Rodda, Wilson, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and

Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 5—'Interpretation.'

The Hon. B.C. EASTICK: I would like clarification of the meaning of 'elector' which means a person enrolled on the voters' roll for a council and includes the nominated agent of a body corporate or group of persons enrolled on the voters' roll for a council. I believe that there is urgent need to look at the manner whereby people who are *bona fide* members of the House of Assembly are placed on that roll as of right. I did contemplate a series of amendments which might not have been to this clause but to later clauses. In recent polls persons who were *bona fide* members of the House of Assembly, who had their nomination accepted by the Commonwealth Electoral Office and had received a card indicating that they are duly enrolled as members of the House of Assembly, were denied a vote. They were told that there was no point in their seeking a section 94 vote because it would not be considered or counted.

Any action at the place of polling which seeks to deny a person who genuinely believes that he ought to be on the electors' roll the right to vote, regardless of what the end result will be of the admission of that vote, is wrong and it does the image of local government no good to have returning officers or other officers associated with the polling procedure giving misinformation, probably through ignorance—and I do not suggest it is necessarily by design, although that is sometimes questioned. People are told by promotion by Government and local government that they have a right to be on a roll, and it is unfortunate if, when they seek to test that right they receive indifference.

After discussions I have had with interested parties, I believe that that anomaly needs to be tidied up or perhaps a public relation exercise ought to be undertaken by local government to make sure that people who man the polling booths are allowed interface with the community seeking to register a vote so that there will be no arguments, no questions, and no denial of that right.

I was also a little concerned at the definition of 'Government assessment' which means the Government assessment of annual value, capital value or land value, as the context may require. I was not sure whether that would be adequate, because I am aware that in some council areas site value and notional value are referred to in local government rating procedures and activities. I am assured by officers that the land value by virtue of an interpretation elsewhere is able to accommodate site and notional values and by means of cross reference with other Acts as might apply that position is qualified. I do not seek to make any change but I raise the point because it has been raised by people in their response to the Bill not only in regard to the aspects referred to but also in respect of the consultation that has taken place subsequently. Finally, I highlight the inclusion under paragraph *(z)* of the intention to strike out subsection (7) and substitute the following subsection:

> For the purposes of this act, an election or poll shall be deemed to have concluded at the time of confirmation of a provisional declaration of the result of the election or poll under Division IX of Part VII, or, where a provisional declaration is revoked, at the time of the making of a final declaration;

I believe that that was written in in this way to overcome some of the trauma which has existed on earlier occasions when a returning officer has not known whether to declare the vote because he was still concerned about the legality or effectiveness of a small parcel of votes on which he had to take advice. The most recent example was associated with the Munno Para poll. I do not think a provisional declaration was made and the declaration was made nearly two weeks after the event. If people are to have confidence in the local government system they must see efficiency. I believe we are assisting the efficiency of local government by supporting new subclause (7). It is a supportable clause. I am pleased to know that the issues that have caused some public concern have been dealt with and we are taking this earliest possible opportunity to solve the problems.

The Hon. G.F. KENEALLY: Another factor about paragraph *(z)* in which the honourable member might be interested is that it gives an opportunity for a recount, which did not exist before, so there is an added advantage. In relation to the definition of 'elector', the Department strongly urges councils to always give a declaration vote but in residential voting there is a requirement that the person must be on the roll preceding the roll closure.

I have listened carefully to what the honourable member has said. I will refer it to the Department and give the honourable member a report on the decision in regard to the definition of 'elector'. I think the other point is clarified. However, in view of the comments the honourable member has made, I think it would be best to see what can be done, and I will bring down a report.

Mr MATHWIN: My question relates to the definition of 'clerk'. When referring to 'clerk' I assume that the Minister is referring to a town clerk. I ask him why he has seen fit to change that title because a town clerk has been traditional for many years (and it is often difficult to release a town clerk from his duties). Why is the title 'town clerk' being taken away and being replaced with 'chief executive officer'? What benefit is that? What is the reason for it? I would have thought it far better to have the status of town clerk than chief executive officer.

The Hon. G.F. KENEALLY: The decision to call the chief executive officer by that title is to ensure that the position that currently exists where we have municipal clerks, district clerks and town clerks all being chief exectuive officers should be clarified. The Bill refers to the chief executive officer. New section 66 provides that a council will have the right to call its chief executive officer just that or 'town clerk', or the traditional title given to that position. The term 'chief executive officer' merely defines the position which is currently filled under a number of titles. I do not know whether that is clear, but I hope the honourable member understands what I mean.

Clause passed.

Clause 6 passed.

Clause 7—'Repeal of Parts II to IXAA and substitution of new Parts.'

The CHAIRMAN: An instruction has been put by way of motion in the House that each proposed new section be separately put.

New section 6—'Constitution of councils.'

The CHAIRMAN: The member for Light has an amendment which I believe is consequential on the amendment he moved in clause 4.

The Hon. B.C. EASTICK: I will not proceed with that now. I welcome the response from the Government to this application of the procedures so that there is an effective undertaking that we will deal with all of the 140-odd clauses under clause 7. I will not speak to all of those, but there are some amendments in my name relating to this clause. I appreciate that new section 6 (2) *(g)* provides for election of the first members of the council.

I ask the Minister whether this is the sort of provision we seek for a happy amalgamation, which really does need some assistance so that a mammoth committee does not sit until May next year. I think if he were to say, 'Yes', that is the case', that would make me and the Leader very happy and hopefully there will be no further discussion on the matter.

New section passed.

New section 7—'Amalgamation of councils.'

The CHAIRMAN: Similarly, regarding new section 7 there is a consequential amendment. I assume the member for Light does not wish to proceed.

The Hon. B.C EASTICK: We propose to take no action on that. On page 10, section 7 (3) *(h)*, provides:

> Except where the councils that are to be amalgamated under this section employ the same method of assessing ratable property throughout their combined areas—determine the method or methods of assessment to apply in relation to the council to be formed by the amalgamation or each such council.

I accept that, for example, in the proclamation for the recent amalgamation of Moonta and Kadina such proclamation allowed one section to proceed on captial values or annual values and the other one in respect of site values. That was commendable because one of the councils recently had had an assessment made and it would not have got its money's worth for the amount expended, nor would the bookkeeping have been effectively carried out had it been necessary to create a completely new assessment.

That apart, I was sorely tempted to introduce into this Part that in allowing an amalgamated council to have the two methods of assessment within its new area, that should be for a maximum of five years, and that there should have been an opportunity (either before by the council's nomination or at least at the fifth year), for the newly amalgamated council to come to terms with which assessment method it wanted and to thereafter proceed on a one assessment basis—that is either capital or the old unimproved current site value.

The advice I received is that some councils—and we are not sure which are which—might be using the method provided in this amalagamation clause. As to the total legality, we will not pursue that. It has certainly not adversely affected councils' operations, although there may be a question from an auditor or from an administrative point of view. But I think, expressing on behalf of the Opposition not a final point of view but one which should be taken into account when the next section of the Local Government Act relating to ratings, assessments and such matters is reached, councils should, within five years of amalgamation, follow one assessment system throughout their area. It is perhaps a matter for further debate. I have no doubt that the Department will, in seminars and other activities, seek to assess that.

I am offering the Minister, the Department and the local government body, the view that the best term interest I believe for local government would be a single assessment method in each council, and each council would retain the right to determine which of the assessment methods it wanted to apply, but we would maintain the benefit provided by paragraph *(h)*. That is reasonable in terms of expenditure in which an amalgamating council may have been involved fairly recently. That matter would then come back to the House in due course for final decision.

The Hon. G.F. KENEALLY: The matter certainly has merit. It will be considered and if any changes need to be made they will be included in a further Bill.

Progress reported; Committee to sit again.

The Hon. G.F. KENEALLY (Minister of Tourism): I move:

> That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

CONTROLLED SUBSTANCES BILL

Second reading.

The Hon. G.F. KENEALLY (Minister of Tourism): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill introduces wide ranging changes to the controls over the use of legal and illegal drugs and poisons in South Australia. It represents the most extensive and comprehensive revision of drug law ever undertaken in this State. It spearheads the Government's comprehensive strategy for tackling drug problems. Over recent years there have been a number of Royal Commissions and inquiries into drug use and abuse in this country. For example, the Sackville Royal Commission into the Non-Medical Use of Drugs in 1979 canvassed the situation in South Australia. The Williams Commission of Inquiry into Drugs in 1980 examined the matter from a national perspective, with particular reference to law enforcement. There is now a wealth of published material on the drug situation in Australia.

As the various inquiries and Commissions observe, drug taking is not new. Drugs have been taken for centuries, for reasons of tradition or custom, to relieve symptoms and satisfy a myriad of personal needs. However, clear evidence has emerged that patterns of drug use have changed significantly. In particular, as the incidence of illicit drug usage has increased, major changes have taken place in the general nature of drug trafficking in this country. The new dimension of drug abuse is its promotion for profit, the involvement of organised crime and the diversion of huge sums of money into criminal enterprises. Trafficking has, in recent years, become big business. The illicit drug trade in Australia has become a billion dollar industry.

The Government believes that urgent action is necessary to combat the growing drug problems. Indeed, if there is a common concern shared by every member of this House, I have no doubt that it would be the growing problem of drug abuse in our community. All the available evidence points to the need for the development of social policies, goals and strategies. Ministers and officers have and will continue to participate in national forums aimed at developing a strategy to deal with the drug problem on a national basis. However, national developments cannot be a substitute for action at the State level, in those areas over which the State has jurisdiction. We must act, and we must act now.

The Government has therefore devised a comprehensive strategy which includes a combination of administrative controls (restrictions on distribution outlets, prescription requirements, record-keeping, monitoring of supplies), treatment and education programmes, and the criminal law. No single approach will adequately deal with the problem—it must be tackled in several ways. Dealers, pushers and traffickers must be prevented from making a profit from human fallibility and vulnerability. Those who have become dependent on drugs or have otherwise sustained harm from their drug use must be offered treatment and rehabilitation. Education programmes must be devised to assist people to develop attitudes and behaviour towards the use of drugs which will be most beneficial to themselves and others.

The Bill spearheads that strategy. It brings together in one coherent piece of legislation, and extends, the administrative and criminal controls which are presently scattered between

the Food and Drugs Act and the Narcotic and Psychotropic Drugs Act. Honourable members would be aware that the confused state of the present drugs legislation has attracted criticism from time to time. As the Sackville Royal Commission put it in this 1979 report:

> The history of the current controls shows that the South Australian legislation has grown in piecemeal fashion, in response to several pressures. The legislation has not been systematically revised, despite significant changes in the patterns of drug use and in the scope and nature of controls. Frequent amendments to the legislation have often created uncertainty and sometimes confusion.

The Narcotic and Psychotropic Drugs Act particularly has attracted strident criticism from the Supreme Court of South Australia, which has been faced with some difficult questions of Statutory interpretation. A former Chief Justice, the distinguished John Jefferson Bray, criticised the Act as follows:

> It is an understatement to compare the Narcotic and Psychotropic Drugs Act, 1934-1976 to a patchwork quilt. It is more like a repatched patchwork quilt. The subject dealt with is of vast importance to the life of the community. I venture to suggest that the time has come for a completely new and coherent enactment.

The Government agrees with the sentiments expressed—a coherent legislative framework is a fundamental requirement. The Bill presented to the Parliament today therefore repeals the existing Food and Drugs Act and Narcotic and Psychotropic Drugs Act and consolidates controls over drugs, poisons and therapeutic substances and devices. (A new Food Act is being developed for introduction this year. This will replace the outmoded food legislation which forms part of the present Food and Drugs Act). The Controlled Substances Bill implements the recommendations of Sackville in most respects and also takes account of the Williams Report, with its emphasis on increased powers and penalties to deal with drug traffickers.

While the format of the Bill differs somewhat from the Sackville draft, it incorporated most of the essential legislative features of Sackville, either directly or through regulation-making powers. The major features of the Bill are as follows:

1. Revision of penalties in relation to possession and sale of prohibited substances and drugs of dependence including creation of a new maximum penalty of $250 000 and 25 years imprisonment for large scale drug trafficking. Both inprisonment and fine are mandatory.
2. Inclusion of powers to enable the charging of financiers of drug trafficking schemes as principal offenders.
3. Inclusion of powers to enable courts to order forfeiture of property of persons convicted of offences against the Act or of a related person or body.
4. Inclusion of powers to enable courts to prevent the dissipation of such property where a person has been charged with offences under the Act.
5. Doubling of penalties for illegal prescribing of drugs of dependence.
6. Creation of an offence to supply substances containing volatile solvents to persons whom the supplier knows intend to use them for inhalation.
7. Inclusion of Provisions to enable establishment of Drug Assessment and Aid Panels.
8. Inclusion of Provisions to enable the establishment of a Controlled Substances Advisory Council to monitor and advise upon controls over the licit and illicit use of drugs, poisons and therapeutic substances and devices.
9. Provision of comprenhensive and substantially upgraded regulation making powers particularly in relation to controls over poisons, drugs and therapeutic substances and devices.

I now propose to deal in more detail with the areas I have highlighted, to give an outline of the considerations which led to the inclusion of these provisions and to indicate measures which are intended to underpin or complement the legislation. To turn to the special provisions relating to drugs of dependence and prohibited substances (points 1-4 above), the Bill envisages a grading of penalties based on quantities of drugs involved in the offence. It distinguishes between possessors for personal use and persons who profit from illegal dealings.

Under the proposals, cannabis remains a prohibited substance. The Bill therefore is a significant departure from the Sackville proposals for decriminalisation, or partial prohibition. The simple fact is that there is still widespread community opposition to such a move at this time.

Earlier this year ANOP was commissioned by the South Australian Health Commission to undertake a survey of attitudes of the South Australian Community in relation to general concern about drugs and drug laws, knowledge and awareness of drugs and drug usage, expectations about future drug use and problems and the need for drug education. Amongst the mine of information available in the survey is a clear indication that the great majority of South Australians are not prepared to accept decriminalisation. Sackville, in making his recommendation, indicated that public opinion should be taken into account and that 'change cannot fly in the face of widely held attitudes'. The Bill takes cognizance of those attitudes.

An interesting feature which emerged from the survey was that a majority of the community admitted to having little information about cannabis, although it was perceived to have considerable side effects. As long ago as 1977 a Senate Standing Committee on Social Welfare under the Chairmanship of Senator Peter Baume, a senior medical consultant, recognised that not nearly enough was known about the health implications of cannabis use. That committee recommended that the Commonwealth Minister for Health direct appropriate studies of the health implication of cannabis use. I am pleased to say that last year, South Australia, with the support of the Queensland Minister and subsequently all other Health Ministers, was successful in having the matter referred to the Standing Committee of Health Ministers (a committee comprising the most senior health officers for each State) for investigation, taking account of Australian and overseas information, and report to the next conference of Ministers.

In line with the current practice of the courts, the Bill introduces modest reforms in relation to penalties for simple possession of cannabis and cannabis resin and smoking equipment. Current penalties are $2 000 or two years gaol. Under the Bill, the gaol sentence is removed, and the maximum penalty is reduced to $500. The Bill also provides a $500 penalty for cultivation of cannabis by a person for his own use. Figures from the office of Crime Statistics in the Attorney-General's Department show that penalties imposed by courts for possession and use of marihuana have been moving down gradually from an average fine of $135 in 1979-80 to $119 in 1980-81 and $117 in 1981-82. In that time, only 13 people of 2 625 convicted of these offences were sentenced to gaol terms. (It is interesting to note in passing that the ACT Poisons and Narcotic Drugs Ordinance of 1978 provides for a fine not exceeding $100 in relation to possession of up to 25 grams of cannabis.

In the case of personal possession or consumption of other drugs of dependence and prohibited substances (e.g., cocaine, heroin, LSD) the existing penalties of $2 000 or imprisonment for two years, or both, are maintained. Turning to what may be described as the profiteering offences of clause 32, the penalties for small traders in cannabis or cannabis resin are maintained at $4 000 or imprisonment for 10 years, or both. Similarly, for small traders in other drugs of dependence or prohibited substances, penalties will

remain at the existing $100 000 or imprisonment for 25 years or both, as recommended by Sackville.

However, in line with the recommendations of Williams, large scale traffickers in both cannabis and drugs of dependence and prohibited substances will be treated even more severely. They will be liable to penalties of up to $250 000 and imprisonment for 25 years. The Government considers drug trafficking to be one of the most reprehensible crimes against humanity. The Government believes that those who derive profit from the destruction of the lives of others should be pursued and punished with the full rigour and vigour of the law.

As honourable members will note, the quantities of drugs involved in the various offences are to be prescribed by regulation, following the passage of the Act. I believe, however, that it is entirely reasonable for the House to have an indication of the Government's thinking at this time. A person will be presumed to possess with the intent to sell if he possesses more than the following quantities (those currently applying and as recommended by Sackville):

	grams
Cannabis	100
Cannabis Resin	20
Cocaine	2
Heroin	2
Lysergic Acid	0.002
Morphine	2
Opium	20

If he possesses these amounts or less, he will most likely be charged with the lesser offence of possession for personal use. If it can be shown that the offence involves the following amounts, indicating large scale trafficking rather than small trading, the offender will face the highest penalties:

	Kilograms
Cannabis (other than resin)	100
Cannabis Resin (including cannabis oil)	25.0
Cocaine	.4
Heroin	.3
Lysergic Acid	.0004
Morphine	.3
Opium	4.0

The Government proposes, in addition to the above-mentioned penalties, the inclusion of powers of forfeiture and confiscation in relation to trading or trafficking offences along the lines of those proposed by the Hon. Trevor Griffin earlier this year.

Clauses 46 and 47 enable the court to order forfeiture of money, real or personal property of persons convicted of offences against section 32 (other than cultivation for personal use), or of a related person or body. Courts will be able to prevent dissipation of such property by making a sequestration order where persons have been charged with an offence. There is also power to charge financiers of drug trafficking schemes as principal offenders. The Government is also aware of an upsurge in the diversion of prescription narcotics onto the illicit drug market and widespread poly-drug abuse. Health professionals involved in drug treatment and counselling estimate that prescription drugs now constitute more than 50 per cent of the illegal drugs in South Australia.

The Government is aware that, while the great majority of doctors are conscientious, a small number of so-called 'script doctors' are unscrupulously issuing prescriptions for personal gain. It is illegal for doctors to prescribe narcotic drugs for addicts, other than those in approved treatment programmes. Since the present penalties seem inadequate as deterrents to such activities, the Government proposes a doubling to $4 000 or imprisonment for four years.

In addition, the Pharmaceutical Services Branch of the South Australian Health Commission is to be strengthened. The acquisition of a computer will assist in surveillance and detection of illegal or irresponsible prescribing. Seminars will be arranged for health professionals to acquaint them with current trends in drug use and abuse. The Australian Medical Association and the Pharmacy Guild have indicated their willingness to co-operate with the Government in measures to combat the problem.

While the emphasis so far has been on increased penalties in various areas, the Government believes, as I indicated earlier, that criminal sanctions alone are insufficient, indeed sometimes inappropriate, as a means of dealing with the drug problem. There must be a recognition of the need to care adequately for those who have suffered harm associated with the drug use. As Sackville put it 'The community has a responsibility to assist such people, even though they are often regarded as the victims of self-inflicted harm . . . It is more consistent with the values of a humane society to regard dependence not as a self-inflicted wound, but more as an inevitable consequence of society's inability to forgo or control absolutely the availability of drugs, chemicals and pharmacological knowledge.'

Accordingly, the Bill proposes the establishment of Drug Assessment and Aid Panels as recommended by Sackville. Each panel is to consist of three members drawn from different disciplines, with experience in treating or assisting misusers of drugs. Under this scheme, where it is alleged that a person has committed a simple possession offence (i.e., an offence against section 31 other than an offence arising out of the possession, smoking or consumption of cannabis or cannabis resin, or possession of equipment for that purpose) the matter will be referred to an assessment panel to ascertain whether the person should be directed to a treatment programme or whether a prosecution should proceed. The intention of the Bill is that diversion of offenders to the panels should take place at the first opportunity, which is immediately after arrest or apprehension by the police.

A panel will undertake a full assessment of the person referred and will have power to determine whether the prosecution for the alleged offence should proceed. However, the panel will have no power to determine disputed questions of fact and will not proceed to assessment if the person referred does not admit to allegations against him or does not wish the panel to proceed. The panel will have power to refer the matter back to the court if it considers such a course of action appropriate.

Panels will have power to require offenders to give undertakings to be effective for a period not exceeding six months. Such an undertaking may relate to the treatment a person must undertake; participation in a programme of an educative, preventive or rehabilitative nature; or any other matter which may assist the person to overcome personal problems leading to drug misuse. Failure to abide by an undertaking will be a ground to refer the matter to the court for prosecution in the usual way. Proceedings before a panel will be informal and no representation will be permitted. The panels will be held in private and nothing said before a panel will be admissible as evidence in any legal proceedings.

It should be noted that the Bill does not contemplate the panel procedure applying to children as a specialist approach to the problems of children is already provided for under the Children's Protection and Young Offenders Act. The establishment of Drug Assessment and Aid Panels is a new innovation, which will involve close links between the criminal justice and treatment systems. The Government intends to monitor the operations of the Scheme as it develops.

As indicated earlier, the Bill replaces the 'Drugs' part of the Food and Drugs Act. While the explanation so far has tended to highlight new controls to deal with the illicit drug scene, it should be pointed out that the Bill also provides the framework for important controls over the licit use of drugs, poisons and therapeutic substances and devices. The Food and Drugs Act and regulations, among other things, set standards for quality control of drugs used for medicinal purposes and regulate the labelling, packaging, dispensing and advertising of those substances. They also impose record-keeping and notification requirements on those prescribing or dispensing drugs. As explained in the submission of the South Australian Health Commission to the Sackville Commission, the Poisons Regulations made under the Food and Drugs Act are designed:

> to control the sale of poisonous substances in such a way that the general public is protected as far as possible from the misuse of the poisons, and from the possibility of accidental poisoning. Those objectives are achieved by the licensing of dealers in poisons, the restriction of certain strong poisons to sale on prescription, the provision of labelling and bottling requirements, and—in the case of the more dangerous substances—the requiring of a record of the sale of these poisons.

In South Australia, as in other States, the legislation classifies 'poisons' into eight schedules, and the requirements as to prescription, sale, storage and labelling depend on the schedule into which each substance is placed. The classification in South Australia follows closely the National Poisons Standard adopted by the National Poisons Schedules Standing Committee of the National Health and Medical Research Council.

It is proposed to retain the basic structure of the poisons schedules. For reasons of flexibility, the assignment of classifications to poisons, drugs, therapeutic substances and devices will be done by regulation rather than being set out in the Bill (as recommended by Sackville). Parts II, III, IV and VIII of the Bill deal particularly with these matters.

Attention is drawn to clause 19 which relates to the sale or supply of volatile solvents. The Government is concerned at the incidence of abuse in this area, particularly glue sniffing. Extensive consideration has been given to possible approaches to the problem. It seems that making offenders of children with an inhalation habit is not the solution. What this clause seeks to do is express the Government's abhorrence of the unscrupulous dealers who provide glue and other substances containing volatile solvents, allegedly in some cases together with plastic bags, clearly knowing that they are being purchased for self-inhalation.

Another clause to which attention is particularly drawn is clause 9. This clause proposes the establishment of an expert committee, including consumer representation, to assist the Minister in determining appropriate controls over substances and devices subject to the Act.

The Controlled Substances Advisory Council contemplated by clause 9 is to consist of nine members, and is to be chaired by a Health Commission officer. As honourable members may be aware, Health Commission officers participate extensively in national deliberations on control measures. It should be noted that the council will have power to form subcommittees and to co-opt members. It will therefore be possible to call in specialist advice in specific areas, should the need arise.

I turn now to the matter of powers of search, seizure and analysis covered by Part VII of the Bill. Essentially, the powers existing under present legislation are repeated. A clear distinction is drawn between the powers which may be exercised by a police officer and those which may be exercised by other authorised officers. I believe I have highlighted the main provisions of the Bill. The clause explanation will, in the normal manner, deal with all clauses in more detail.

I would like now to briefly touch on another aspect of the Government's drug strategy, that is, education. Sackville noted that carefully constructed drug education programmes have an important part to play in improving the community's understanding of the drug problem. The ANOP survey indicated that there was considerable support for increased drug education among the South Australian community. A top level working group has therefore been appointed to study and report on issues related to such education, with particular reference to education in the community, in schools and for health professionals. In addition, South Australia's drug services generally will be revamped and strengthened. Honourable members may have noted that the Bill makes no reference to the Alcohol and Drugs Addicts (Treatment) Board, which in fact formed part of the Sackville Bill. The recent Smith Inquiry into Mental Health Services in South Australia dealt with the board as part of its terms of reference, and the future directions of those services are being considered in the context of that review.

As I mentioned previously, the Government believes that urgent action is necessary to combat the drug problem. This Bill spearheads the Government's strategy. It has involved extensive consideration by the police and officers of the Health Commission and the Attorney-General's Department. I believe it will be the most significant piece of legislation in the health area to come before the House for many years. Interested persons have had ample opportunity to consider and comment on its provisions. I appeal to honourable members, as members of the community, as well as members of this House, to support this important area of law reform.

Clauses 1 and 2 are formal. Clause 3 repeals the two Acts that are replaced by this Act. Clause 4 inserts all the necessary definitions for the purposes of the Act. All the substances and devices to which this Act will apply are to be set out in the regulations. Cannabis (which will be a prohibited substance) is defined, as various penalties will depend on whether the particular drug involved in an offence is cannabis or cannabis resin, as opposed to cannabis oil or any other prohibited substance. Clause 5 binds the Crown. The effect of this provision is that, for example, Government hospitals will be bound by the provisions of the Act as to licences and other authorisations or permits. This does not of course mean that the Crown will incur any criminal liability for failure to comply with such provisions. Subclauses (2) and (3) make it clear that compliance with this Act does not remove liability under other Acts or at common law.

Part II sets up an advisory council. Clause 6 establishes the council. The nine members will be drawn from a wide range of expertise and interest groups. A Health Commission employee will chair the council. Clause 7 sets out the usual provisions for terms and conditions of office. Clause 8 provides for the validity of acts of the council notwithstanding defective appointments or vacancies of office. Clause 9 provides for the payment of allowances and expenses. Clause 10 also sets out the usual provisions relating to the conduct of the council's business. Clause 11 gives the council the function of keeping all substances and devices subject to the Act under review. The council must also keep reviewing other substances or devices that might need to be controlled under this Act. The operation of the Act is to be monitored by the council. The Minister may assign further functions to it. The council is empowered to make recommendations to the Minister as to amendments to the Act or regulations. The council must report annually to the Minister and any such report will be laid before Parliament.

Part III deals with the way in which certain substances and devices are brought under the Act. Clause 12 provides that substances potentially harmful to humans may be declared by the regulations to be poisons. A poison may in turn be declared to be a prescription drug or a drug of

dependence. Substances that lead to addiction or are of exceptional danger to humans may be declared to be prohibited substances. Substances used or designed to be used as therapeutic substances may be declared to be therapeutic substances. Certain devices may be declared to be therapeutic devices. The Governor may declare a substance to be a volatile solvent. The regulations may also divide poisons, etc., into subclasses.

Part V deals with general offences. Clause 13 makes it unlawful to manufacture, produce or pack certain poisons, therapeutic substances or therapeutic devices. Drugs of dependence are excluded from the operation of this section as they will be dealt with separately under Part IV. Certain professional people are not guilty of an offence against this section if they manufacture the item concerned while acting in the course of their profession. All other persons must get a licence from the Health Commission. Clause 14 makes it an offence to sell certain poisons, therapeutic substances or therapeutic devices without a licence from the Health Commission. Pharmacists are of course exempted from this provision. Again, drugs of dependence are excluded.

Clause 15 provides a similar offence in relation to retail selling of such items. Clause 16 provides that certain poisons may not be sold to children. The vendor of such poisons is not permitted to sell those poisons to purchasers they do not know without first obtaining evidence of identity. Such a vendor must also attempt to find out the purpose for which the poison is required by the purchaser. Such information must be kept in a register. Clause 17 provides that if the possession of a particular poison requires a licence, a vendor of that poison shall not sell it unless the purchaser produces his licence. Clause 18 relates to the sale and supply of prescription drugs. Such drugs may basically only be sold or supplied by doctors, chemists and certain other professionals while acting in the course of their profession. Clause 19 prohibits the sale of a volatile solvent to a person whom the vendor suspects, or ought to suspect, is going to inhale the solvent.

Clause 20 prohibits the sale of certain poisons or therapeutic substances by way of automatic vending machine. Therapeutic devices are not included in this prohibition. Clause 21 empowers the Minister to prohibit the sale or supply of any other substance or device pending evaluation of its harmful properties. Clause 22 provides that certain poisons may not be in a person's possession unless he is licensed to possess such a poison. Clause 23 prohibits a person from selling a poison, therapeutic substance or therapeutic device unless it conforms with the regulations. This provision enables the imposition of national or international drug standards. A defence is provided where the vendor could not have known of the fact that the particular item did not conform with the regulations.

Clause 24 enables the imposition of labelling and packaging standards. Clauses 25 and 26 similarly provide for the storage and transport of poisons, therapeutic substances and therapeutic devices in accordance with the regulations. Clause 27 provides for the regulation of the use of certain poisons, therapeutic substances or devices. Clause 28 provides that advertisements of certain poisons, therapeutic substances or therapeutic devices is totally prohibited. Clause 29 provides that certain poisons, therapeutic substances and therapeutic devices may only be advertised in accordance with the regulations. Clause 30 provides for the offence of forging or fraudulently altering or uttering a prescription or other document for the supply of a prescription drug, or possessing such a prescription or document, knowing it to be so forged or altered. It is also an offence to obtain a prescription, or a prescription drug, by false representation. A pharmacist may retain a forged prescription and if he does so, he must forward it to the Commissioner of Police.

Part IV deals specifically with the offences relating to the possession of or trading in drugs of dependence and prohibited substances. Clause 31 virtually repeats section 5 (1) of the Narcotic and Psychotropic Drugs Act in setting out the offence of possessing a drug of dependence or prohibited substance, consuming such a drug or possessing equipment relating thereto. The penalty where an offence against this section involves the possession or consumption of cannabis or cannabis resin, or the possession of equipment relating thereto, is a fine not exceeding five hundred dollars. The penalty for any other offence against this section is the same as presently provided in the Narcotic and Psychotropic Drugs Act.

Clause 32 in substance covers the offences set out in section 5 (2) of the Narcotic and Psychotropic Drugs Act. The offence of selling, supplying, manufacturing or producing a drug of dependence or a prohibited substance carries very heavy penalties. If the offence involves over the prescribed amount of cannabis or cannabis resin, then the penalty will be $250 000 and twenty-five years imprisonment, as dealing in such a large quantity will virtually be viewed as 'drug trafficking'. If the offence involves a lesser amount of cannabis or cannabis resin (or if the actual amount has not been ascertained), then the penalty is $4 000 or 10 years imprisonment, or both, as presently provided in the Narcotic and Psychotropic Drugs Act. If the offence relates to the cultivation of cannabis, the penalty will only be a maximum of $500 if the sentencing judge is satisfied that the defendant cultivated the cannabis solely for his own smoking or consumption.

The maximum penalties for all other drugs of dependence and prohibited substances is $250 000 and 25 years of imprisonment for so-called 'trafficking' and $100 000 or 25 years imprisonment or both, where lesser quantities are involved. Subclause (3) repeats an existing provision whereby a person is deemed to be 'trading' in a drug or substance if he knowingly has more than a prescribed quantity of the drug or substance in his possession. The usual exemptions are given to certain professionals, etc.

Clause 33 gives the Health Commission control over the supply of drugs of dependence by doctors to patients for medical purposes. The approval of the Commission is required where a drug of dependence is to be prescribed for a continuous period of more than two months, or where such a drug is to be prescribed on any occasion for a person who the doctor believes is dependent on drugs. The medical profession itself welcomes such a controlled system, as the responsibility for deciding whether or not a drug of dependence should be prescribed in any particular case is borne by an outside, objective authority.

Division II provides for the assessment of persons who are charged with certain drug offences under clause 31 (other than offences relating to possession or consumption of cannabis or cannabis resin or the possession of equipment relating thereto). Clause 34 provides for the establishment of assessment panels. Clause 35 provides for the assessment of persons (other than children) who are alleged to have committed simple possession offences. If the person wishes to be dealt with by a court, then the assessment is abandoned. If, after an initial interview, the panel thinks that the person should be dealt with by a court, it shall not proceed any further with the assessment, but shall authorise prosecution. It is made clear that these provisions do not derogate from the right of the prosecuting authorities to decide at any time not to prosecute an alleged offender. Clause 36 gives to an assessment panel certain powers to require the attendance of persons or the production of books and papers. The alleged offender will not be guilty of an offence if he fails to appear before the panel or to answer questions, as if he

does so fail, the assessment panel will be empowered to authorise his prosecution for the original offence.

Clause 37 provides for the undertakings that may be required by the panel from the alleged offender. All these undertakings relate to assisting the person to overcome his drug dependence. An undertaking is not to be effective for more than six months. Clause 38 provides for the manner in which the proceedings of an assessment panel will be conducted. All such proceedings will be in private.

Clause 39 provides that a prosecution for a simple possession offence shall not proceed except upon the authorisation of an assessment panel. A panel may only give such an authorisation in certain situations. For example, if the alleged offender fails to appear before the panel, refuses to give an undertaking or fails to comply with an undertaking, the panel may authorise his prosecution. It is made clear that the alleged offender may be charged with the offence, remanded in custody or released on bail, but no further steps may be taken in the proceedings unless the panel has authorised the prosecution. Where the panel decides that the alleged offender is to be dealt with by the panel, then the offender must be released if he is in custody, or must be discharged from bail, and the information withdrawn if necessary. Clause 40 makes it clear that nothing said in proceedings before an assessment panel is admissible in criminal or civil proceedings.

Part VI deals generally with penalties and forfeiture. Clause 41 provides an offence of aiding and abetting the commission of an offence, or soliciting or inciting the commission of an offence. Clause 42 provides for an alternative verdict where a person is charged with an offence under clause 32. Such a person may be found guilty of a 'lesser' offence under clause 31. Clause 43 provides that offences attracting prison sentences of less than five years are minor indictable offences, those attracting prison sentences of five years or more are indictable offences, and all other offences are to be dealt with in a summary manner.

Clause 44 sets out the various matters that a court shall take into consideration when determining penalties. Where the offence is one of manufacturing or trading in drugs of dependence or prohibited drugs, the court shall look at the commercial or other motives of the convicted person and (except where an application for forfeiture has been made) the financial gain that is likely to have accrued to the convicted person as a result of the commission of the offence. Clause 45 is the usual provision that renders company directors liable for offences committed by the company. Clause 46 provides for forfeiture to the Crown of items the subject of offences against the Act.

Clause 47 relates to forfeiture where a person is convicted of an offence against section 29 (i.e. manufacturing or trading in drugs of dependence or prohibited substances). This section will not apply to cultivation for personal use. In such a case, the court may order forfeiture to the Crown of anything received by the convicted person or a related person or body (as defined in clause 4) in connection with the commission of the offence, or anything acquired as a result of the commission of the offence. Property of the convicted person used in connection with the commission of the offence may also be forfeited. Where the prosecution applies to the court for forfeiture of certain property pursuant to this section, the onus shall lie upon the defendant to prove that the property is not liable to forfeiture. Clause 48 provides for the sequestration of property that is liable to forfeiture under the preceding clause. Clause 49 provides for the joining of a related person or body to an application for forfeiture or sequestration of his property.

Part VII sets out the powers of authorized officers. Clause 50 provides that members of the police force are authorized officers, and the Minister may appoint such other persons to be authorized officers as he thinks fit. Clause 51 provides for the appointment of analysts and botanists. Clause 52 sets out the powers of entry, search and seizure. The powers given to members of the police force are similar to those currently set out in section 11 and 12 of the Narcotic and Psychotropic Drugs Act. Except for routine inspections of licensed premises during business hours, the powers of entry conferred by the section require a warrant. A warrant is not to be issued unless the officer of police, special magistrate or justice is satisfied that an offence is involved and that there are reasonable grounds for the warrant. Clause 53 provides for the analysis of substances by analysts or botanists. Clause 54 provides immunity from liability for authorised officers and accompanying persons, and analysts and botanists.

Part VII deals with miscellaneous matters. Clause 55 provides generally for the granting, refusing or revoking by the Health Commission of licences, authorizations and permits. Clause 56 empowers the Health Commission to grant research permits in respect of poisons, prohibited substances and therapeutic substances and devices. Clause 57 empowers the Health Commission to prohibit certain manufacturers, suppliers, doctors or chemists from manufacturing, supplying, etc., a specified prescription drug, or any other substance or device, where an offence against the Act has been committed or a licence condition breached, or where a prescription drug has been irresponsibly prescribed or supplied. An appeal to the Supreme Court lies against such an order of the Commission. Clause 58 empowers the Health Commission to circulate amongst doctors, chemists, hospitals, etc. a list of names of persons who the Commission believes on reasonable grounds have obtained or attempted to obtain a prescription drug by unlawful means. This list is privileged, but may not be disclosed to any person other than those to whom it is circulated.

Clause 59 prohibits authorized officers and others from disclosing trade secrets. Clause 60 empowers the Health Commission to obtain information from certain persons, as an aid to the Commission in its administration of the Act. Clause 61 sets out evidentiary provisions relating to analysis, and the holding of licences, etc. Clause 62 provides that the moneys required for the Act are to be appropriated by Parliament. Clause 63 is the regulation-making power. The Advisory Council is to be consulted on all proposed regulations. Regulations prescribing amounts of drugs of dependence or prohibited substances for the purposes of sections 31 or 32 can only be made upon the recommendation of the Advisory Council. Exemptions may be given by, or under, the regulations. The regulations may incorporate a standard, code or pharmacopoeia. Penalties for breach of a regulation is not to exceed $1 000.

The Hon. B.C. EASTICK secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

OMBUDSMAN ACT AMENDMENT BILL

Returned from the Legislative Council without amendment

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1984

Adjourned debate in Committee (resumed on motion).

(Continued from page 3326.)

New section passed.

New section 8 passed.

New section 9—'Name of areas and wards.'

The Hon. B.C. EASTICK: This new section concerns the contentious issue of the change of name of the area of a council or a ward. Obviously, appreciation should be expressed to the Government for recognising the cost involved in any change of name, and the outcome in this regard has been most favourable.

New section passed.

New section 10 passed.

New section 11—'Alteration of the compostion of a council.'

The Hon. B.C. EASTICK: Although I do not intend to move a consequential amendment, I wish to speak to some aspects of the new section. Subsection (2) provides:

> Where the Governor makes a proclamation under subsection (1) providing for new or additional offices in the membership of a council, the Governor may, if he thinks fit by the same proclamation or by a subsequent proclamation, appoint the first persons to fill the offices.

It is fairly dangerous for the Governor to have to make such an appointment, although I realise that such a decision would not be taken lightly and that the Governor would take advice from the Government and seek an assurance that the determination had been made by the age-old method of drawing lots whereby there could be no suggestion of favouritism. Above all, I would hope that the position of the Governor was not compromised.

The Hon. G.F. KENEALLY: Any decision made under Division V shall be subject to new section 15, which provides:

> The Governor shall not make a proclamation under any of the preceding Divisions of this Part except—
>
> *(a)* in pursuance of an address from both Houses of Parliament
>
> *(b)* upon the recommendation of the advisory commission; or
>
> *(c)* in the case of a proclamation under Division III or IV—upon the recommendation of the council affected by the making of the proclamation.

So, that section provides the built-in protection to ensure that the Governor's decision is made as a result of recommendation by another body.

The Hon. B.C. EASTICK: One would hope that the advisory commission, for instance, would exercise the prudence to which I have referred, because this issue could be contentious. For instance, it could apply at present to a newly formed council and someone might decide the question of personnel on personalities.

New section passed.

New section 12—'Alteration of the boundaries of council areas.'

The Hon. B.C. EASTICK: The new section provides:

> (1) The Governor may, by proclamation, alter the boundaries of the area of a council.
>
> (2) The Governor may, by proclamation under subsection (1) or by subsequent proclamation, where the alteration of boundaries affects the areas of two or more councils—
>
> *(a)* make, or make provision for, an adjustment of rights and liabilities as between those councils;
>
> *(b)* make any special provision that may be necessary or desirable in relation to the by-laws that are to apply in parts of the areas affected by the alteration of boundaries;
>
> *(c)* make any other provision that may be necessary or desirable in view of the alteration of boundaries.

Quite obviously this is an area where there will be advice and a considerable degree of back-up. I am not criticising the fact that it is a very far reaching clause, but it could, in its interpretation, be seen to be particularly far reaching because it is non-specific about other matters which might be taken up. No-one would be questioning desirability. No action would be taken unless it could be quite clearly seen that the action to be taken was desirable, but it has potential dangers. Elsewhere in the Bill (and I do not want to develop the argument) the word 'minor' is used in such contexts as overtaking of minor difficulties or minor alterations.

I have drawn to the attention in general discussion with members and persons interested in this Bill that I hope that, by the introduction of 'desirable' and 'minor' in another place, we have not supplanted the word 'substantial' which exists in the present Act and which has been a bone of contention and the centre of a number of legal activities over many years, where certain concessions apply if someone can be said to have a 'substantial' income from a parcel of land.

It is an imprecise word. 'Different' might be imprecise, as 'minor' is certainly inprecise in a Bill of this nature. Having referred to that concern, I do not seek to alter it but merely to alert local government to a very considerable responsibility. In this case the Minister, in his advice to the Governor, has a very considerable degree of concern as to what he determines is desirable.

New section passed.

New section 13 passed.

New section 14—'Abolition of councils.'

The Hon. B.C. EASTICK: Simply stated, the question could be in relation to new section 14 (1), which states:

> The Governor may, by proclamation, abolish a council.

Then there are overriding provisions. I wonder whether the Minister would care to impart to the Committee under what circumstance he would perceive the Governor abolishing a council and what situations in recent times perhaps could have led to this situation. It is a restatement of former clauses in the previous local government legislation. It is presented in a slightly different way and I do not criticise that, but I believe that the Committee would benefit from any knowledge about why it is so constructed today and whether it is so constructed to perhaps allow a recent circumstance to have been more readily sorted out or overcome.

The Hon. G.F. KENEALLY: We cannot foresee any circumstance that would provide the reasons for the abolition of a local government body. Nevertheless, the provision would need to be there if that unusual and unique circumstance occurred. There is no example that I or my officers know of, without going back into antiquity. There may have been an occasion in the last century; certainly there has been no recent occasion on which the Governor has had to take that action. Therefore, whilst we do not anticipate the need to make that type of decision, nevertheless, the provision is there just for unusual circumstances that may occur.

New section passed.

New sections 15 and 16 passed.

New section 17—'Date of operation of proclamations.'

The Hon. B.C. EASTICK: I have written myself a note—make it obligatory to set a date. Proposed new section 17 states:

> The provisions of a proclamation under this Part shall have effect as from the date or dates fixed in the proclamation, or if no date or dates are so fixed, as from the date of the publication of the proclamation.

It is all embracing and obviously intended to cover perhaps some of these unknown circumstances. I believe (and I express this as a viewpoint) that, in the presentation of the proclamation, a matter such as a date would have been one of the very first issues to have been determined and, therefore, what should exist which would allow that if no date or dates are so fixed is a necessary consequence in the clause. I would like some indication from the Minister (if he could) as to why it was deemed necessary to include this or what circumstance in the recent past might have shown the problem. Was it something that happened in Meadows or elsewhere in any proclamation which caused some concern?

The Hon. G.F. KENEALLY: As the honourable member would know, I knew the answer but I thought that I would check it out with the officers to ascertain whether I was right; thankfully, I was. It is a standard Acts Interpretation Act statement, so there is nothing unusual about it. However, we insist on 1 July (the beginning of the financial year) as the appropriate date. It is a standard form of words in line with the Acts Interpretation Act.

New section passed.

New section 18—'Error or deficiency in an address, recommendation or proclamation.'

The Hon. B.C. EASTICK: I refer to proposed new section 18 (4), which states:

A proclamation under this section shall, if it so provides, be deemed to have had effect as from the making of the address, recommendation or proclamation to which it relates.

I take it that proposed new section 18 (4) is there to guarantee or make certain that the element of retrospectivity may apply and that, if there has been an error and as a consequence something has been illegal and we are seeking to make it legal, it must have that retrospective element. The Minister will recognise that retrospectivity, to members on this side of the Chamber, is almost as much a red rag as the closure of Trades Hall is to Government members. I would be derelict in my duty if I did not point out that it is a retrospective effort or consequence. I believe it to be proper and adequate, but I would like that assurance.

The Hon. G.F. KENEALLY: The honourable member should know of a recent example for which this provision is appropriate. It has retrospectivity, it is a clean-up provision, and will be effective from the date of the addressing of making the regulations. But, as the honourable member said, his Party has an objection to retrospectivity in a general sense except in isolated cases. I would submit that this is one of those cases.

New section passed.

New section 19 passed.

New section 20—'Constitution of Commission.'

The Hon. B.C. EASTICK: New subsection (1) *(a)* provides that one of the members of the Commission—

shall be a Judge of the District Court who shall be appointed by the Governor to be the Chairman of the Commission;

Although the Advisory Commission will not necessarily have to meet every day or every week, a number of issues will go before the Commission, and its meetings may be more frequent than is contemplated at the moment. I am concerned the work load of the Judiciary is such that the meetings of the Commission could be impeded because a judge has insufficient time to fulfil his commitments. That is not a slight or criticism of the Judiciary but simply a comment on problems that have existed in the past, a number of activities having been impeded because it has been impossible for the judge so appointed to a commission, tribunal or an inquiry to fulfil his obligations.

I certainly would not want to be seen to be issuing any directives to the senior judge, because that would bring consequences of a diabolical magnitude, but if the Commission is to function effectively a number of problems that have arisen in the past would have to be addressed to expedite its activities. It would be most unfortunate if a vital matter had to be put off until the following week, the following month or even later. I know that one of the ways of overcoming this sort of problem in the past has been to provide for members of such bodies to delegate deputies. Such a provision is referred to in new subsection (5). Will such a provision also apply to a judge? I suspect that the answer will be 'Yes,' although I would appreciate the Minister's assurance.

The Hon. G.F. KENEALLY: I am confident that the provision and the appointments made under it will enable the Advisory Commission to be as effective as the honourable member wishes it to be. New subsection (5) does provide the Governor with the capacity to appoint deputies. That will overcome any emergency situation that might arise. I am aware of the import of the honourable member's statements, but am confident that the provision will work satisfactorily. As experience would dictate, we may have to look at this matter later, but I think we should give the provision the opportunity to prove its effectiveness. I am confident it will do so.

Mr MEIER: The District Council of Riverton has advised that it can see no valid reasons why a member of the Trades and Labor Council should have representation on the Commission. It feels that any person appointed to the Commission should have a wide knowledge of all matters related to local government and that in its opinion the appointee from the TLC would not have that knowledge. Council accepts the fact that the interests of employees are very important but that matters relating to employees would generally constitute only a very minor part in the deliberations of the Commission. Will the Minister comment on that point?

The Hon. G.F. KENEALLY: I think the council is sadly misjudging the qualities of the people working for council. The predominant number of employees working for local government would be members of the AWU or the MOA. Merely because they happen to be a member of one of those unions does not mean that they do not have the competence to make a considerable contribution to the Advisory Commission and to bring to that Commission a good understanding of what is occurring. Such a person would not be appointed without having demonstrated a good understanding of a large part of local government activity. Like all instrumentalities, local government is made up of decision makers, managers, and people who do the work. The Advisory Commission will have representation from those three levels. I have absolutely no fears about the quality of the person recommended to be on the Advisory Commission. Some 10 000 people are represented by the two unions to which I have referred and which have a considerable stake in what local government does.

Both the Party to which the honourable member belongs and that to which I belong believe in worker participation, and this is an example of that. Riverton council may have some concern, but I would suggest to it that the qualities of the people who work within council and who would qualify as a member of the Commission are of no less value than are councillors on the Riverton council itself. That is not meant to be a reflection on the people concerned because obviously they have great merit, otherwise they would not be representing their area. The people elected on this Commission would be representing 10 000 people who work within local government.

The Hon. B.C. EASTICK: The view expressed by the member for Goyder is one frequently expressed in a number of submissions, and I referred to it in the second reading debate, not on the basis that there should not be representation, but rather that there ought to be more direct representation of the AWU or the MOA, as the unions which interface. We would expect in more normal circumstances that the UTLC would make available an officer from that area as its nominee. We cannot be certain of it, though, and it is the uncertainty that is the problem.

As the Minister says, 10 000 people are employed in this area, and very responsible attitudes were expressed by the leaders of these two organisations on a number of the issues canvassed before local government and Select Committees involving recent amalgamations. One does not always have to believe in the philosophy of the people concerned or in all that they are promoting on behalf of their members, but

they are there to do a job, they have done it well, and the advice received from these people—and I speak specifically of Balaklava, Owen and Port Wakefield, as well as referring to what we might call the Meadows, Mount Barker, Strathalbyn exercise—was pertinent to an area of which many of us had no real knowledge. However, there is concern within local government that there is not a more direct application of a guaranteed person from local government, but rather from an unknown body, to counsel organisations—the UTLC. I move:

Page 13, line 38—After 'council' insert 'selected from a panel of three persons.'

The effect is that, where one person is to be nominated, one being a member or former member of a council nominated by the Local Government Association of South Australia, it would read 'one being a member of or former member of a council selected from a panel of three nominated by the Local Government Association of South Australia.' There is a consequential amendment in new section 20 (1) *(b)* (ii) in relation to the issue arising from the UTLC.

It is a frequent and common requirement of legislation, whether it involves a union organisation, the Local Government Association, SAIT, the conservation arena or the United Farmers and Stockowners, that a panel be provided from which the Minister has an opportunity to make a selection. The Liberal Party strongly believes that that course should be adopted on this occasion and I submit the first of the two amendments I have on file.

The Hon. G.F. KENEALLY: As to why it is necessary that a UTLC representative be on the Commission, I omitted to mention one other factor, namely that these days when there are boundary changes the most difficult area to resolve concerns industrial issues, so it is useful—and I say essential—to have someone on the Advisory Commission who is aware and alert and who can be of assistance to the Commission in this respect.

I am aware that it is the usual practice for the Act to require that a panel of three nominees be given to the Minister so that he can select one as the appointee. As Minister, I have always had some concerns about that, and that is why in relation to the LGA and UTLC I have moved away from that principle to asking these organisations to recommend the person they believe as most appropriate. I do that for a very good reason—because the LGA and the UTLC are very important and honourable organisations with integrity, and they ought to be given the status of being able to select for themselves the best person.

If we ask for a panel of three and that is done, the Minister could appoint the least worthy of those three in their view, and I do not think that that is an appropriate thing to do. If the LGA were to suggest to me that it preferred a certain person to be appointed to the Advisory Commission and I were to say, 'Well, that is what you think, give me two other names and I will pick one of those,' I do not know that that does justice to the standing of the LGA, and the same argument would apply to the UTLC. I am merely taking away from the Minister the discretion to select someone who might not be the first nominee of the LGA. The LGA should have that right, and I would accept its nomination.

The Hon. B.C. EASTICK: I ask the Minister whether he is allowed to extend it to three, or whether he is bound by a directive of the UTLC that he may not call for a panel of three. The LGA expressed to me, as recently as this afternoon when I went through these measures with its members, a clear indication that whilst it did not seek to have it included in any discussions that took place, it was quite happy for the matter to be resolved in the normal way—that is, to suggest a panel of three. Whilst I have no specific authority to speak for the LGA as such, I think I can relay a message given by the President and Secretary-General of the organisation that they are not unfavourably worried by such a proposition. It would be foolish of me to proceed and say that we will write it in for the LGA, knowing that we will not succeed in so far as the UTLC is concerned. I genuinely believe, in all sincerity, that the Minister loses nothing at all by having it written in in respect of both organisations.

He would make the selection which would be ratified by Cabinet, I expect. It may be that he puts forward Joe Bloggs' name, that having been the top one or the only one put up by one of those two organisations, and another Cabinet Minister says, 'I have him (or her) in contemplation for this appointment which will be made next week'. Immediately, the Minister has the opportunity, knowing that the organisation to which he has referred the matter inevitably would have put its first preference, possibly in its letter of reply, on the top, leaving the discretion to the Minister as provided by the Bill and giving him that degree of latitude.

That is one of the great attributes of the system which applies in so many pieces of legislation, which allows a person who will not be unduly loaded to be taken. I have already referred to that problem in respect of the judge. Frankly, I am somewhat concerned with a number of pieces of legislation that go through this Parliament. Even though 'deputy' is now a fairly frequent term which ties in, for example, with a director of this or that department, one is loading the top echelon of administrators with a plethora of additional duties.

It is good that they should be there, but one can be tied in in circumstances that I think reveal that there are two or three committees or advisory commissions to be undertaken at a given time. If the Minister is tied to one, he either has to hold up appointments whilst he responds to the suggestion from his colleague in Cabinet or he stands aside immediately the organisation suggests Susie Smith, or Bill James as well as Joe Bloggs. This set of circumstances has arisen when a person is tied in and says he or she will proceed if necessary, but asks whether one would reconsider the position. The Minister is in a position to pick the obvious deputy from the list of three. He does not have to respond subsequently by asking who should be the deputy. A panel could be used for primary and deputy appointments.

The Hon. G.F. KENEALLY: I think we will have to agree to differ. There has not been any instruction, as the honourable member would put it, or contact by the Trades and Labor Council to me, saying that we have to accept its nomination. The other matter was whether or not in Cabinet it could be difficult because one person had been recommended for a number of positions. Cabinet does not recommend people for positions unless it has discussed it with them or the organisation they represent. If a person has been overloaded, that person or organisation will know. But, as the honourable member can see, I have just discussed this matter with the member for Florey, who is Chief Executive Officer of the South Australian Trades and Labor Council. He has a more intimate knowledge of the operations of the Council than anyone here and most people in South Australia. He has pointed out to me a fact of which I was not aware: if I were to ask the Trades and Labor Council for a panel of three it would give me one name. It traditionally does this. It sees it as its nomination, not the Minister's nomination.

I reached the same conclusion independently of the Trades and Labor Council. I see it as its nomination to a commission for which the Government is responsible. I suppose, in a sense, this provision is merely a response to the fact that although we have only one nomination from the Trades and Labor Council anyway, if we wanted to ask for a deputy we could go back to the Council and ask for a nomination

for that position. In terms of inconvenience to the Minister, we are only talking of a week, if one seems to be overburdened or needs to make a decision. I introduced this measure with the support of my colleagues, based on our respect for that organisation which we asked to nominate a person on the commission. The nominations are its nominations, and not those of the Minister or Government. I oppose the amendment and ask the Committee to vote for the provision as it stands.

Amendment negatived; new section passed.

The Hon. B.C. EASTICK: I will not proceed further with this matter because it would be farcical. I felt that the first amendment was most likely to have been voted for. It was an open invitation to accommodate my suggestion. If one goes, the other goes. It is most unfortunate. I accept all that the Minister has said and I accept the advice he obtained from the member for Florey, and the reality of it. There is no question that my suggestion would have given a more fluid approach and I would have thought that accommodation of it was possible without causing difficulty.

New sections 21 to 23 passed.

New section 24—'Quorum and decision of Commission.'

The Hon. B.C. EASTICK: I draw attention to subclause (2) which provides that a decision in which three members of the Commission can concur shall be a decision of the Commission. Obviously, if there is a full meeting of the Commisssion, which would be five members in total, and a decision is made by three members, that will be a positive decision. There could be no argument about that. However, I question the wording as almost suggesting a loaded voting value. I do that against the background that if, for example, there were only three members of the Commission present and a quorum was present, one would have a unanimous vote, otherwise no decision would be reached. For a Party, a Minister and an organisation that preach democracy, I ask where is the democracy in demanding a total vote. It might be said that three is a majority of the total Commission. Therefore, a decision is not made by a minority of the Commission, two being a minority. But, if due and proper advice has been given at the meeting and apologies are received from the other two, I see some difficulty in the Commission's activities proceeding. They could not come to a decision because they could not get unanimity of thought.

One has to reconvene the meeting and make sure that there are four members in the hope that three will say 'Yes'. That is awkward. It might be logical in some circumstances, but I doubt that. However, it seems to be placing an undue restraint upon a group of people whom one has charged with a responsibility. The Minister, in dealing with new section 20, pointed out that these will be responsible people, nominated by the organisations, and there is no need at all to question their integrity or whatever. I do not, but I feel that in this construction we are possibly hog-tying the Commission into a position that it has to have a consenting quorum or no decision.

The Hon. G.F. KENEALLY: The honourable member has eloquently argued both sides of the case. Sometimes I suspect that he would make a very good lawyer, and I am prepared to stand by that. Of course, the honourable member draws to the attention of the Committee that a vote of three is a majority vote of the full numbers of the Commission, even if three members is a quorum. This Commission will be making vital decisions which impact upon the workings of local government, very important decisions about local government and its future, and the Government felt it was essential that there should always be a majority of the total number of members of the Commission. That is the reason why it has provided that, if three constitutes a quorum, there should be an affirmative vote of those three before the motion can be carried.

New section passed.

New section 25 passed.

New section 26—'Reference of proposals to the Advisory Commission.'

Mr MEIER: I bring to the Minister's attention comments from the District Council of Wakefield Plains, as follows:

> It is acknowledged that this clause is essential to overcome the legal problems of petitions and counter-petitions currently required to alter local government boundaries. There are two cases of the Supreme Court, known by council, namely *D.C. Lincoln v C.T. Lincoln and C.T. Henley and Grange v State of South Australia* which illustrate the legal constraints imposed on local government when attempting to adjust boundaries.
>
> Although it is believed that the intent of this clause is essential, council is of the opinion that the following points should be addressed:
>
> > Paragraph (6) reads ... 'unless satisfied that the change proposed is of a minor nature only.'
>
> Council questions the inclusion of the above in the Bill. It is generally felt that the interpretation of minor nature may cause problems as being experienced with the current planning legislation.
>
> Council suggests that the 'minor nature' provision be deleted from the Bill and clauses 7 to 8 be modified so that only those persons, groups, etc. who made written representations or request to be heard by the Commission within the prescribed time shall be permitted to be heard at hearings. If no submission is made or no request in writing to be heard is received, then there should be no requirement or obligation on the Commission to conduct a hearing and the matter would be deemed to be of a minor nature by the public not the Commission.

Will the Minister comment on those suggestions?

The Hon. G.F. KENEALLY: This provision exists in the current Act, so we are not introducing a new measure. It is merely repetition and sometimes the terminology is slightly different because, as the language changes, the Acts do not always change, so we have tightened up the language. Regarding minor matters, if a ward boundary cut through a school (which is an example that has been given to me), it could be adjusted so that the entire school was in the one ward. There are a number of examples like that that are regarded as minor matters and they arise more frequently in a council area where a growth pattern exists.

However, these decisions are never made, I am advised, unless they are discussed and agreed to by the council. A minor matter involves taking a decision to assist the council over a problem which exists, over which there is no controversy, and of which the council itself is supportive. This provision exists under the Act.

The Hon. B.C. EASTICK: The Minister has picked up the minor issue which was discussed earlier, but I laud the inclusion of proposed new section 26 (5), which provides:

> A proposal, the subject of an application under subsection (2), shall not be referred to the Commission if previous application to the same or substantially similar effect has been reported upon by the Commission within three years before the date of the application.

I made representations to the Minister's forebear, the Hon. G.T. Virgo, but constant attack was fairly demeaning and certainly reduced the size of the budget by the amount that was put into defences and similar things. We had in mind the Munno Para situation, with attacks from a number of different directions. The mind boggles (and I say this quite respectfully) as to the amount of money which has been expended in that area and in adjacent council areas in looking at boundary issues for a long period of time, be it advertising, promotion, the time of individual office bearers, legal fees, and so on. Something which gives protection after a decison has been made whether it precisely covers the Munno Para situation or similar is no real problem to me. It is good that there is that protection. Proposed new section 26 (8) states:

> At a hearing held pursuant to subsection (7)—

(a) any person who made written submissions to the Commission shall be entitled to appear personally or by representative and be heard upon his submission;

Of couse, I suspect that 'representative' here is legal representation. The opportunity exists for it to be legal representation. But then we open Pandora's box and so the amount of money expended flows. I am very sorry to be in any way reflecting upon the member for Hartley, but he is a realist and I know that he recognises that his great wealth has been by virtue of the fact that legal representation could be made in a whole host of tribunal situations.

The Hon. G.F. Keneally interjecting:

The Hon. B.C. EASTICK: I am glad that he does. I have always found him to be truthful. I point out, and obviously the Minister has given attention to this, that when that situation arises invariably the cost of the whole exercise becomes greater. There is also the reverse situation, which applies very much to our general justice system, that some people are frightened off from claiming their just dues or rights by the fact that it will cost them more than they can expend or more than they have got to defend their position or seek to put their position. Quite a number of these issues are big issues and therefore probably need the skill of legal representation. However, it would be wrong of me not to highlight my concern on behalf of local government that money is expended unnecessarily—whatever 'unnecessarily' means.

New section 26 (11) *(a)* provides a worthwhile attribute, namely, that where a fresh public notice has been given under subsection (6) in relation to the alternative proposal and a hearing has been held under subsection (7) in relation to that proposal certain action will be taken. That provides double protection, which is commendable because, after a matter has been followed through, it will not be possible for people to claim that they were unaware of the likely consquences. These are important advances.

New section passed.

New section 27—'General advisory function of the Advisory Commission.'

The Hon. B.C. EASTICK: The Minister may refer any matter affecting local government to the Commission for advice. I hope that the Commission will not be over-loaded. I have already referred to the matter of people on the Commission and their involvement in advising local government. I am not suggesting that the Minister will seek to duck for cover, but a quite judicious approach will have to be taken in regard to the amount of work that the Commission is given at any given time. If it becomes apparent that there are many issues requiring reference to the Commission, then we may have to give due regard to providing assistance by other means or to allowing the Commission to operate by way of subcommittees of the whole, even though that may overload some members. However, I believe strongly in the advantages to local government of the Advisory Commission. Its work for local government will be effective as long as it has the ability to address itself in an unflurried fashion to matters of importance.

The Hon. G.F. KENEALLY: I give the honourable member an assurance that as long as I am Minister I will not be passing over to the Advisory Commission matters which are rightly matters to be considered by the Minister or the Department. Reference to the Commission will be done judiciously. I know that the members of the Commission will have responsible positions, and I imagine that there could be a fairly heavy work load for them. I take the honourable member's point that matters referred to the Commission should be considered without pressure from an overload of work. I can assure the honourable member that I will be making decisions that are appropriate and those matters which involve a statutory requirement for referral to the Commission will be so referred. Other than that, I will be quite judicious in regard to referrals.

New section passed.

New section 28—'Periodical reviews.'

The Hon. B.C. EASTICK: This is another clause concerning policies that will be beneficial for local government. These advances will be of tremendous advantage to local government. Because of the new local government provisions there will be a lead time before councils and their administrative staff come to grips with all the issues and the changes. At the same time many members of the local government fraternity, the senior executives, hopefully, will be tilting their swords in regard to further rewrites of other sections of the Act. It will be a very busy and hectic time for local government, but the opportunity will not be lost for local government to consider further reviews and to measure itself against certain standards. I have referred already to the necessity of having a peer review situation, even better than that which applies at present. In line with the aims of the Institute of Municipal Management we should provide to councils a moratorium during the first three years, so that the first review of the cyclic seven year review can be undertaken and concluded by the end of 10 years.

The Minister has other powers and opportunities to conduct other reviews of councils' activities if it is considered that councils are failing to fulfil their obligations to the communities which they represent or that there are other problems that ought to be addressed. By providing a three-year moratorium the opportunity of the Minister and the Department will not be lost in taking an active role in situations that ought to be nipped in the bud before they become calamities, but apart from that I would suggest to the Minister that he accept the proposition contained in the amendment. I move:

Page 18, line 22 After 'determine' insert '(but being not earlier than the expiration of three years from the commencement of this section)'.

That will provide for a 10-year period to apply. I look forward to the Minister's response.

The Hon. G.F. KENEALLY: The quick answer is that the Government does not accept the amendment. I ask that the Committee vote against the amendment for two reasons. Some councils have totally undemocratic boundaries: if a three-year moratorium were to apply, the 1988 election would be held while those undemocratic boundaries still exist. We will be seeking to democratise those council areas involved. The other reason is that many councils have already conducted their own review of the boundaries of their wards; so, there is continual progress. Therefore, I do not believe that the sorts of problems that the honourable member fears will arise will occur, because councils are currently doing things that we wish them to do—not all councils, and some will need a push. Perhaps they are the councils that the honourable member is seeking to assist.

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

The Hon. G.F. KENEALLY: For the reasons given prior to the dinner adjournment, the Government opposes the amendment.

Amendment negatived; new section passed.

New sections 29 to 31 passed.

New section 32—'Power to give directions.'

The Hon. B.C. EASTICK: I move:

Page 20, after line 16—Insert subsection as follows:

(1a) A direction shall not be given under this section unless the council has been given a reasonable opportunity to make submissions to the Minister in relation to the report.

New section 32 provides:

2. (1) Where a report to the Minister under this Division or a report made by the Ombudsman in relation to a council pursuant to the Ombudsman Act, 1972, discloses that—

(a) the council has failed to discharge a responsibility under this Act or any other Act;

or

(b) an irregularity has occurred in the conduct of the affairs of the council (either in relation to matters arising under this Act of some other Act),

the Minister may give directions to the council designed to prevent the recurrence of such a failure or irregularity.

The Opposition has no argument with that. However, there is no consultation with a council in the first instance to determine whether in fact the decisions of the Ombudsman in respect of a transgression are totally correct, or whether there is a ready explanation that has not been related. The Minister should not proceed without that consultation and, quite clearly, he recognises the importance of consultation. I will not debate new section 33 (2) at this point, but it provides:

A recommendation shall not be made under this section unless the council has been given a reasonable opportunity to make submissions to the Minister in relation to the report under this Division.

I believe that a defence should be written into proposed new section 32. I believe that its omission is possibly an oversight. I am pleased that the Minister thinks likewise and believes that my amendment is a useful adjunct to the proposition. It will make certain that the relationship that should exist between the Minister's office and member councils will be forthcoming. I ask the Committee to follow through the matter by supporting my amendment.

The Hon. G.F. KENEALLY: Lest it be thought that the Government is not able to accept logical and reasonable amendments, I assure the Committee that we can and that the amendment is acceptable.

Mr MEIER: The District Council of Wakefield Plains has brought up several factors in relation to this new section, to which I draw the Minister's attention. The council states that it is not opposed to the concept of being accountable for its actions or inactions on an investigation made by the Ombudsman. However, it submits the following points and questions for consideration:

Would the provisions of the Ombudsman Act still apply, namely, sections 25 and 26? Or, will these sections be modified so the necessary action under the Local Government Act only would apply—that is, defaulting council?

Considered that the provisions of the Ombudsman Act, that is reporting to Premier, the laying of a report on both Houses of Parliament, etc, is strong enough to deter any council from not acting on a report made by the Ombudsman. (The power of the Ombudsman to publicly belittle a council is considered to be quite a deterent.)

The possible inaction by the Minister on the Ombudsman's report may place the Minister in an embarrassing situation when considering the present provisions of the Ombudsman Act.

I ask the Minister to comment on the three points raised by the District Council of Wakefield Plains, because I think it has certainly done a lot of work on all the clauses of this Bill generally, including this clause.

The Hon. G.F. KENEALLY: The Ombudsman Act will still apply. I point out that the Act has been amended since the occasion mentioned by the honourable member. We take up the matter only if there has been an illegal act, not merely if an opinion has been expressed. The critical answer required by the honourable member is that the Ombudsman Act will still apply. The particular incident mentioned by the honourable member has already been addressed in the legislation.

New subsection inserted; new section as amended passed.

New section 33—'Declaration of council as a defaulting council.'

The Hon. B.C. EASTICK: I move:

Page 21, after line 27—Insert subsection as follows:

(11a) The Minister shall, as soon as practicable after his receipt of a report under subsection (11), forward a copy of the report to the person suspended from the office of mayor or chairman of the defaulting council.

New section 33 (11) provides:

(11) The administrator or administrators appointed under this section shall report to the Minister at intervals of not more than three months on the administration of the affairs of the defaulting council.

I suggest that, as we provided an opportunity in the previous amendment for some form of consultation, the consultation that should occur in this instance should be by way of a copy of the report to the mayor or chairman of the defaulting council. Once again, if there is a glaring error in a report, not by intent but an issue that can be answered, an opportunity should be given to the former mayor or former chairman of the defaulting council to receive the report and respond. I was sorely tempted to extend the provision to the mayor or chairman and the councillors of the defaulting council.

However, I believe it will be adequately covered by going to the mayor or the chairman. It is ultra-cautious and a matter which could impinge upon the public integrity of the previous members of the council, more particularly the person who had been the chairman; therefore to make certain that there is no lasting problem within the community as a result of some simple answer being available to the report which is forwarded by the administrator, I seek the support of the Minister to have this new subsection inserted.

The Hon. G.F. KENEALLY: I would like to give this amendment some further consideration, and have the officers of the Department look at it. I have some doubts, but I understand the honourable member's position. The Government will vote against the amendment but give an undertaking that it will be looked at seriously, and it can be picked up in another place and addressed there. If we feel that this matter ought to be in the Bill, we can come back to the honourable member about having that amendment moved. I do not want to foreshadow any final decision, but it will be looked at before the Bill is debated in the Upper House and we will have a decision for the honourable member.

The Hon. B.C. EASTICK: I accept that proposition. I wondered whether we were not creating a problem with a legal twist in the tail that, in the case of a person who has ceased to be mayor or chairman, the passage of such a document, if it is in his belief something which is against his best interest, whether there would be the opportunity of his taking that administrator's report and making it the basis of a legal action against the administrator, the Minister, or whoever. I am casting the net widely but I appreciate that it needs to be considered, and the repercussions and ramifications sorted out. With the assurance that the Minister has given I will not seek to divide the Committee, or do other than vote for the amendment in the first instance.

Mr MEIER: I bring to the Minister's attention the District Council of Wakefield Plain's comment in relation to new section 33, which states:

Council specifically refers to paragraphs (6) and (13) of this clause which in essence say: that all members of the defaulting council shall be suspended from their respective offices by proclamation until such time council ceases to be a defaulting council—

On the two subsections *(a)* and *(b)*. Further on it states:

Council believes that in the event of such a drastic action occurring, that is, declare a council a defaulting council, the following should take place rather than as provided in paragraph (13):

The administrator appointed to administer the affairs of council be required, within a period of three months or such other longer time as determined by the proclamation declaring a council to be a defaulting council, to conduct a supplementary election for all offices.

Council based its opinion on the following:

(1) Term of council three years—council may default in first year.

(2) It enables the democratic process to take effect by the election process to hopefully remedy a serious local problem.

(3) The administrator's time could be shorter notwithstanding that council may maintain him after the supplementary election on a consultative basis.

I would appreciate the Minister's comments in relation to those matters.

The Hon. G.F. KENEALLY: As to the period of three months referred to, it could take longer than that, so an arbitrary figure of three months may not be appropriate. The proclamation will be for 12 months and it would need to be replaced so, it then comes back to the Department to do it by further proclamation. The effect of the honourable member's suggestion to introduce such a provision would dismiss the council after three months when we are suspending the council only. If the honourable member looks at his proposition, he will see that what he would be attempting to do would be to dismiss the council, so the protection is there.

Amendment negatived; new section passed.

New sections 34 to 40 passed.

New section 41—'Delegation of powers of council.'

The Hon. B.C. EASTICK: In relation to new section 41 (5), even though it might have appeared in the Act previously, it is important and it is necessary that it be promoted to local government through its association or by some departmental recommendation. My experience and that which has been conveyed to me by a number of council members has been the difficulty of being able to necessarily determine what delegations or authorities had been given, it being presumed that all was well, even though some of those actions may need to have been taken annually but were not. However, at some subsequent stage, when there was a breakdown, there was always a query as to who, by the failure of the officer or the failure of the council to fulfil an obligation under the delegated power, should take the blame.

New subsection (5) is as important a subsection as there is in proper administration. I am appreciative of it in that form, and perhaps the Minister might take the opportunity as a Ministerial directive or through his Department to highlight this as an important responsibility of council administration.

New section passed.

New section 42 passed.

New section 43—'The mayor or chairman.'

The CHAIRMAN: The member for Light has an amendment consequential on the amendment moved to new sections 6, 7 and 11.

The Hon. B.C. EASTICK: I do not seek to proceed with that matter until it comes back by way of the report from another place, but there are one or two aspects of new section 43 I would like the Minister to explain. In the past eight to 12 months several instances have come to light of a family member of a member of council being an employee of the council. For example, one person had been a councillor for almost four years; his wife was employed in a very minor role as a part-time nurse associated with the vaccination clinic organised by the council and its department of local health. I find any such preclusion rather an unnecessary restriction and discrimination against a councillor's family, although it could be seen as a conflict of interest where people were involved on both sides of the coin.

One could talk about the position of mayor or chairman, councillor or alderman. More specifically, I am looking at exclusions which prevent a person from being in any one of those roles. Within the District Council of Clare, a person was nominated for a position, and after nominations closed the nomination was refused because the brother, son or possibly the wife was employed in a minor role. This happened because a section in the Act was not properly understood. There may be many more such transgressions in the local sense, where one could be elected and a member of the family be involved in the way I have mentioned. Can the Minister indicate whether any major conflict has arisen in this area? Has the Department looked at the position and considered that permanent or significant employment should be involved before the section is invoked?

The Hon. G.F. KENEALLY: I have been advised that in one case a wife of a council employee could not be employed under a CEP programme. We have taken that out completely so that that person could participate in that programme. I have been advised that the very point the honourable member raises has been taken care of: members of the family can be employed within council.

The Hon. B.C. EASTICK: That is the issue, but there is a discrimination, I suggest, to some degree. In a country area, the only nursing sister might be the wife or sister-in-law of—

The Hon. Jennifer Adamson: Or the husband of—

The Hon. B.C. EASTICK: Yes—to bring a nursing sister to a country clinic involves not only the cost of employment but also considerable transportation costs. I raised the matter of a person filling a part-time position as a librarian, a very worthwhile adjunct to the town library, yet there was a conflict under the Act as it previously existed. The Minister indicated that some leeway has been given. He may have some information he would like to impart.

The Hon. G.F. KENEALLY: I am sorry, I did not explain the position as well as I might have. The Bill provides for total prohibition to be lifted. Any spouse, or member of the employee's family can be employed. There is now no prohibition in any area of local government as to who can and cannot be employed. Discrimination no longer exists, because there is no prohibition.

New section passed.

New sections 44 to 47 passed.

New section 48—'Vacancies.'

The Hon. B.C. EASTICK: New section (1) provides:

The office of member of a council shall become vacant if—

then comes a series of directions, in paragraphs *(a)* to *(g)* inclusive, and new subsection (2) provides:

The office of a member of a council does not become vacant by reason only of the fact that the member, after his election or appointment, ceases to be an elector for the area.

I am happy about that situation. I take it that the person in question will cease to be a nominee in future because he would not have the qualifications. A person could be involved if domiciled in the appropriate area. The Local Government Association has with impugnity been associated with such a situation involving two past Presidents, its immediate past President having forsaken the role. I refer more particularly to new subsection (3):

Where a member of a council, has been nominated for election to some office in the council other than one that he presently holds and does not withdraw the nomination, the office in the council presently held by the member shall become vacant upon the conclusion of that election.

I take it that this provision allows a councillor or alderman wishing to nominate for the mayoralty to go back to councillor or alderman, or an alderman to seek the mayoralty or go back to the council, to lodge an application without the requirement under the old Act to obtain the leave of council to nominate or withdraw. If my interpretation is correct, I believe that the new provision is quite sound and overcomes many existing problems.

However, I believe that it does not address the problem involving the returning officer, if at the close of nominations

he has not received a nomination for the position that will be vacated at the election. Can he proceed to call for nominations for an extraordinary or supplementary poll because at the time the office is being held, and will be, until the day of the election, when the nominee seeks to move from one office to another? I wish to ensure that, if a provision is required to overcome what might be an anomaly that has not been covered, it be inserted if not in this place certainly in another place.

The Hon. G.F. KENEALLY: The problem that the honourable member addresses has been considered, but if he is happy about this I will have a full written report prepared for him explaining how the problem he addresses has been resolved. I guess that that means that the honourable member has to take me and my officers at our word. I assume that he does not intend to move an amendment or call for a division. I expect that he might be content to have a full report, and then there will not be any confusion about the transfer of information through a second hand.

The Hon. B.C. EASTICK: I am quite happy for it to pass back through four hands, and I will certainly trust those who give the advice. I hope that the potential anomaly to which I alluded has been understood. Certainly it is a different situation from what has applied in the past. It really becomes a question as to whether a returning officer can call nominations for a position which is not already vacant. It is contemplated that it will be vacant, and I suppose that *de facto* it is sufficient evidence that a supplementary election will be required. However, I want to make sure that, if we need to address the matter by way of an amendment, we will do so when it returns from another place.

New section passed.

New section 49—'Allowances and expenses.'

The Hon. B.C. EASTICK: I move:

Leave out subclauses (1) and (2) and insert subclauses as follows:

(1) There shall be payable—

(a) to the mayor or chairman of a council an annual allowance fixed under this section;

and

(b) to each member of a council reimbursement of expenses of a prescribed kind incurred in carrying out his official functions.

(2) Each council shall, at its first ordinary meeting held after the first Saturday of the month of May in each year (but not, where periodical elections are held in that year, before the conclusion of those elections), fix the rate of the annual allowance to be payable to the mayor or the chairman (as the case may be) of the council.

Lines 19 and 20—Leave out subclause (4).

Line 23—Leave out 'a member of a council holds an' and insert 'the mayor or chairman of a council holds that'.

Lines 28 to 33—Leave out subclauses (7) and (8).

The amendment to lines 19 and 20 is consequential. This issue was addressed in the second reading debate not only by me but also by a number of other members. In fact, members from both sides traded views on the issue and sought to determine the relative virtues or unfortunate aspects of its application. There has been no suggestion from members of the Opposition, nor would there be, that the allowance which is the province of the chairman and the mayor will remain. It is well known that it is by no means a payment for services. It is as it states: an allowance for the mayor or chairman, which is totally, and sometimes only on the periphery of, the amount of benefits which the mayor or chairman provides for the community that he serves, or perhaps reimbursement for some of the expenses associated with giving that service to the community in a social and community minded way.

However, Opposition members, and indeed many members of the community who responded as local government organisations, sought to have the voluntary nature of local government maintained and to ensure that there be no allowance by way of what one could call a stipend or sitting fee to members of council. They were perfectly happy that *bona fide* expenses associated with attending meetings, meal or mileage expenses incurred in connection with activities associated with local government, should be maintained and that individual councils are masters of their own destiny in regard to that matter. New section 49 (4) provides:

The rates of the annual allowances and the prescribed limits upon the rates may vary in relation to different offices of members.

A number of people concerned were not impressed at all by the fact that the council would find itself in a position of being responsible for determining how much the mayor, alderman and councillors would receive. Conceivably one would be in a position of saying, 'Does the rural ward councillor get more than the city or urban ward councillor?' and it could become an absolute fiasco.

We believe that there is an advantage in there being no payment to local government, and we would seek the concurrence of the Minister in accepting the amendments I have on file. I provided to the members some documentary evidence of how the various councils voted, and I acknowledge that it was not totally exhaustive, because we were unable to include returns from 25 of the councils. I am led to believe from a comment that the Minister made that he probably has about 120 responses. For example, we were advised by members of the council at Tumby Bay and one or two others that they had no intention of responding at all to the request, and in the manner in which it was presented it was not that they would not provide it to us or our colleagues in that locality, but that they would not respond to the issue at all. Whether or not that was the case, really does not matter.

In regard to the payment of allowances, 49 councils out of a total of 125 were against the proposition; 29 councils made no comment; there is no record at all of the attitude of 15 councils; and 22 councils agreed with the proposal or gave qualified approval. It is interesting that a number of councils qualified their approval by indicating that it was not a good thing but, if the Local Government Association saw fit to go along with it, perhaps they could accept it. A great deal of concern was expressed in regard to the provision in the Bill stipulating that an individual could decide not to take the allowance. Other councils suggested that if one took it they should all take it. I believe that it is not a requirement of local government at this stage. If the Minister wants to promulgate the matter and debate it in greater detail at a later time, if he wants to put up a series of options for the councils to address with a view to their making a suggestion in this regard later, so be it. However, I suggest strongly to the Minister that at present there is no basis for it, having regard to the view that has been expressed by councils. Further, the figures indicate that seven out of the 26 city councils are in favour of the provision. None of the municipalities agreed to it, even on a qualified basis, and only 15 out of the 88 district councils agreed with the proposal. A comment made frequently by councillors to members on this side of the House, and maybe to members opposite, is that the virtue and advantage of local government is its voluntary nature and that a situation where people serving on councils are those who want to serve the community and not those who want to make something out of it on the side should be maintained at all costs. It may be rather cynical to adjudge that people might go into local government for what they can get out of it, but the Minister has been around long enough to know that that is the attitude of some people. I believe it would be unfortunate if that occurred.

In this regard, a number of people gave qualified support on the basis that they would be assured that the allowance would not be taxable. They were quite clear on that matter.

I understand that it would be a sitting fee or a stipend and that therefore it would be taxable. The allowance given in lieu of expenses incurred due to travelling or for meals or accommodation involves a *bona fide* deduction, which is as it should be. Because of the uncertainty in this area, I seek the Minister's concurrence in supporting the amendment. That would put paid to this matter at present, recognising that the proposal could be instituted later as a positive incentive if after debate a case was made.

Mr MEIER: I support the comments of the member for Light. I referred at length to this matter during my second reading speech. The member for Light referred to various statistics, and in that regard I would point out that of the 12 councils in my district that responded on this question, nine (or 75 per cent) indicated total opposition to this measure. The other three councils indicated that they could see no point in having an allowance if one could decide whether or not to accept it. Perhaps this was best summed up by the council, which stated:

> Council believes that the proposed confidentiality of members not accepting an allowance, as provided in subsections (7) and (8), would not eventuate in practice. For instance, the confidentiality aspect would be breached when an accounts for payment report is submitted to council to pass payment.

Therefore, everyone in the council would soon know who had accepted it and who had not. The three councils which did not agree with a complete 'no allowance' stance expressed similar ideas in that respect. I think it is a fact that councils, particularly rural councils, consider that members of councils carry out their duties as a contribution to the community and that the existing provisions of the legislation, to reimburse the out-of-pocket expenses of people in carrying out their duties as councillors, are quite sufficient. I believe that the District Council of Minlaton put its case quite well. It stated:

> It is the council's opinion from experience over many years that people are prepared to accept the position as a councillor knowing that they will not receive any allowance or remuneration other than out-of-pocket expenses. The paying of allowances would not in fact, improve the quality or quantity of persons nominating for council.
>
> The proposed provisions whereby a member may decline to accept the allowance is very naive. Obviously in any council it would not be hard to deduce those who have accepted the allowance, and those who have declined.
>
> If this section remains in the Act, and is proclaimed, the provision should be that the allowance must be paid to all members. Any member who did not wish to keep the allowance could pay it to any charity, district organisation etc. of his choice.

I think that the amendment goes a long way towards correcting the anomalies that exist in the Bill at present. Another council pointed out that from the point of view of economics at this time the provision would be most unwise. Councils have been forced to put up their rates significantly over the past few years, and if they are required to pay their councillors, that money will have to come from the ratepayers. I hope that the Minister accepts the amendment.

The Hon. JENNIFER ADAMSON: I oppose the clause as it stands and support the amendment on four grounds. First, I believe that the voluntary aspect of local government service is important and is what gives local government in South Australia its unique and most impressive characteristic. One has only to travel around the State and meet and speak with elected members of local government in the metropolitan and rural areas to realise the dedication they bring to their job, a dedication that is born of absolute free will and a choice to take on what they know is honorary work for the community. This attitude, I believe, uplifts the quality of representation in local government. It provides a magnificent example to all other members of the community engaged in a voluntary pursuit of some kind or another and it creates very strong bonds between local councillors and the members of the voluntary organisations with whom they work.

To me, that is a most striking feature of local government in South Australia and is one of which we should all be proud and, I believe, is something that we are all proud of. It is something that should be preserved. The second reason why I oppose the provision relates to what I would describe as access. I listened very carefully to the speeches made by Government members when they spoke about these so-called reforms in the Bill as representing opportunities for access which previously have not been available to some people who would have liked to serve in local government.

The provision of expenses in effect makes access relatively simple for anyone who wants to serve on a council. In other words, there is no financial barrier to serving in local government because it would cost something to provide that service. Those barriers are removed by other substantive subsections of the new section. I do not believe that anyone could or should support this concept on the grounds that it provides access. It does not, because access is already provided in terms of the expenses provision.

My third reason for opposing this new section is because I believe that the provision of allowances will impose considerable cost burdens on ratepayers. In these times of financial stringency, that is important. I believe that it is equally important when economic circumstances improve. A significant cost burden will be added to the budgets of local government authorities, and money will be directed in pursuit of goals that have nothing whatever to do with the betterment and improvement of the citizens of an area. I also believe that the payment of an allowance will alter, albeit subtly, the present relationship that exists between ratepayers and councillors. I believe that ratepayers have great respect for the fact that councillors provide their services on an honorary basis. I believe that that respect will be adversely affected if sitting fees are introduced.

Finally, I believe that the effect of the mechanisms in the new section, as detailed by the member for Light, will affect attitudes between councillors and attitudes between councils. The thought of a group of men and women sitting around a table trying to determine who gets what and how one divides up the allowances between the aldermen, councillors and the mayor is not, in my opinion, an edifying prospect. Similarly, once that procedure has been completed, I have no doubt that anxious eyes will be cast across council boundaries to determine what a councillor receives in, say, Burnside, compared with what a councillor receives in, say, Campbelltown. I know that these decisions will be taken in open council, and presumably councils will have some basis for their decision making. However, it is not a good principle that people should determine their own fees. In fact, it is a completely unacceptable principle and one to which this Parliament has long refused to subscribe.

For the four reasons that I have outlined, that is, the effect of this provision on the volunteer aspect of local government, for its failure to do anything beneficial in terms of improving access, for the adverse effects of its costs, and for the adverse effect on attitudes between councillors and between councils, I oppose the new section and support the amendment.

Mr LEWIS: I rise to speak to the new section because of the extent to which the councils in the district that I represent have protested about the odious effect of the payment of an allowance to them over and above what they are presently paid for out-of-pocket expenses, and so on, and the almost unanimous condemnation that has come from those councils. The member for Coles has outlined most of what I was going to say. Certainly, anyone following the debate will be aware of the excellent contributions that

have come from the member for Goyder and the member for Light. I support the amendment moved by the member for Light.

Mr Gunn: Ably moved.

Mr LEWIS: Yes, most ably moved. The entire passage of the measure has been ably handled by the member for Light on behalf of the Opposition. I would like to add one other factor to the comments made by the member for Coles. As I explained in my second reading speech, most people in rural communities regard themselves in the first instance as being responsible for themselves as individuals; in the second instance they are responsible for their families and the family unit; and in the third instance they are responsible for the total welfare of their communities. Therefore, district councillors in that context do not see themselves as being any different to members of, say, a local Rotary Club or Lions Club in the way that things are done around their communities. They have great resources at their disposal and have legislative power to stop certain things that they collectively do not want. However, councils do not want to destroy the very good relationship that they have on balance with other people who serve a local community with equal dedication, equal effort and equal personal contribution in other community organisations, be it an institute committee, a progress association, a service club such as Lions or Rotary, or the committee of a sporting body. They are all integrated and they are all voluntary. Councils see no reason why they should be forced, through this legislation, to be made different in the eyes of the rest of the community.

That environment and the mores of the people who live in those areas and are very successful in the way that they conduct their affairs without having to rely on tax dollars to the same extent as urban dwelling communities mean that they do not want to offend the delicate, stable and longstanding relationship that they as individuals have in the integrated role that they play as elected representatives in local government. If we do not pass this amendment, we will impose that upon them. I can almost hear the Minister saying, as the member for Mawson said last night, 'We can, and indeed this measure does provide that they need not take the allowance.' As the District Council of Peake in my district pointed out, it is immediately discernible as to which councillors decline the allowance. That will make an even worse division in the community, because it will divide the council. I do not see that it is in any way necessary to require ratepayers to make a contribution that will otherwise destroy the essential respect that has existed just for the sake of people in urban corporations who believe that they are entitled to remuneration for what they do.

The Hon. G.F. KENEALLY: Listening to the second reading debate (to which I cannot refer) and the debate in Committee, it occurs to me that our attitudes towards this new section and our responses to it derive quite considerably from our backgrounds. Frankly, and quite honestly, I cannot come to terms with some of the opinions expressed by members opposite. The Government holds very strongly to this clause. It is one of the planks of accessibility that will enable all members of the community to aspire to work in local government.

No-one would deny that to be a member of council is not a cheap way of providing a public service; it can be very expensive. If it is expensive and it is to be totally voluntary, then the majority of people in the community will not be able to afford to be a member of council. The member for Coles said that the voluntary aspect is important: it is, but only if one can afford to provide that voluntary service. Frankly, so many people in South Australia cannot afford it. An average working person on, say, $200 to $300 a week cannot afford to be a member of council with the costs involved. There are hidden costs involved in being a member of council which people do not talk about, but about which I and my colleagues know, and about which everyone ought to know. As an example, I refer to a theoretical situation where an important person visits a council area and everyone turns out in their Sunday best, but a member on a poor income cannot afford to turn up in a suit or be dressed like everyone else. That is a heavy burden on a person on a low wage with a family to support. They cannot afford to attend public functions where everyone else is dressed in their finery. Because of that pressure they may not stand for council, and if members opposite think that my example is an isolated incident, it is not. It occurs quite frequently and people leave council because they cannot attend the functions mentioned by the member for Brighton. They cannot attend a number of important functions that councillors are expected to attend, not only because of the cost involved, but also because of their inability to provide apparel similar to those people who are better off and who have no consideration because it is second nature to them to be dressed like that.

People on councils do not talk publicly about the need for allowances, but if one was to talk to them privately the response might be different. Those people in council now, both in the country and the city, are elected under the current system. The people who cannot afford to be in council and who need allowances are not there, so they cannot be represented in the decision that council makes. In all of the submissions received by the Government, there is no response from those people who are currently denied access to local government, because they are not there. So, the responses that we have received are from those who can afford to be in council and can afford the cost. I am not reflecting on them, because they do a very good job. It just so happens that they can afford to do it. Other people who would like to do that job and may be able to do an important job equally as well and effectively are denied that opportunity.

The member for Mallee reflected on that fact that if people do not wish to accept allowances there is that opportunity. If people are in council for the good of the community, the question of accepting or rejecting an allowance will not split councils and communities. The member for Coles said that councils will judge themselves against other councils based on the allowances provided: that will not happen with people who do not need allowances and who provide a voluntary service. They will not care what the people next door receive, because it will be irrelevant. They will reject the allowances and they will not be concerned about what someone else gets.

The Hon. Jennifer Adamson: That really is naive.

The Hon. G.F. KENEALLY: The honourable member is reflecting upon councillors. They are genuine people who will not be concerned about the remuneration received by others. Honourable members opposite have said that it is not like that and that councillors are concerned: that is their point of view, it is not mine.

There will be a minimal and maximum allowance set by regulation which in no way will do away with the voluntary service, because the cost of being a member of a council will be far in excess of any council allowance. There will be a taxation component and deductions will be made. I suggest that the deductions will quite adequately cope with the allowance with perhaps some left over. Therefore, councillors may do some good out of it, but that is not what is intended.

The member for Goyder referred to confidentiality. I am not reflecting on his representation of his council, but it seems that the information that he was referring to was in response to the original Bill and not the redrafted Bill. We

have now provided that the matter of allowances cannot be discussed at any council meeting. So, if an individual wants to reject an allowance, it cannot be discussed at a council meeting. It is a matter between an individual and council. The councils will determine the amount of the allowance. I have absolute trust in councils to set a figure that will not be outrageous, but will relate to the type of expenses usual for a member of council to incur. I do not accept the arguments of members opposite. The Government opposes the amendment. This is not a philosophical problem.

Mr Lewis: Not much!

The Hon. G.F. KENEALLY: How can it be? We are trying to ensure that all individuals have the right to represent their community in council, and there is the opportunity provided for people who do not want to accept the allowance not to do so. There will be a requirement for councils to strike a figure and it will be compulsory upon council, but whether or not members decide to accept the allowance is a matter for those individuals to determine.

I am stunned by the view of members opposite who suggest that there will be peer pressure. That would never have concerned me or anyone else in this place, otherwise we would never have aspired to stand for public office. Most people in public office are people of strong will, conviction and principle, and it would not concern them either. This provision is essential. We strongly support it, and it has to do with accessibility, although the honourable member for Coles does not believe so.

The Hon. B.C. EASTICK: This is the first time in the whole of the debate that the Minister has allowed himself to become long on emotion and short on fact. The first principle that applies to any dignitary who visits a town is to meet people as they are and not as they are dressed up to be—

The Hon. G.F. Keneally: But the individual—

The Hon. B.C. EASTICK: It is to meet people as they are. They have a far higher regard for them when they come as they are.

The Hon. G.F. KENEALLY: The honourable member does not happen to be one of the people about whom I am talking.

Mr Hamilton: What about the receptions afterwards?

The Hon. B.C. EASTICK: What about the receptions afterwards?

The CHAIRMAN: Order!

Mr Mathwin: People going around with no shoes on!

The Hon. B.C. EASTICK: That is an excellent example.

The CHAIRMAN: Order! There should not be any of this cross fire of interjections. So far we have gone along very well, I think. A point has been made and the member for Light wishes to make his point. He should be heard in silence.

The Hon. B.C. EASTICK: We had an ample demonstration of the emotiveness of this issue, and I refer to the member for Albert Park's contribution by way of interjection. I do not deny him the right to express his point of view, but let us get back to reality. This provision is not wanted by local government. It might be a feature which could be considered and promoted as a demonstration of accessibility. I suggest to the Minister that, along with one or two pending issues, it is surely not sufficient reason to completely abort this programme to give local government what it has asked for, that is, a rewrite.

The Local Government Association has made very clear that, in certain aspects of the Minister's claim for accessibility, the whole matter is not negotiable. So far as the Opposition is concerned, this is one of the not negotiable aspects, along with the others to which we will refer when we come to them. I hope that we are able to continue the arguments on the whole of the Bill on a factual basis and without this rather unfortunate emotional intrusion.

The Hon. JENNIFER ADAMSON: Listening to the Minister, I was prompted to ask the rhetorical question—how accessible is accessible? Does $100 make elected office accessible, or does $1 000 make elected office accessible? The examples that the Minister gave, I believe, are untenable for the very reasons that the member for Light explained, notwithstanding the fact that I, perhaps more so as a woman than some of the men in this Chamber, might be able to relate to the reasons that he gave. However, in my experience in both public and private life I have never found income to be a bar to voluntary service, and I will give an example.

The Minister said that we are receiving the views of members who have been elected under the present system, which he regards as putting up barriers to perfectly free participation in local government. That being so, let us for the moment set aside those views, notwithstanding that we on this side place great weight upon them, because we simply do not believe that one sphere of government should impose its will upon another, and look at the rest of the strata and look at our own communities. I know that, in my district and in those that I visit around the State, very often the hardest, most committed, dedicated and actively involved people are not those on high incomes but those on very low incomes.

I cannot help but be reminded that the people who come to my office to express thanks in some tangible way—and by tangible I mean with a punnet of strawberries or a bunch of violets—are not those on high incomes: they are supporting mothers and unemployed teenagers. They are the people who want to express gratitude for service and who, by using their natural talents and inclinations, are not prevented from doing so as a result of their incomes.

As the member for Light so rightly said, local government is all about taking people as they are, not as they might like to present themselves in a certain light, but as they actually are. I suppose that my travels are perhaps not as extensive as the Minister's because I have not been in Parliament as long, but I have seen people from all walks of life in local government in South Australia and I do not believe that anyone involved in the local community who wishes to have access has been prevented from doing so as a result of a lack of income. I repeat: how accessible is accessible, and how on earth does one place a money value on accessibility beyond that provided by the payment of expenses which, of course, I and my colleagues fully support.

Mr MATHWIN: I was surprised by the outburst of the Minister, particularly when he said that Opposition members were speaking on behalf of people already in council, as if they were an elite class of person. Obviously the Minister has had no personal knowledge and has never had the privilege of either being a councillor or an alderman. When I was in local government the personnel were just ordinary people and, at that time, I was only a painter and decorator.

The Hon. Jennifer Adamson: What do you mean only?

Mr MATHWIN: Well, the Minister thinks to be a member of council one has to be in the higher echelon of status in the country. My colleagues in council included a service station attendant, an office worker, a painter, factory worker at Holdens, a man who worked for the E & WS Department, a boot repairer and a housewife. They made up most of the Brighton council when I was a member. What is the great preoccupation with the status of those people presently in local government? That was a ridiculous statement by the Minister, as if councillors were members of the elite. In fact, they are ordinary working people about the place, just as we are. The Minister's argument was very weak. As the member for Light said, most councils object to this provision.

The Brighton council also objects to it because the cost will be passed on to the ratepayers.

The other point is that councils will fix their own allowances. Obviously the Minister does not know how this works. When a council first meets following an election it decides on the mayoral allowance. The mayor is asked to leave the chamber while the council discusses the merits and so on of the mayoral allowances. The mayor is then asked back into the council meeting and told what the council has decided his allowance will be.

Mr Hamilton: What would be a fair average?

Mr MATHWIN: When I was in there I think it was $1 200.

Mr Hamilton: What is it now?

Mr MATHWIN: I would not know.

Mr Hamilton: Then what are you talking about, if you don't know?

An honourable member: Do you know?

Mr Hamilton: Yes, I have a pretty fair idea.

Mr MATHWIN: Then the honourable member can get on his feet and tell us. The point I make to the member for Albert Park, who keeps interjecting (although I do not hold anything against the man personnally: he just does not know what he is talking about) is that mayoral allowances are fixed by council in the mayor's absence. However, with this Bill, councillors, aldermen and the mayor will fix their own sitting fee. The Minister can if he wishes talk about expense accounts and about people not having enough clothes. From the way in which the member for Albert Park was talking, one would think that members of councils cannot afford a pair of shoes.

Mr Hamilton: I didn't say that at all.

Mr MATHWIN: That is the impression that the honourable member was giving. I am yet to see a councillor who is badly dressed: they always act in a proper manner and are dressed reasonable well. If one wants to be critical I suppose one could say that at times some council members need a haircut; in fact, I am getting that way myself. However, one cannot put haircuts down as a council expense on the premise that one's hair grows in the boss's time and that, therefore, one will have it cut in the boss's time, because that does not apply in relation to councils. I think it is time that the Minister reassessed this situation, particularly after hearing the way in which the system works at the moment in relation to mayoral allowances. If he still believes that councillors, aldermen and members of councils should fix their own allowances, I can only say that I do not think that it is advisable. Members of councils are generally ordinary people and far from the elite, as the Minister was trying to suggest when he said that they are a special breed of people.

Mr LEWIS: The Minister missed the point, but in so doing revealed some of the underlying, subconscious reasons why the Labor Party is insisting on this proposition, despite the fact that local government does not want it. Quite clearly, it is the intention of the Labor Party, notwithstanding that not all elected council members will be Labor supporters (some of them certainly will not be), to use local government as a proving ground for its candidates prior to pre-selection and joining their outfit. They are asking the public to put money up front by way of rate revenue for payment of allowances to enable the left wing trendies, who cannot care for themselves and who have not got their own house in order, to enter local government at public expense to try to look after everybody else's affairs. That is the way I see the Minister's arguments.

I come from a large working class family and a significant number of my brothers and sisters are members of local government, and have been for along time. One, in particular, is an alderman in a city corporation. During the time that he has been a member of council, whether as a ward representative or an alderman, he has been variously employed, but never at more than the average wage, unemployed on no wage (and not interested in seeking unemployment benefits), and self-employed. He is presently employed on about an average wage, if that, yet he has never had any difficulty finding time to put to the voluntary service that he has given to that city corporation and the people who are governed by it at the local government level. My sister is also an alderman in one of the largest provincial cities in Australia. As the mayor of the city is a bachelor, she accompanies him wherever and whenever he is required to officiate, or in his absence takes that responsibility. She is not, and never has been, paid for that effort, and none of her five children has yet left school. Her husband, who has been a sales representative and a teacher, has never been paid more than the average wage. Although he has been out of work, they would not seek to be paid for their services to local government.

So, the arguments that the Minister is advancing, in my experience at a very personal level, without having to relate to any other individual outside my own family (and I could do that), are just invalid. Those arguments do not stand up: they do not fit. There has to be a reason, and the reason is simply that the Minister and the Labor Party want to make it possible by driving in the thin end of the wedge for people from the socialist Left who cannot even manage their personal affairs and who nonetheless will get their snout into the public trough, gradually increasing the allowance which is paid to them and, in so doing, meddle in everyone else's affairs.

That is about where we are heading with local government under this legislation with this sort of provision in it, and that is what the Minister knows very well is intended to be the outcome of this measure along with many others. I challenge the Minister to deny it. I have heard it debated openly over many years amongst members of the Labor Party that that is the way to go. I said in the second reading debate (and I say it again now because it is relevant in the context of this proposed new section) that this whole measure is the beginning of the end for State Parliaments. It is intended to regionalise local government and abolish State Parliaments and the Senate, and the way to do it in the first instance is by making it possible for their supporters to obtain a living (however good or bad it may be in terms of standard, but nonetheless a living or income) from ratepayers in local government; then in due course amalgamation of local government bodies is imposed upon them and these are established as regional Legislatures with single Houses. I, like most of the councils in my electorate and the vast majority of councillors in my electorate, urge the House to reconsider what it is doing to the structure of our communities and the tradition of service which they have enjoyed.

I have one further point to make. The Minister said, 'Of course it will be voluntary as to whether or not one accepts it; that will be between the individual councillor and the body corporate of which he is a member.' Of course, we need to remember that we have passed already that clause which makes councils bodies corporate. That is as may be. If it is to be voluntary, I assume naturally that the Minister and all members of his Party will support the measure to make it possible for members of the Parliament to decide whether or not they will accept the salary when the measure is introduced in this place in the near future.

The Committee divided on the amendments:

Ayes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, D.C. Brown, Chapman, Eastick (teller), Evans, Glnn, Ingerson, Lewis, Mathwin, Meier, Oswald, Rodda, Wilson, and Wotton.

Noes (21)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Blacker, Goldsworthy, and Olsen. Noes—Messrs Crafter, Peterson, and Plunkett.

Majority of 2 for the Noes.

Amendments thus negatived.

The Hon. JENNIFER ADAMSON: I have a question of the Minister in relation to proposed section 49 (7). This question was raised by the Campbelltown council in its response to the Local Government Association. The point that it made was that it be a recommendation of the council that the Local Government Association be advised that council is of the opinion that the words, 'or reimbursement of expenses', should be inserted after the word 'allowance' in section 49 (7). I assume that the reason that it is not there is that one receives reimbursement of expenses only if one applies for them, and therefore it is irrelevant to put that in. I see by the Minister's nod that that is a correct assumption, but I wanted to have it on the record for the benefit of those members of the council who perhaps did not read it in that light.

New section passed.

New section 50 passed.

New section 51—'Protection of members.'

Mr LEWIS: To what extent does this proposed section, if it becomes law, indemnify a member of the council from speaking his or her mind publicly about a matter that ultimately may result in some legal action being taken in that the offended party alleges libel or slander? Does the council have to cop that lot, because someone is loose lipped, or does the law of libel as we know it and as it applies generally still stand? If that is not the case, does this provision specifically relate only to council meetings? In this provision are we creating privileges for the chamber of the council wherein councillors can express opinions in those now more public meetings of council about individuals and firms which may be the subject of debate in the council, and, accordingly, be indemnified for any libel action as individuals, it being left to the body corporate to cop it?

The Hon. G.F. KENEALLY: This is a standard provision found in legislation elsewhere. It is a common law provision that protects members of council who make statements in the course of doing their duties, which may be made in good faith, whether they be in council or out of council, made while in the course of performing their duties at inspections, and so on. However, it does not free them from the laws of defamation; so councillors will be still subject to laws covering that, but the undertaking of their duties and acting in good faith constitute a defence, I am advised.

Mr LEWIS: That is the way it is now, anyway. If someone lays a stock whip across your back for saying something defamatory, one's defence as a citizen may be that the action had no malicious intent. So, this is either a nothing statement, as it relates to defamation or, indeed, is a new measure as it relates to defamation. I do not know in what other context it could have any relevance. If it does not relate to defamation, can the Minister say in what other context it has some relevance?

The Hon. G.F. KENEALLY: To complete my previous explanation, I point out that, as the honourable member has said, it is the same as the current situation that applies in regard to limited liability. It provides not only for defamation but also for protection of a council member who may in the performance of his or her duties damage property, etc. So, it provides a protection for councillors as well, whilst they are in the process of performing their duties.

Mr LEWIS: Am I to understand from that that if a councillor conducts a public meeting at his or her home for the purpose of discussing some issue of importance to the local government area for which the council is responsible and someone has an accident and injures themselves, it would be possible for that councillor to expect the council to stand in his or her stead and pick up the tab for the damages?

The Hon. G.F. KENEALLY: It really applies to members of the council doing something for the council. It does not cover other individuals who may cause damage while they are in the presence of a councillor. It covers council members in the performance of their duties. The proposition put up as an example by the honourable member certainly would not come within that scope at all.

New section passed.

New section 52 passed.

New section 53—'Conflict of interest.'

The Hon. B.C. EASTICK: The improvement in this new section is strongly supported by the Opposition. We recognise it as a far more important provision than another contentious section that will come before us later. There seems to have been a regard in the mind of some people that the register of interest is going to be all powerful in the name of local government. The Opposition believes that this issue is far more important and that there is provision here to come to grips adequately with a person involved in local government who is not acting in the best interest of the council. Whilst I have an amendment which I will move to the next new section, I believe that it is important to indicate my view on this issue, commencing at this new section: we are in solid agreement.

New section passed.

New section 54—'Disclosure of offence against this Division, and it appears to the court by which that interest.'

The Hon. B.C. EASTICK: I move:

Page 29, line 34—Leave out 'Five' and insert 'Ten.'

There is a sign here, first to the Committee, then to include in the Act, and then to indicate to the court, that there are degrees of concern relative to activities by members of council in respect of conflict of interest. The amount of $5 000 and 12 months imprisonment is a sizable penalty, yet there are some aspects of the range of actions in which a member could be involved which ought to be, and are in fact, regarded as more serious than others. What is being sought here, lest it should be suggested that it is a bit radical in going this much higher is that it is not a minimum fine but rather a clear indication by Parliament as to how seriously it regards this and other matters which are treated similarly. I point out to the Minister that the increase from $5 000 to $10 000 is not inconsistent with what he has done elsewhere in the Bill. New clause 30 (3) provides:

> Subject to subsection (4) a person who refuses or fails to comply with the requirement under subsection (2) shall be guilty of an offence and liable for penalty not exceeding $10 000.

I am pointing out to the Minister that he and his officers and the system in the preparation of this Bill have seen that there are some irregularities that are more serious than others. The $10 000 that we are seeking to include in this provision and in a couple of others is consistent with an attitude already expressed in the Bill in clause 30. I ask the Minister to consider accepting this amendment as an indication of Parliament's view. It is not a minimum fine but, if a magistrate or judge or whoever a person may be appearing before to contest this matter sees clearly as between, for example, new section 1 and the proposed change in new section 3, and Parliament saw fit to have $5 000 and imprisonment in one provision and $10 000 and imprisonment in another provision, then he would see that Parliament saw

that one action was more serious in its view than was the other.

I do not seek to change the one-year imprisonment penalty. I gravely doubt whether the imprisonment penalty would be invoked unless someone continually undertook a transgression or, having been warned, returned and did it again. One can only conjecture in a number of areas as to what might transpire. If a court saw fit to invoke imprisonment, then 12 months would relate to the $10 000 better than to the $5 000. If it provided $5 000 or imprisonment, I doubt whether it would be imprisonment for a full year in the case of the lesser transgression under section 54 (1). If one moves to section 54 (3), where the Opposition has suggested a $10 000 penalty rather than a $5 000 penalty, and the magistrate or judge was of the opinion that it was a more serious offence he might, at that stage, having regard to the $10 000 or one-year imprisonment alternative, think seriously of imprisonment.

The Hon. G.F. KENEALLY: The Government will be imposing this measure. It is a serious offence. There is no difference between the Opposition and the Government on the matter. When one has to determine an appropriate penalty one has to come to an arbitrary figure. Whereas the Opposition believes it should be $10 000, the Government believes that $5 000 is a more appropriate figure. I will be asking the Committee whether or not it agrees with that.

The Hon. B.C. EASTICK: I am concerned that the Minister does not show his support for the importance and seriousness of the whole Division. The Minister has his view and I have mine—I do not want to enter an argument on that basis. The Minister accepts that it is a serious issue. I believe that he would assist the courts, local government and, more particularly, the regard of the community for local government if it could be spelt out that Parliament is so concerned about a number of these issues that it has put a sizable penalty in the Act in recognition of the seriousness of the matter.

Mr MEIER: I rise to support what the member for Light said. All councils in my area feel that the register of interests is out. The provisions of new section 54 is the way to handle the issue. Under the member for Light's amendment the fine will be such that a person will obviously declare the matter that is of concern at that time. Therefore, it will automatically do away with the need for a declaration of pecuniary interests which we will be debating later. It is imperative that the Minister takes notice of what has been said by the member for Light. I hope that there will be a rethink on this issue.

The Hon. G.F. KENEALLY: The amendment increases the penalty for an offence of a conflict of interests from $5 000 to $10 000. This penalty also applies if that member votes, remains in the meeting or enters into the debate. I point out to the member for Goyder that the penalty for failing to disclose an interest is not increased. Therefore, the Opposition has not been consistent in that. I believe that the penalty of $5 000 or imprisonment for one year is a severe penalty. I repeat, it is appropriate for the offence.

Amendment negatived; new section passed.

New sections 54 and 55 passed.

New section 56—'Bribes.'

The Hon. B.C. EASTICK: It is not my intention to proceed with the proposed amendment to new section 56 or, a little further in the debate, the proposed amendment to new section 81. To do so, having failed to get the support of the Government in relation to the variation to new section 74, would be to make a mockery of the issue. The Minister has failed to grasp the nettle when he could, and that then becomes a matter of opinion. However, there is no point in seeking to make apparent discrepancies between one clause and another or wasting time to improve the Bill as we believe it ought to be improved.

New section passed.

New section 57 passed.

New section 58—'Meetings of a council.'

The Hon. B.C. EASTICK: I move:

Page 31, lines 34 and 35—Leave out all words in these lines.

This is the proposal that no meeting be held before 5 p.m. It is part of the so-called package of accessibility referred to on previous occasions, and more specifically a short time ago in relation to allowances. It has become a clear division between the Government and the Opposition, but it is more than just a contention between those two Parties: it is a very clear and positive division between the local government community and the Government. It is one of the areas referred to by the retiring President of the Local Government Association, Meredith Crome, at the annual general meeting held at the Festival Centre last Friday. It was well reported in the *Advertiser* of Saturday, 31 March, and the Minister knows full well what I am about to read, because he was there to hear the statements made. The article stated:

In her last speech as President, Mrs Crome delivered a stinging attack on two sections of the State Government's Local Government Act Amendment Bill, introduced in Parliament last week.

She said the sections proposed compulsory night meetings and a register of interests for South Australia's 1200-odd local council members.

Local Government Association representations on the Bill had been 'totally ignored' except for technical details.

Mrs Crome commended the Minister of Local Government, Mr Keneally, and his recent predecessors, for finally getting a Bill to update the Act into Parliament—but said the two proposals spoilt it.

'I acknowledge the Government's right to take its policies into Parliament but I don't acknowledge its right to impose nonsensical policies on local government,' she said.

'Why should we have changes imposed on us that are not working in other States?'

She said compulsory night meetings would prevent those with young families from standing for councils.

The Minister knows the argument full well. The Local Government Association has made clear to the Minister and certainly to the Opposition and to members of independent Parties that it will not accept this provision under any circumstances whatsoever. In the detail that I put before the House on Tuesday evening in relation to the time of meetings, it was found that 83 per cent of respondents said 'No' to meetings after 5 p.m. If the Minister did not read all the submissions, he would have been well apprised by his officers that a great number of councils that made responses on the Bill spent practically the total of their responses on this issue and the issue relating to the register of interests. I do not canvass that matter at this stage but again I make the point to the Minister that, if he wants to be the Minister who is praised for introducing a worthwhile rewrite of the Local Government Act—worthwhile in the main, but with contentious issues that would allow the Bill to be put aside with the blessing of the Local Government Association—then he will not have his way in this matter. If he is truly responsive to local government, he will see the wisdom of the measure currently before the Chair. I do not wish to project the debate any further at this juncture other than to say that I would hope that the Minister has received the message and will respond to it in a positive sense.

The Hon. JENNIFER ADAMSON: I oppose the clause as it stands and support the amendment. I have listened to many arguments from local government both in the country and in the city in regard to the Bill requiring councils to hold their meetings after 5 p.m. I listened carefully to all the speeches in the debate last night and noted the very strong convictions held by both sides in this argument. Many reasons were put forward by both sides. The reasons

I found most compelling were those which dealt with the right of local government to determine its own destiny in matters which are not the concern of the State. That, in itself, is a very compelling argument, although there are others.

One argument which has strong appeal for me, particularly in relation to country areas, is the strong feeling amongst women members of local government that they would be literally prevented from participating in local government if meetings were held after 5 p.m. I have spoken to women councillors, particularly in remote country areas, who said that they simply would not be able to drive the distances and risk collisions with kangaroos to attend regular local government meetings after 5 p.m. I ask the Minister and his Caucus colleagues to take that matter on board, as it is a very significant factor.

However, many of the arguments have been somewhat subjective and others have been emotional. I would like to present some facts which I believe demonstrate that the doctrinaire approach of the Minister and his Party to this issue is at odds with reality. The way the Labor Party is approaching this issue one would think that everyone in this community worked 9 to 5 and the only opportunity for service to the community exists outside those hours. The facts demonstrate that that is not the case.

The Australian Bureau of Statistics table for 1983 gives details of employees who usually work 10 hours or more per week. I seek leave to have those figures, which are purely statistical, incorporated in *Hansard.*

Leave granted.

EMPLOYEES WHO USUALLY WORKED 10 HOURS OR MORE PER WEEK: USUAL WORKING ARRANGEMENT AND AGE
('000)

Usual working arrangement	Total
UNDER 25 YEARS	
4-day fortnight or 2-day week	13.2
6-day fortnight or 3-day week	19.6
9-day fortnight	42.7
10-day fortnight	26.2
'19-day month'	13.3
4-day week	37.8
5-day week	1 074.3
6-day week	131.8
7-day week	19.2
Other	18.2
Total	1 396.4
25-44 YEARS	
4-day fortnight or 2-day week	49.6
6-day fortnight or 3-day week	73.7
9-day fortnight	74.7
10-day fortnight	37.1
'19-day month'	20.3
4-day week	83.1
5-day week	1 739.5
6-day week	228.4
7-day week	48.7
Other	38.2
Total	2 393.4
45 YEARS AND OVER	
4-day fortnight or 2-day week	22.5
6-day fortnight or 3-day week	30.2
9-day fortnight	46.9
10-day fortnight	15.1
'19-day month'	13.0
4-day week	45.0
5-day week	893.8
6-day week	97.6
7-day week	25.5
Other	19.3
Total	1 208.9
TOTAL	
4-day fortnight or 2-day week	85.3
6-day fortnight or 3-day week	123.5
9-day fortnight	164.2
10-day fortnight	78.4
'19-day month'	46.7
4-day week	165.9
5-day week	3 707.7
6-day week	457.8
7-day week	93.5
Other	75.7
Total	4 998.7

The Hon. JENNIFER ADAMSON: To give a quick and relatively crude analysis of those figures, I point out that, on a base of 4.9 million people, those who work a four-day fortnight or a two-day week comprise 85 300, or roughly 2 per cent. The percentages are rough and I am indebted to my colleague, the member for Hanson, who quickly estimated them in his head a few minutes ago. Those who work a six-day fortnight or three-day week are 123 000, or roughly 2.5 per cent. Those who work a nine-day fortnight comprise 164 000, or 3.5 per cent.

Those who work a ten-day fortnight comprise 78 000, or roughly 1.5 per cent. Those who work a 19-day month comprise 46 000, or roughly 1 per cent. Those who work a four-day week comprise 165 000, or roughly 3.5 per cent. Those who work a five day week, (not necessarily 9 to 5), comprise 3.7 million, or roughly 75 per cent. Regarding those who work a six day week or a seven day week, I think we can assume that those people are so busy working and trying to get ahead by their own efforts that it is unlikely they would wish to participate in local government—

Ms Lenehan: So we make that decision for them?

The Hon. JENNIFER ADAMSON: No, they make that decision for themselves. They choose to work a six to seven day week. That is 457 000 people, or roughly 9 per cent. Those who work a seven day week comprise 93 500 or roughly 2 per cent, and the 'other' category is 75 000 or roughly 1.5 per cent.

What that indicates is that approximately 75 per cent of people in 1983 worked a five day week, but not necessarily 9 to 5. It also demonstrates, when one looks at similar breakdowns for a decade earlier, that the whole question of working hours is undergoing a radical change in Australia. At least four factors affect working hours and will continue to profoundly affect them over the next two decades. One is early retirement, which can have a profound effect on local government and its representation. More and more people are retiring not at 60 or 65 but at 55 and even 50. There are shorter working hours for the whole community, which is the present trend. Also, there is a trend towards more flexible working hours and a trend related to those other three trends—towards a change of life style. It is not as unheard of now as it would have been two decades ago for people to literally take two years off at the age of 40 to 45 to have a break and decide what they might choose to do with the rest of their lives.

Ms Lenehan: Factory workers could hardly do that.

The Hon. JENNIFER ADAMSON: I said that it is not unheard of—I did not say that it was common. These trends indicate that the whole question of working hours is becoming more flexible—

The Hon. J.W. Slater: Not ours—they're getting worse!

The Hon. JENNIFER ADAMSON: Indeed—not so much more flexible but more extended. The rigidity being displayed

by this 9 to 5 attitude completely ignores the realities of the late 20th century, and that is what we are legislating for here tonight. The whole point of this exercise is that local government should be free to choose in accordance with the community that it represents. It is almost brutal to impose on a far flung country community a requirement that it cannot meet before 5 p.m. to determine issues that affect that community. It is completely unacceptable that a State Parliament should try to impose those conditions on local government when local government has demonstrated beyond any shadow of a doubt that it finds them unacceptable. It is a measure of the strength of feeling of local government that it is prepared to go to the barriers and see this legislation, on an issue such as this, lost—legislation that they have been seeking for nigh on two decades, issue such as this. If the Minister and his colleagues cannot recognise that this battle of wills (because that is what it is) must be resolved in favour of local government, then he scarcely deserves the high position that he holds.

Mr MEIER: It was interesting to hear the debate at the second reading stage when members said that part of this Bill was to put local government on a proper footing as the third tier of Government—that there was Federal, State and then local government. The impression given was that local government would, therefore, be in a better position and would be able to hold its own and to run its own business and affairs. But, to show the hypocrisy of that statement, we find that this Bill allows the State Government to dictate when councils meet.

How would we like it if the Federal Government said to us that the Parliament of South Australia will start meeting at such and such a time? We might not mind if it said, 'You will definitely finish at 10.30 each evening.' The reality of the situation is that we are, thankfully, given an opportunity to decide when we wish to meet, even though we do not all agree with the decisions that are made. We can only hold ourselves to blame for the way in which our meetings are conducted, or for the times we sit. I suppose that if we cannot agree on times that we can put it to the people and say, 'You decide when we will meet.' Surely it is imperative that in this new Bill, which is giving more responsibility to local councils and which is promoting local government, it should be given the right to decide when it wishes to meet.

Who are we to dictate to local government when it will meet. Do we think that we are better than members of councils? Do we think that we are superior? The whole 12 councils that replied to my letters about this matter said that they were opposed to having to meet after 5 o'clock and that they wanted to decide when they would meet. Many acknowledged that they might meet after 5 p.m. They accepted that as a possibility, as I do, but surely they should be given the right, if it suits the majority, to meet in the morning, afternoon or at any other time that suits them. The arguments that apply in relation to country areas include the matter of travelling times. There is a good expression of this in a letter from the District Council of Yorketown, which states:

> On a number of occasions during the year it is necessary for councils to invite special people, e.g., consultants, planners, Government departmental officers, etc., to discuss various council activities: many of these people would not be available to attend night meetings.
>
> True, an alternative is to conduct 'special meetings' in daylight hours but this involves extra time and travel for the elected members (more expense to the ratepayers).

That is another relevant point. I pointed out in the second reading debate that so many rural councils share the services of a particular officer. The health and building inspectors are classic examples of people who are shared, and there are other examples. I feel certain that the Government will back down on this new section, because it takes away freedom from the councils. At a time when we have an Act of which 98.5 per cent is good, let us not muck it up with a new section that takes it back into the dark ages.

Mr LEWIS: Naturally enough, rural councils are opposed to this measure, as I mentioned in the second reading debate. However, I refer particularly to the District Council of Robe, because during the second reading debate I did not have time to do so. The council's objections are in two parts. Its submission states:

> Council appreciates the Government's philosophical approach that all meetings should be held after 5.00 p.m. and therefore give greater accessibility to the public both as a gallery and also for councillors—

and I question that statement—

> However, in many areas a 5.00 p.m. meeting would disadvantage other people, e.g. the councillor who has to travel 50 plus kilometres home after a meeting, a common occurrence in rural councils. Each council should be permitted to dictate its own meeting times taking into account its area and composition of council.

I will leave the part relating to committee meetings of council until we debate that provision. I point out the stupidity of the situation which would pertain if this measure passes and becomes law. Imagine at this time of the year and during the next four or five months, that a district council has drawn to its attention a matter requiring its urgent consideration, such as the condition of a road which is so muddy and chopped up after four inches of rain that a decision has to be made to rearrange the expenditure of funds between one road or another road (because it is only so much money) from the budget. However, the damn council cannot meet until 5 p.m. By the time council members get 40 kilometres away from the council chambers to the sections of road that they must inspect it is dark, because night falls at about 5.50 p.m. in June.

Mr Mayes: They can go out at 4 p.m.

Mr LEWIS: The Government has just said that they can not meet until 5 p.m.

Mr Mayes: They can go out informally. Many councils do it. Haven't you been involved in local government?

Mr LEWIS: The honourable member is suggesting that it is fair to expect eight district councillors to each drive 140 kilometres in their own time and at their own expense to consider the matter. There is a difference between entertainment and duty, and the honourable member does not seem to understand that. He perceives his role here as something of an actor, I believe. The honourable member for Unley astonishes me with his complete indifference to the imposition which this measure will place upon rural councillors.

Apart from all the other reasons given by my colleagues, that one at least must stand up. I can conceive of a way in which it would be quite simple for a council to subvert completely what the Minister intends by this new section. Unless I am mistaken, council members would have to meet for the first time after an election after 5 p.m. that day and never close a meeting, but simply adjourn it until the next occasion.

I do not know, and perhaps the Minister could explain to me, how district councils can be compelled to close meetings. I do not know of any clause in the Bill which provides for that to occur. I have told councils that if this measure passes that is the only choice that they have. Naturally enough, it means that the minutes will be published once a year, because elsewhere in the legislation it provides that they have to be published after the conclusion of each meeting; so they will conclude each meeting before the election and commence the next meeting just after the election, and avoid all this nonsense. By arrangement amongst themselves they can agree when they shall reconvene the meeting from time to time throughout a 12-month period.

The CHAIRMAN: Order! The Chair has been very tolerant. If the member for Mallee looks at the new section, we are simply dealing with ordinary meetings of council; we are not dealing with anything else. The honourable member has just taken us around the world. I would like the honourable member to come back to the new section.

Mr LEWIS: Mr Chairman, I thank you for your advice. I regret that you saw it necessary to interpret my remarks in a wider context than they were originally intended. They relate to, say, the District Council of Lameroo alone and to its meeting times.

An honourable member: It's almost universal.

Mr LEWIS: Well, if the honourable member likes, Tatiara. Therefore, I ask the Minister to indicate how he believes district councils, which would otherwise be adversely affected by this measure if it became law, could be precluded from doing what I have suggested to them that they must do.

Mr OSWALD: The Glenelg corporation has been greatly concerned that the Government, in the drafting of this Bill, does not seem to be able to distinguish between council committees and council subcommittees. In reality, the two cannot be put together. Regardless of the political philosophy that the Government has behind this theory of forcing councils to meet after 5 p.m., one cannot get away from the fact that logistically, practically and in any way one looks at it, subcommittees need to meet before 5 p.m. That is a fact of life. Why the Government is hell bent on forcing councils to adopt a procedure that is impractical, I do not know.

The councils do not want it and council staff do not want to have to administer it. Councillors who live in country areas have great difficulties, and city councils have great difficulties if their subcommittees are not allowed to meet prior to 5 p.m. I urge the Government to reconsider this provision.

Until the Opposition gets back into Government and amends it to restore some sanity, councils will have a terrible position on their hands trying to organise subcommittee meetings and put down resolutions before councils meet after 5 p.m. It is an impractical piece of legislation. Members opposite chortle in the background because they do not have to experience the difficulties that our councillors will experience in the future.

It is a ridiculous proposition to put before the Committee. I ask the Government to think very seriously about the difficulty that subcommittees will experience in trying to get their business through after 5 p.m. and still have to report to councils.

The Hon. MICHAEL WILSON: The problem with this clause is that it comes to us as a result of the Government's ideology. It is a question of centralisation of power, of centralisation of decision making. Why on earth cannot local governing bodies be allowed to make their own decisions on matters of this nature? It is obvious that it concerns the matter of ideology, a matter of an instruction from the central Government to local governing bodies on matters of this nature. Anyone in the community asked about whether local governing bodies should be told at what time they can conduct meetings would say that, of course that decision should be left to the local governing bodies themselves. Such decisions should be made by the people most closely associated with an organisation, particularly in regard to meeting times. I just cannot understand why the Government and the Minister are being so obdurate on this matter. As the member for Coles reminds me, the Minister made his position on this matter quite clear in his reply to the second reading debate.

Mr Hamilton: Obdurate?

The Hon. MICHAEL WILSON: If the honourable member wants to know how to spell it, he will find a dictionary on the table over there.

Mr Ashenden: The honourable member is interjecting out of his seat.

The CHAIRMAN: Order!

The Hon. MICHAEL WILSON: They are like Heckle and Jeckle over there.

The CHAIRMAN: Order! I ask the honourable member to deal with the matter before the Committee.

The Hon. MICHAEL WILSON: I can only say that I wish the Minister would take into account the Opposition's arguments on this matter and remove this provision. I wish he would accept that situation. I doubt very much whether the Bill will contain this provision when it leaves the Parliament.

Mr OSWALD: Does the Minister agree that subcommittees must meet prior to meetings of council, and, if so, why will the Government not allow subcommittees to meet during the day, prior to 5 o'clock?

The Hon. G.F. KENEALLY: That was an amazing performance: I was asked a question by the member for Morphett and was about to reply when the member for Torrens spoke and, before I could reply to the questions that had already been asked, the member for Morphett got up and challenged me again. As I now have the floor, I will try to answer the questions directed to me. In response to the contention by the member for Torrens and his colleagues that ideologies are tied up with this concept, which is the reason why we are doing it and that that is the only reason, in the absence of which we would not do it at all, I point out that the current fact of life is that daytime meetings effectively disfranchise a large percentage of the community.

The member for Coles pointed out that 73 per cent of people (I think it was in relation to South Australia) work a five day week and that the overwhelming majority of that 73 per cent work between the hours of 7 o'clock and 5 o'clock. That is quite clear. Therefore, if meetings are held during the day, at least 60 per cent of working people in South Australia will be denied the opportunity of being a member of council.

That is what members opposite are supporting. They are saying effectively that there is a whole group of people in South Australia who cannot in their view ever expect to be a member of council until those people retire from their occupations. We are not saying that: we are saying that people who may through their occupation be able to take time off on a Monday, or people who are retired, can attend a meeting, whether it be in the day or the evening. However, there is a group of people who do not have that freedom of choice and who cannot attend a meeting during the day.

That has nothing to do with our ideology at all. It only has a lot to do with our view that the democracy which we all purport to support means that people have the right to represent their fellow citizens in council. So, it has nothing to do with ideology. The member for Torrens and some of his colleagues say, 'Let councils make the decisions themselves.' People who are presently on councils that are meeting during the day are not working during the day. So, people who are working and who want to be on council cannot be represented in the decisions that councils make.

When Opposition members canvass existing councillors and ask whether existing meeting hours are satisfactory, of course they will say that they are, because that is the system which elected them and under which they operate. Why do not members of the Opposition ask people who cannot be members of those councils and ask whether the councils should meet during the day or at night when those people would be free to be a council member? Why not ask what they think the council hours should be? Honourable members might hear a different view.

In respect of the country, I have heard honourable members say how terrible it is for a council member in the country who has to travel 50 kilometres to attend a council meeting at night. What about a council member living in a country town 50 kilometres away from where the meeting will be held from 9 a.m. to 5 p.m. If he is working for wages from 9 a.m. to 5 p.m., how will that person feel, knowing that the meeting is proceeding? That person cannot even go to the town 50 kilometres away or stand for council because of the person's responsibility towards his or her family, which requires that the person remains working.

Members opposite are saying that only those people who can afford to adjust their own working time to have a day off or those people who have retired can stand for council.

Honourable members shake their heads, but can they tell me how they intend to allow a person who works a mix of hours between 7 a.m. and 5 p.m. on the day on which the council is sitting to have the democratic right to be a member of the council? The Opposition intends to give that right to everyone else, but it will not give that right to the person who is working for wages and who we have already been told by the member for Coles comprises 73 per cent of the people who work in South Australia?

The attitude of Opposition members effectively disfranchises 73 per cent and Opposition members do not feel any responsibility towards those people at all. I find that very difficult to come to terms with. The member for Morphett wants to know why subcommittees cannot meet before 5 p.m. Those members on a council who are meeting before 5 p.m. are not working, so that the people who are at work and working for a living and who must provide for their families cannot get to the subcommittee meeting that the member for Morphett believes is essential should meet before 5 p.m. In the case of works and finance committees that meet before 5 p.m. and make important decisions on behalf of the council, half the councillors who should be at the meetings will be at work and will be unable to attend those meetings. That is the reason.

What the Government proposes should happen is that, where it is essential to have an inspection which is obviously sensible during the daylight hours (if, say, a road is in bad condition and one cannot inspect the road when it is dark at night), people can inspect it whenever they can but the actual decision making can only occur when all members of the committee are able to be present.

They may not have been able to be present at the inspection but they can be present at the committee meeting when the decision is made. We are not saying that inspections cannot be held or that all members of the council should be at an inspection, although that would be preferable. We are saying that important decisions that result from the inspections must be made when all members of the council can be at the meeting so that they can represent the people who elected them. That is what democracy is about. If decisions are to be made during the day when half the committee members are at work, that disfranchises not only the members of council but the community they represent. It has nothing to do with ideology.

Mr Lewis: Come on Gavin, you know better than that.

The Hon. G.F. KENEALLY: I cannot see how it could have anything to do with ideology or politics. It is to do with the right of people to be involved in the decision-making process, and the right of people who work for a living to be involved. The overwhelming majority of councils in the city acknowledge that fact and hold council meetings and major committee meetings when people who work for a living can attend. They acknowledge my point, and they are not all ideological socialists. They are not hung up on ideology: they believe that people have a right to be present when decisions are made. Members opposite are denying them that right. Councils at Port Augusta, Port Pirie, Port Lincoln and Whyalla hold their main committee meetings at night and officers of government attend those meetings. It is a furphy. People will attend meetings at the time meetings are held. The argument is not relevant. I grew up in the country and I know how difficult and inconvenient it is for members of country councils to change their traditional working hours. I know that meetings are held at 9 in the morning so that the families can have a day in town shopping and making social contacts: but that prevents many people (who have the right) from standing for council. If the members opposite are suggesting that the people who are not in council are those who are ideologically on the side of the Government, so that the people who are in council are ideologically on the side of the Opposition, that is a load of rubbish.

Mr Lewis: It's a nonsense.

The Hon. G.F. KENEALLY: I agree and I am glad that the member for Mallee agrees with me. The member for Coles said that we are ignoring the reality of the 20th century but, in fact, we are acknowledging it. We are providing an opportunity for those people to become members of council. This is irrelevant where this occurs already, but there are many instances where it does not occur. It would be much more preferable not to have to force councils to be democratic, but that action has to be taken.

The member for Coles says that we are ignoring the realities, but we are acknowledging them. People who do not work can attend meetings at their convenience. It may be inconvenient for people to sit at night, but we must take account of those people who cannot stand for council because of their employment. Members opposite are not preventing only the people who work for wages or salaries from being members of council but small business people and self-employed professional people whose occupation requires them to work during the day for five, six or seven days a week. They are the people whom the Opposition is effectively disfranchising. They are the people who supposedly support the Opposition and not the Government. Therefore, how can it be an ideological bind? This is an attempt to ensure that the rights of every citizen in South Australia to stand for local government are protected. We are all in this Parliament and we have taken advantage of our right to stand but we are not prepared to give that right to the same citizens to stand for local government. Members opposite want to provide a system that allows for every citizen in South Australia to stand for State or Federal Government but they are not prepared to provide the same opportunity for citizens of South Australia to stand for local government. That is a discrimination.

The Hon. Michael Wilson: That is absolute nonsense.

The Hon. G.F. KENEALLY: It is not absolute nonsense. I have not heard one argument that suggests otherwise. I am prepared to listen to somebody explain to me how, under the proposals of the Opposition, it is going to allow the 73 per cent of South Australians who work for wages during the time that councils are sitting to stand for council.

Progress reported; Committee to sit again.

FISHERIES ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

WATERWORKS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SEWERAGE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PHYLLOXERA ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 10.10 p.m. the House adjourned until Tuesday 10 April at 2 p.m.