HOUSE OF ASSEMBLY

Tuesday 10 April 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PETITION: CONTROLLED SUBSTANCES BILL

A petition signed by 135 residents of South Australia praying that the House delete the words 'therapeutic substances', 'therapeutic devices' and 'substances' from the Controlled Substances Bill was presented by Mr Evans.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 277, 282, 283, 286, 289, 291, 292, 307, 309, 340, 342, 345 to 347, 354, 355, 373, 379, 386, 388, 391, 393, 394, 420, 427, 437, 439, 442, 457, and 468.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. J.C. Bannon)—

Pursuant to Statute—

I. Financial Institutions Duty Act, 1983—Regulations—Local Government Finance Authority.

By the Minister for Environment and Planning (Hon. D.J. Hopgood)—

Pursuant to Statute—

Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on Proposed—

I. Borrow Pit, Hundred of Pendleton.
II. Erection of a Single Unit Timber Classroom at Spalding Primary School.
III. Borrow Pits, Yunta to Frome Downs Road, Far North.
IV. Borrow Pit, Burra.
V. Changerooms and Toilet Block for Coober Pedy Area School.
VI. Division of Allotment, Part Section 1884, Hundred of Kanmantoo.

By the Minister of Education (Hon. Lynn Arnold)—

Pursuant to Statute—

I. Meat Hygiene Act, 1980—Regulations—Fees for Licence to Slaughter.

By the Minister of Tourism (Hon. G.F. Keneally)—

Pursuant to Statute—

Food and Drugs Act, 1908—Regulations—

I. Meat and Yoghurt.
II. Milk Vendors and Bread.

By the Minister of Community Welfare (Hon. G.J. Crafter)—

Pursuant to Statute—

I. South Australian Ethnic Affairs Commission—Report, 1982-83.

MINISTERIAL STATEMENT: TECHNOLOGY STRATEGY

The Hon. LYNN ARNOLD (Minister for Technology): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: Australia's first Parliamentary debate on technology policy will take place in this Chamber on Thursday morning 12 April. Last week members would have received a revised copy of the technology strategy for South Australia. This is the first such strategy in Australia. The Federal Government is now in the process of preparing a national technology strategy; however, to my knowledge, this is the only State strategy. The process undertaken by the Government in developing the technology strategy has been an unusual one. In October last year a first draft was released for public comment. Over 120 responses were received. These were from all sections of the public, including employer and trade union organisations, industry organisations, members of the Federal and State Parliaments, Government departments, community organisations and individuals. As a result of these comments, which ranged from those which highly commended the draft to those who were severely critical, the strategy was totally redrafted. The revised draft is therefore quite different from the original.

The range of issues covered by the technology strategy can be readily seen by a quick look at the table of contents at the front of the strategy. As members will see, there are very few areas of Government policy which are not directly affected by this strategy. Therefore, it is essential that all members of Parliament become fully cognisant of the issues raised in this important document. Let me emphasise at this stage that this document is not a Government paper. It is, in terms of the Westminister system, a 'Green Paper'. This 'Green Paper', for the first time in Australia, canvasses the major issues which are associated with technology and technological change. It outlines appropriate strategies for Government. In some cases actions are already under way; in others, proposed and possible actions are outlined. In an epilogue section at the end, the process for implementing the strategy is outlined.

After this debate has been completed, the Ministry of Technology will rewrite the strategy one more time, and only at that stage will it go to Cabinet and the Government for adoption as policy. Members will recognise that this document is an important one for the Government. After its election to office the Government created two new organisations to help revitalise the State's ailing manufacturing sector and develop new advanced technology-related industries in South Australia. The two organisations established by the Government were the Department of State Development and the Ministry of Technology. These organisations complement the work of the Technology Park Adelaide Corporation, established by the former Government. The Ministry of Technology is, and will remain, a small organisation which will define goals, advocate and catalyse programmes for implementation by others, and audit performance.

To enable the Ministry to operate in this fashion, the Government has already put in place some rather unusual arrangements. The most important of these is the appointment in key Government departments and statutory authorities of a 'technology advocate'. The new system of 'technology advocates' will play an important part in the ultimate success of this strategy.

There is little argument that existing manufacturing industry has undergone significant decline. The Government recognises that what is needed is for the manufacturing industry to become a significant wealth generator again, so that all South Australians can benefit. Most sectors agree that any further decline would be disastrous for this State. The survival and growth of existing industries is essential for the expansion of the tertiary sector, employment and ultimately the South Australian economy. Technology is a major means of helping in the revitalisation of the existing industrial base and in the development of new high technology industries.

The Government is therefore keen to have a broad base of support for its programmes in the technology area. It is for this reason that the Government has gone to great lengths to develop the technology strategy in the way it has. I, therefore, ask all members of this House to make sure they read the strategy. I ask the media to read the document critically also and to take it to the community generally through columns and comments. It is only through the interest and support of all sectors of the community that we in South Australia will be able to ensure that the technology strategy will ultimately bear fruit in terms of improved prosperity and increased welfare in our State. Accordingly, I table the document and, so that members will have an opportunity to debate this important issue, hereby give notice that, on Thursday 12 April, I will move that the House take note of the paper. The Government has set aside 2½ hours for the purpose of this debate.

QUESTION TIME

ADELAIDE TO DARWIN ROAD

Mr OLSEN: Following the Federal Government's decision to defer major construction contracts on the Stuart Highway, will the Premier make immediate representations to the Prime Minister to ensure that upgrading of the highway linking South Australia and Darwin is not delayed further? Earlier this year the Federal Government virtually ended any hope of the Alice Springs to Darwin rail link going ahead in the foreseeable future under a Federal Labor Government. Following that decision, the Premier pledged to raise the upgrading of the Stuart Highway at the next meeting of the Premiers' Conference as a substitute for the railway. However, I have been informed that a decision by the Federal Government is delaying contracts worth $10 million for the upgrading of the road.

These deferrals have put in doubt plans to complete the north-south road link by 1988 or soon after. This delay will have serious consequences for South Australian industry. Some South Australian companies have tendered for the construction work and have been among the lowest tenderers. In this regard I cite McMahon Construction Project A 10/17. These companies are ready, upon approval, to proceed with the respective works. Consequent on that and subsequent to it are jobs for South Australians. In addition to that, any deferral or delay in the longer term will continue to discourage trade between South Australia and the Northern Territory. For those reasons, instead of waiting for the Premiers' Conference, will the Premier take up this matter with the Prime Minister as a matter of urgency?

The Hon. J.C. BANNON: There was no question of waiting for the Premiers' Conference. I certainly did say that I would be bringing up the matter at the Premiers' Conference. However, that was simply one of a number of ways in which the Government has been tackling this problem, through my colleague the Minister of Transport, in his representations to the Federal Minister at the meeting of Ministers responsible for roads and transport Federally, and by me in discussions with the Prime Minister. Indeed, on the occasion of the meeting between the Prime Minister, Mr Everingham and me, I raised this issue very strongly indeed when it became apparent that the Federal Government would accept the Hill Report and would not proceed with the Darwin to Alice Springs railway. Remember: our position has always been that the railway is justifiable and a No. 1 priority, but, faced with the fact that the Commonwealth Government has decided not to proceed with it, our fall-back position (our second option) is to press for immediate accelerated work on the highway. The Prime Minister, in fact, invited me to have further discussions with him on this matter and they will take place within the next week.

As to the question of the road, I must say that the matter will not be helped greatly by both the attitudes and submissions of the Northern Territory Chief Minister, who apparently on some occasion (this was certainly quoted at the meeting by Mr Morris, the Federal Minister for Transport) said that the upgrading of the road would not be terribly useful or necessary and that that could be accomplished over time. That is certainly not my view and I would hope that, in view of the Federal decision, it is no longer the Chief Minister's view. Indeed, that particular statement, together with the abortive and damaging exercise in which, unfortunately, the Leader of the Opposition assisted, with the Premier of Queensland, was one of the reasons why the Darwin to Alice Springs railway is not proceeding. In fact, it has been interesting that, since that meeting and that announcement by the Federal Government, we have heard absolutely nothing about the supposed feasibility study that the Premier of Queensland and the Chief Minister of the Northern Territory would undertake into their rail link: the one, as I say, which was raised, aided and abetted by the Leader of the Opposition in his meeting with them last year.

VIDEO PORNOGRAPHY AND VIOLENCE

Mrs APPLEBY: Will the Minister of Community Welfare, representing the Attorney-General, make clear the outcome of the Commonwealth and State censorship Ministers meeting on video pornography and violence held last Friday?

The Hon. G.J. CRAFTER: I will obtain a detailed report for the honourable member from the Attorney-General, but I can advise the House that last Friday Commonwealth and State Ministers responsible for censorship met and agreed upon the basis for a compulsory system of censorship in this area. I place on record the work done by the Attorney-General in achieving this end. Of course, each State and the Commonwealth now have to go back to their own Cabinets for endorsement of these principles, but the scheme that ultimately will be arrived at in this country will in no small measure be as a result of the work that has been done in South Australia and in particular by the Attorney-General.

STONY POINT INDENTURE

The Hon. E.R. GOLDSWORTHY: Will the Minister of Mines and Energy advise the Whyalla council that its decision to set a rate of 29.6 cents in the dollar for the Stony Point area is in breach of the Stony Point indenture? Last night this matter was discussed at a meeting of the Whyalla council which decided not to change the decision it had made in February. The Opposition has been aware of this problem for some time, but has not sought to intervene in the hope that a settlement could be reached. However, there has been no settlement, and the Government has a duty to intervene. The Whyalla council is applying this rate to Santos, while the highest rate applying to other commercial or industrial undertakings in its areas is 6.14 cents in the dollar, and this is in clear breach of section 29 of the indenture which provides that the producers should not be subject to any rate which discriminates adversely between them and other industrial or commercial enterprises in the district.

The indenture also imposes on the Government a requirement to ensure that the indenture is not breached. That is one of its specific requirements. During the Select Committee inquiry into the Bill, an organisation known as the Whyalla

Action Group submitted that Santos should be paying a much higher rate than were other enterprises in Whyalla. However, its views were not accepted by the committee or by Parliament. Since now quite clearly the fundamental principle of upholding an indenture is in question, and the need to ensure that other potential investors in South Australia are not deterred by this sort of action, the Government is obliged to intervene immediately.

The Hon. R.G. PAYNE: If the honourable member took some time for reflection, I think he would appreciate that this is not a matter to jump into in as headlong a way as he demonstrated as being his normal behaviour in the past. I need refer only to his headlong action in signing up the State in regard to gas prices which we now have to contend with until the end of 1985. In his explanation of the question, the former Minister referred to the fact that the rate needs to be shown to be discriminatory in respect to the wording which appears in the indenture. I think that that position must first be addressed, and I will be taking action, now that I have received the letter, to get the best advice that I can as to whether the rate is discriminatory (because that is the operative part of the indenture), which would then require some action by the Government.

It could be argued, for example, that the council has had to take into consideration such matters as the provision of other services that it is now called on to provide because of the loss of the amenity of the area. The former Minister would know that certain beach areas are no longer available to citizens of the Whyalla district. There is a need for the council to provide certain maintenance services, which might perhaps relate to the escape road, and, certainly, the other kinds of service that are provided by councils. So, the matter is not as simple and clear cut as the Minister purports; it is a matter for calm consideration, which I propose to give it. I will obtain the best advice and in due course the former Minister will no doubt be aware of the action I propose to take.

INSHORE FISHERIES ADVISORY COMMITTEE

Mr HAMILTON: Can the Minister of Education, representing the Minister of Fisheries in another place, say which organisations are represented on the Inshore Fisheries Advisory Committee, and what has been achieved by this body? Last year the setting up of an Inshore Fisheries Advisory Committee was announced. This pleased me because it allowed formal representations from people, other than those strictly involved in the practice of fishing, about how fish stocks are managed. Can the Minister say which groups became part of that new body and what has been achieved to date?

The Hon. LYNN ARNOLD: Yes, I am most happy to provide information to the honourable member. The Minister of Fisheries in another place has provided me with information on this subject. Several organisations are represented on the Inshore Fisheries Advisory Committee. They are the Australian Fishing Industry Council (representing commercial fishermen), the South Australian Recreational Fishing Advisory Committee (an umbrella organisation for angling clubs and other recreational groups), the Eyre Peninsula Inshore Fisheries Advisory Committee (representing interest from Eyre Peninsula and Kangaroo Island), and the Retail Fish Shop Owners Association of South Australia. There also are representatives from the Department of Tourism and the Department of Fisheries, with the Director of Fisheries, Mr Richard Stevens, chairing the meetings of that committee.

Establishment of the Inshore Fisheries Advisory Committee expands representation beyond commercial and recreational fishermen. It recognises, for instance, the growing desire for regional tourism to be taken into account in the consultative process and the recreation and tourism value of waters adjacent to city suburbs also has greater attention as a result of that, and those people involved in that recreation will certainly be very pleased about that.

The honourable member asked what has been achieved so far. The answer is that a greater understanding is developing between interests which are competing for a share of what is and must be acknowledged as a finite fish resource. Last week the most recent meeting was held and once again resource sharing was the most prominent topic. I believe much value can come from the approach being taken, and I expect that over time some very well considered proposals will come out of meetings of the Inshore Fisheries Advisory Committee.

POLICE PATROLS

The Hon. D.C. WOTTON: Does the Deputy Premier, as Minister responsible for the Police Force, believe that more police patrols need to be deployed along the Torrens River bank and in Hindley Street? In asking this question, I offer the Opposition's support for any responsible action which the Government believes is necessary to deal with problems in these two areas. There have been at least two major crimes of violence in recent weeks along the Torrens River bank—one a suspected murder, the other a brutal assault. Because the latter case is before the courts, I will not canvass it in any further detail.

When problems along the Torrens bank were brought to the attention of the former Government, police patrols were stepped up, and we were informed at the time of the last election that the level of crime had dropped in this area. Recent events, however, suggest that this situation may have been reversed in what is one of the city's most popular precincts and valuable tourist attractions. In relation to Hindley Street, the annual report of the Police Commissioner, tabled last week, contains some alarming figures. For example, more than 12 per cent of all robberies in South Australia occur in Hindley Street. The same street has almost 11 per cent of cases of assaulting police, 12.6 per cent of larcenies from the person, 14 per cent of all disorderly behaviour, 14 per cent of all resisting arrest offences, 19 per cent of all offensive language offences, and 23 per cent of all loitering offences.

This is the first time that crime in Hindley Street has been singled out for special treatment in the Commissioner's annual report. These incidents are part of a wider pattern of increasing criminal activity identified in the Police Commissioner's report. For example, the report shows that, during 1982-83, there was a 14.8 per cent increase in serious assaults and an overall increase of 10.3 per cent in assaults of various kinds, including rape, murder and attempted murder. Robbery with firearms increased by 74 per cent to a rate of almost one offence a week and drug offences were up 43 per cent.

The Hon. J.D. WRIGHT: The Government is very concerned about the safety of citizens wherever they may be, whether in Hindley Street or on the banks of the Torrens River. One of our first responsibilities is to look after the people of this State and visitors who come to it. Recently, the Government has made several statements in relation to assisting the police programmes. First, there is the strategic plan, which was put to me very early in my Ministerial responsibility for the emergency services portfolio and which in turn was put to Cabinet and endorsed. Announcements about that were made four or five weeks ago.

In case the honourable member missed them, I will reiterate the recommendations contained in that document. They were to endorse the initiatives proposed in the Police Department's strategic plan, 1984; to approve the recruitment of an additional 18 cadets and six public servants in 1983-84 on the basis that the Department would absorb the additional cost of $110 000; and to request a detailed examination of the options available for relocation of resources to meet the costs of the initiatives proposed in the strategic plan and agree to priority consideration of the Police Department in 1984-85.

That is the major submission that the Police Commissioner has made to me in relation to assistance that may be needed by the Police Force to control citizens' protection and the involvement of all citizens in that strategic plan. There have been other initiatives in relation to the Police Force in my short period as Minister. I refer to the upgrading of the computer system, to make it much simpler to place on record those matters of which the police need to be aware.

Finally, I have great confidence in the ability of the Police Force to carry out its work. In particular, I have very great confidence in Commissioner Hunt, who, in my opinion, has been a very efficient, capable Commissioner. In the several discussions I have had with him I have found him extremely reliable, I have very great confidence in his ability to manage the Police Force. However, as Minister, I do not think that it is my responsibility to tell him how to do his work. That is his responsibility. If he wants to upgrade or step up patrols in Hindley Street, on the Torrens River bank, or elsewhere, if he sees that as warranted, I have great confidence in his taking that action without my having to prompt him at all. That has been my understanding with the Commissioner.

I think it is the responsibility of the Minister to carry out Government policies and initiatives and, where necessary, to take to Cabinet those initiatives proposed by the Commissioner, but I do not believe I should interfere in the day to day workings of the Police Force. I have every confidence in the Commissioner's being able to do so.

SCHOOL CHAPLAINCY

Mr KLUNDER: Will the Minister of Education comment on an article in yesterdy's *Advertiser*, under the heading of 'Chaplain Plans for Government Schools'? In particular, can he indicate whether any Government expenditure will be involved in this programme or whether students' lessons are likely to be disrupted?

The Hon. LYNN ARNOLD: This matter was reported in yesterday's newspaper. The article mentioned discussions that have taken place between the Education Department and the Heads of Churches Committee since 1982. Those discussions arose as a result of concern being expressed by people about the lack of availability of a chaplaincy type function within Education Department facilities. Members will know that in most tertiary institutions there already exist chaplaincy services of one sort or another, available on a voluntary basis, of course, to students who wish to use them from time to time. So, the discussions are designed to examine whether or not such a chaplaincy service could be feasible in schools, bearing in mind that many senior students in schools are 18 or 19 years of age, ages similar to students who are presently in tertiary institutions and who have expressed a desire for those kinds of services.

Presently, discussions are taking place between the Department and the Heads of Churches Committee, and that will require decision making by myself and the Government. We have to find out what will be the recommendations to us. It is not my intention, as Minister, that any proposals that may be proceeded with will involve any cost to the Government. That should not be the case. Nor is it proposed that any suggestions that come forward would be supported if they involve any disruption to class instruction time. There are, of course, other opportunities during the school day, such as lunch hours, recess time, free periods, elective periods, and the like, where any such activity may focus its attention.

But I remind honourable members that for a great many years a number of schools in South Australia have permitted within their schools religious clubs and societies which themselves operate precisely within those constraints. They do not involve the Government in any money and operate outside instructional time, causing no disruption to lessons. The issue has to be the subject of report to me as Minister, and I will then consider on the basis of the recommendations that come to me what action, if any, will be taken on the proposal.

MARINE SURVEY CHARGES

The Hon. P.B. ARNOLD: Will the Minister of Marine say how the Government justifies the 350 to 400 per cent increase in survey charges from 1 January for all vessels propelled by machinery and, before those massive increases were gazetted, did the Minister calculate their impact on the tourism and fishing industries? I have received a letter from Mr Ian Showell, Managing Director of Liba-Liba Houseboats which, in part, states:

> This will increase the cost of annual survey—at present approximately $45 on a 20-metre craft to approximately $180 plus transport and sustenance of surveying officers. An increase for our fleet of 30 houseboats from $1350 to over $6000 annually seems to be excessive.

In a front-page article on Friday 6 April this year, the *Murray Pioneer* stated:

> Houseboat Hirers Angry. A furore has erupted amongst Riverland commercial houseboat operators over increases in Government survey charges which took effect on 1 January this year... Barinya Houseboats proprietor, Mr Graeme Hann, of Loxton, said he wanted to see the matter brought to someone's attention immediately. 'It seems the State Government spends a lot of money on promoting tourism in the State and then spends a bit more to knock it on the head,' he said.

I ask the Minister, if he undertook an inquiry into this matter, what the impact will be on the fishing and tourism industries and whether, as a result of the impact I believe this will have, the Government will review those charges.

The Hon. R.K. ABBOTT: The honourable member has asked a detailed question: I will investigate it and see whether I can obtain the information for him. I take it that the honourable member is talking about the survey that is being conducted—

The Hon. P.B. Arnold: The marine survey charges.

The Hon. R.K. ABBOTT: To my knowledge, they have not been put through.

The Hon. P.B. Arnold: They have been gazetted.

The SPEAKER: This problem arose the other day. If there is confusion on exchange between the member asking the question and the Minister replying, that should left to a private conversation afterwards. The honourable Minister.

The Hon. R.K. ABBOTT: I will obtain the details for the honourable member and see what impact this will have on the tourism and fishing industries.

WATER STORAGES

Mr FERGUSON: Can the Minister of Water Resources provide the figures of the current holdings in the metropolitan

reservoirs and state whether the holdings compare favourably with those for last year?

Members interjecting:

The Hon. J.W. SLATER: It would appear that members opposite are not particularly interested in reservoirs and the water supply in South Australia, and I think that was fairly obvious during the period 1979 to 1982. However, the public of South Australia is interested in the current water storages, including not only our metropolitan reservoirs but also the River Murray Commission holdings, which I will give in response to the honourable member's question. The present total capacity is 44 per cent, which is 88 275 megalitres. Most importantly perhaps are the figures relating to consumption for this year, involving 148 102 megalitres in metropolitan Adelaide from 1 July, compared to a record 162 426 megalitres consumption in the same period last year.

Pumping from the Murray River is also significant. For the same period last year, which was a dry year, 164 567 megalitres was pumped from the river into metropolitan reservoirs, whereas for the same period this year, from 1 July, only 42 738 megalitres has been pumped. More important, as to the use of water for irrigation and domestic purposes, the Murray River is at a satisfactory 60 per cent capacity coming to the winter season, compared to the situation that obtained in 1982-83, when doubt was expressed by various people about the Murray River's capacity. The present position augurs well not only for this year but for the next year as well.

TEACHERS

The Hon. MICHAEL WILSON: How does the Minister of Education explain the apparent reduction by 1 000 in the number of full-time equivalent employees in the Education Department between December 1982 and December 1983? In reply to Question on Notice 313, the Minister said that the aggregate of full-time equivalent employees in the Education Department in December 1982 was 17 101.4 and in December 1983, 16 130.1, which shows a reduction of about 1 000 full-time equivalent employees. If his information is correct (and the Minister knows of another unfortunate occurrence late last year when the information he supplied me was not accurate), that belies the Minister's statement that he has at least retained constant teacher numbers. I realise that this refers to school assistants and Public Service staff as well, that is, the total staff of the Education Department but, nevertheless, a reduction of about 1 000 full-time equivalent employees from one year to the next is a disturbing anomaly.

The Hon. LYNN ARNOLD: In recent times I have noticed a lack of interest from the other side in some educational matters and, although I am happy today to have a question that allows me to comment, I would have hoped that more study could have been done on the subject of the question. The honourable member has referred to a Question on Notice to which he received a reply last year. Perhaps he needs a lesson in the framing of a question and should examine other periods of the year rather than the month of December. In the Estimates Committee last year, another set of figures used was from June 1982 to June 1983, and over that period there was not a reduction of 1 000: indeed, there was a minor increase. The issue that should be considered regarding December full-time equivalent employment is the level of contracts employed by the Department, because contracts finish in December and are picked up again in February. That is one issue that caused so much opposition to the contract system and some anxiety about it. I have expressed my sympathy with much of the anxiety that has been expressed over a period.

So, one needs to look at the monthly ebb and flow of employment over the whole 12 months and, if one wants a figure at which to look, one should have an average of all the employment figures for each 12-month period and not just a figure for one month. Employment has not been reduced by 1 000 equivalents. Let us analyse the components that may be involved in the figure given, although I will bring down a full explanation of the relevant statistics later. There has been a minor reduction in the level of employment of public servants in the Education Department, and the figure is now about 850. That represesnts a decline from about 1350 in 1977, which was the peak year for the Public Service head count. The figure has been continually declining, and the reorganisation of the Department now takes account of this new base figure that we have arrived at in trying to find better functions for each of those levels of employment.

The ancillary staffing has not gone down: it has gone up. In fact, that was Government policy and it is tied to teacher numbers in schools. The formula was improved by this Government to the extent of 4 per cent in secondary and primary schools and a greater proportion at the junior primary level. Therefore, the variation in the December figure would be explained entirely by the variation in contract employment figures and, as I say, a more significant month would be one which is a full school month, namely, a month like June. December is not a full school month, and the number of school days in December 1982 would have been different from the number of school days in December 1983. That in itself has an effect, for example, on when contracts finish and what the monthly average comes out at. A variation of a few days does affect that situation, but the more significant—

The Hon. H. Allison interjecting:

The Hon. LYNN ARNOLD: No, December to December would exhibit changes, owing to the number of school days in the month and also to the number of contracts being terminated and the date at which they were being terminated. However, the more significant figure, involving June 1982 to June 1983, indicates that there was no reduction in the number of teachers in South Australian schools and, likewise, in June this year it will show exactly the same. I will obtain some clarification of the figures to help explain it to the honourable member, but I suggest that he ask another Question on Notice to compare the month by month full-time equivalent (I am helping him do this; I will draft it if he wishes), so that he can then find out how the situation flows for the whole year, rather than trying to play off statistical variations (this has been happening in other areas of the Opposition, too) which do not necessarily reflect the overlying trend in the Education Department.

I suggest that he go around the schools and ascertain the number of teachers in the classrooms, and he will learn that they are in fact relatively the same as, or slightly greater than, was the situation when I became Minister of Education in South Australia, against a backdrop of thousands fewer students in the South Australian education system.

HEYSEN TRAIL

Mr GREGORY: Can the Minister of Recreation and Sport inform the House whether there is any basis for recent media claims that there is a lack of proper consultation between his Department and landowners in setting up the Heysen Trail? Recently, there have been at least two reports in newspapers that landowners in the northern region and the Flinders Ranges were not consulted about planned routes for the trail. Owners of land adjacent to the trail could be

affected in one way or the other, and I believe that they have reason for concern if they are not part of the consultation process.

The Hon. J.W. SLATER: The media reports referred to by the honourable member are somewhat misleading and misrepresent the true situation because, in respect of the Flinders Ranges section of the Heysen Trail, there has been consultation between landholders and officers of the Department of Recreation and Sport. The Heysen Trail, of course, has been operating in sections for some time. Work started in 1977, and now some 400 km of the trail has been completed and is open to bush walkers (not bush whackers, I might mention, as some members of the Opposition might believe). One section extends from Newland Hill, south-west of Encounter Bay, to Lyndoch in the Barossa Valley. The other section is between Parachilna Gorge and Wilpena Pound in the Flinders Ranges. In developing these sections, the Department contacted about 85 landowners, and the district councils were also consulted. As a result, a scenic public trail is working well both for people who use the trail and for the landholders concerned.

Wherever possible the Department of Recreation and Sport has always been willing to confine the Heysen Trail to publicly owned land, such as national parks, water reserves and public roads. That fact must be clearly understood, particularly in relation to fears expressed by the landholders in the Mount Remarkable region. In November the Department consulted with the District Council of Mount Remarkable, and following that consultation an officer of the Department attended a council meeting and answered questions from both the council and people present at that meeting in the public gallery. A public meeting was then held at Melrose in November 1983, and was attended by more than 40 people from the surrounding district as well as the officer responsible for the development of the trail. I understand that a committee was formed at that meeting to assist in selecting a suitable route for that part of the trail.

The Department is again consulting with the council and with the local committee formed at that meeting. They have not reached full agreement on some aspects of the location of the trail, but they are working steadily towards achieving agreement. In regard to the future location of the Heysen Trail, I assure the member for Florey and other members of the House (including the member for Eyre, who is not in the House at the moment) that nothing but the fullest consultation will be undertaken by the Department with the council involved, individual landowners and, indeed, any committee that may represent them.

DEPARTMENT OF LANDS OFFICERS

The Hon. D.C. BROWN: Will the Minister of Lands say whether a major investigation has been carried out within the Department of Lands concerning misconduct by officers and, if so, what action has been taken as a result of the investigation, and why are the officers involved still engaged in their normal activities? A claim has been made to me by a person very close to the Lands Titles Office that major investigations have been conducted into misconduct by at least two officers of the Department of Lands. It is believed that over a ten-year period about $30 000 has been forgone in fees from private clients as a result of that misconduct. It is claimed that, although one officer has actually admitted misconduct, he and the other suspect are still performing normal duties. The officers apparently obtained free prints for specific private clients, for which a fee would normally have been charged.

The Hon. D.J. HOPGOOD: I can confirm that the Director of Lands reported to me about a week ago that two officers had been investigated by the Public Service Board and that he would be receiving a recommendation from the Public Service Board in a very short time. It may be that that recommendation is now with the Director. I have not had a chance to talk to him about it today. Once I have received the benefit of that advice, I will be able to give the honourable member and the House further information about the matter.

NON-GOVERNMENT SCHOOLS

Ms LENEHAN: Will the Minister of Education please outline to the House the Government's position in relation to the payment of subsidies for interest payments on capital works for non-government schools? This question is supplementary to a question I asked last week on the Government's funding policy for non-government schools.

The Hon. LYNN ARNOLD: On 20 June last year the Catholic Education Office in South Australia put a proposition to me as Minister that we should in fact consider having a subsidy scheme on the interest rates that are paid by the non-government sector for their school buildings. That was endorsed on 22 June by the Independent Schools Board of South Australia, which advised me of its endorsement of that principle. I had that matter referred to the Advisory Committee on Non-Government Schools for its investigation and report. It, in fact, reported to me late last year and the matter was then referred to Cabinet for consideration of a policy decision.

In the past we have not had a formal policy of a separate provision of a subsidy for interest rates in South Australia, but we have had subsidy for interest rates built in to our funding mechanism. It was on the basis of that, and on the basis of an understanding of the financial resources available to us, that the Government did not accept the proposition that there should be a new, separately identified subsidy component payable for interest paid by the non-government sector on capital buildings. The proposal put up was one that would have cost an extra $850 000 in any financial year. Government cannot lightly make decisions that will cost another $850 000. If people are saying (and some people, I suspect, may be saying) that the Government has rejected the payment of subsidies on interest, I point out that it is built into the present formula used by the Government in allocating funds to non-government schools.

I draw members' attention to the Report of the Advisory Committee on Non-Government Schools: the 1983 report outlines that issue. I tabled this report in the House late last year. I turn first to the terms of reference which were spelt out, initially on 15 August 1977; among many other points, the report makes the following point:

> In assessing the needs of schools the Committee shall consider the following criteria . . .

And criterion 3 is as follows:

> Expenditure commitments on capital projects which should be related to the total recurrent income of the school.

One could then say that that is a term of reference, but does it find its place in the formula for allocating funds by the non-government school sector? If one turns to a later section of the report on how the formula is arrived at, one can find at page 10 the reference that debt servicing is incorporated and is defined as:

> interest payment made on behalf of a recurrent debt and interest and mortgage repayments made on behalf of capital debt as well as bank charges.

Then it has its place in a debt servicing quotient, which is expressed as a percentage of the total recurrent notional

income less debt servicing. This was to produce a maximum influence of 20 per cent on the adjusted cost of educating each student. The larger this value, the more 'needy' the school, and consequently the larger the factor in the formula. It goes on to describe how that interest rate adjustment is built in to the formula, and of equal significance there is the actual questionnaire sent out to non-government schools. To help achieve the terms of reference and to complete the formula by the committee, the schools are asked to provide information both for the previous year and budgeted for the coming year, on the level of interest payments and principal reduction that has taken place in their school. They are also asked questions of their recurrent and capital debt servicing charges.

The formula in South Australia already incorporates an element of subsidy for interest payments made by the non-government school sector. It was against that backdrop that the Government did not feel that it could accept a recommendation that would cost an extra $850 000 (and that would have paid only 50 per cent subsidy on interest payments for schools). We make significant amounts of money available to the non-government school sector. We have not reduced that, contrary to certain assertions, but we could not in the current economic climate consider increasing it by this extra amount.

PRE-VOCATIONAL TRAINING COURSES

Mr MEIER: Will the Minister of Education take urgent action to ensure that country students are not disadvantaged in favour of other people who have completed a pre-vocational training course at the Technical and Further Education colleges when they wish to seek a career in the metal and certain other trades in a State Government department? An advertisement in the *Advertiser* of 11 February 1984 by the Department of Technical and Further Education, directed at young men and women seeking a career in trades such as metal fabrication, fitting and machining, plumbing, automechanics and sheetmetal work, advises people to join a course of pre-vocational training at a TAFE college because:

> The South Australian Government has determined that graduates of 1984 courses of pre-vocational training will be given strong preference in recruitment for 1985 apprenticeship vacancies in State Government departments.

Several secondary schools have expressed concern about this proposed policy, because the implications to hundreds of secondary students in the country are serious. Using Yorke Peninsula as an example, the closest TAFE college offering the courses is from 100 to 250 kilometres away—a round trip of 500 kilometres for some students. As one letter from a school brought to my attention states:

> Country secondary students are already disadvantaged in many ways by time, distance, need to travel and limited course offerings.

The school believes that action needs to be taken either to provide more readily accessible pre-vocational courses in country areas or, alternatively, more realistic financial assistance to students who must leave home in order to have access to this new course, so that they are not so obviously discriminated against.

The Hon. LYNN ARNOLD: Yes, this matter has been raised with me earlier. In fact, it was raised on the day I was visiting schools in both the honourable member's electorate and in the electorate of the member for Light. I visited the Clare Community College of the Department of Technical and Further Education, and the point was also made on that occasion. I very much enjoyed the opportunity to meet with people involved in education in the Clare Valley and to discuss a number of issues. I certainly have asked that my Department investigate this situation to find out the nature of disadvantage that may be suffered by students in certain parts of the State and what possible options may have to be looked at by the Department or by Government to try to resolve it.

Clearly, of course, that will ultimately be a matter of Government decision. I point out, of course, that the honourable member quoted the advertisement and talked about strong preference. That has within its semantics the capacity to take into account serious disadvantages that may be suffered by students in certain parts of the State. Of course, the Department of Technical and Further Education is very concerned, as indeed is the Education Department, to ensure that educational offerings are conveyed to as wide a cross-section of the community as possible and it is ever trying to expand the services it can offer, particularly to country people who may in the past have been quite seriously disadvantaged in some regard.

In fact, the mobile workshop, which I recently commissioned in Rundle Mall, was an example of that. It is taking technical and further education into areas such as the Riverland (which is where it will start), where access to those educational services was not previously readily available. That kind of approach is certainly being investigated by TAFE to see whether we can expand educational opportunities out into the field.

It has, of course, always been a problem, regarding apprenticeship studies in particular, that there are focal points for apprenticeships. We are talking about the stage after pre-vocational training, which has often required students to travel long distances away from home in order to have access to the services. It may never be possible to overcome that kind of disadvantage for people, because naturally there will be specialised equipment and services which cannot easily be conveyed by mobile services, workshops or small units scattered around the State. But, I do take up the point that there are elements of disadvantage in the system which need to be identified. We then need to examine what options we have to overcome them, if they are serious disadvantages. I certainly have asked the Department to look at this question.

PICCANINNIE PONDS CAVES

Mr TRAINER: I ask the Minister for Environment and Planning, who is responsible for national parks and wildlife, what information is now available to the Government about the diving tragedy at Piccaninnie Ponds over the weekend? What Government action, if any, is proposed as a result of information now available?

The Hon. D.J. HOPGOOD: I am sure all honourable members join with me in expressing our concern about this tragedy which, of course, is not novel, in the South-East, although it is the first for about 10 years following the adoption in the very early 1970s of a permit system under the National Parks and Wildlife Service. There were, as everyone knows, two divers involved, one of whom was from Mount Gambier. He had a permit to dive in the ponds from the National Parks and Wildlife Service, valid to 30 June this year.

At some stage prior to the renewal of a permit the Cave Divers Association is asked to provide certification indicating that the diver's skills are still up to the mark. There was also a man from the metropolitan area who had a permit for snorkel diving but no permit for scuba diving and, as honourable members would know, the two forms of recreation are completely different. The permit indicates permission to dive down to 36.5 metres (120 feet), and a cautionary note on the back of the permit indicates that 130 feet is the maximum safe depth for diving with com-

pressed air. One depth gauge indicated that the men had reached 68 metres and the bodies were found at a depth of 60 metres.

I suppose calls for the closing of the ponds are in some respects a little bit like calling for the closure of surfing beaches where people are drowned when they are swimming. Despite this unfortunate tragedy, there has been a long history of reasonably responsible action on the part of divers in the South-East and, as far as we are aware, diving without permit has been the exception rather than the norm. It is not possible to police all access to what is a reasonably remote and reasonably large area, so no doubt from time to time diving occurs on the part of people who have not gone through the process I have outlined. It seems to me that it is important that the message be brought home to people that even those who are reasonably experienced in this sport need to take every precaution before they proceed to a dive. From the information I have available to me, I believe that it would be an over-reaction for me at this stage to restrict access to the area.

MARINE SURVEY CHARGES

The Hon. JENNIFER ADAMSON: Is the Minister of Marine aware that submissions seeking approval for increases in marine survey charges need to be signed into Cabinet by the Minister of Marine and, if so, why does he need to seek a report on charges which he recommended to Cabinet and which were approved by Executive Council and gazetted in December 1983? In his reply to a question from the member for Chaffey, the Minister clearly showed that he was unaware that marine survey charges had been increased, let alone aware of the devastating effects the increase will have on the tourism industry along the Murray River. The only conclusion that can be drawn is that the Minister has no idea what he is putting before Cabinet.

The SPEAKER: Order! The honourable member was clearly debating the matter and commenting.

The Hon. R.K. ABBOTT: I think the honourable member, a former Minister in the previous Government, would realise the amount of work that goes through a Minister's office. It is quite impossible to remember specific details of everything that comes before any Minister.

The Hon. E.R. Goldsworthy: You didn't even know it existed.

The Hon. R.K. ABBOTT: It went through some time ago, and the point I was endeavouring to make was that a Minister cannot remember all of that detail. I think it is obvious that some increase was necessary, but I was asked why the amount of increase was justified. I would need to investigate that and refresh my memory as to why it was necessary to go as high as the member for Chaffey alleged the increases have gone. I am sorry if I have disappointed the member for Coles by not remembering all of that detail. Perhaps the portfolio of the Minister of Transport is a much larger one than was that of tourism and health.

The Hon. Jennifer Adamson: I doubt it.

The Hon. R.K. ABBOTT: I think it would go pretty close.

HAIRDRESSERS

Ms LENEHAN: Will the Minister of Community Welfare ask the Minister of Consumer Affairs when the review of the Hairdressers Registration Act will be conducted by the Department of Consumer Affairs? It has been put to me by members of the Master Hairdressers Association, the union which covers hairdressers, as well as by individual hairdressers, that a review of the 1939 Act is urgently needed. The *Advertiser* recently contained an article headed, 'Women trimming men may be breaking law', in which it was stated that the problem dated back to the Hairdressers Registration Act which was written in 1939 and which states that hairdressers need separate licences or registrations to cut women's and men's hair. Mr Parslow, the Administrator of the Hairdressers Association, was reported in that article as saying that people registered as women's or men's hairdressers did not realise that they had to extend their registration if they wanted to cater for both sexes. The article also stated:

> Many of these women have been cutting men's hair for 10 or 15 years without being registered but when they go for the exam they find they must have straight-razor shaving skills as well as the ability to do scissor-over-comb (short back and sides) cuts which have really gone out of date—

as is obvious from looking around this Chamber!

Members interjecting:

Ms LENEHAN: They are also required to hone a razor, a skill that has become largely redundant. As the head of the Adelaide School of Hairdressing has said, the demand for these courses has been so great that they are full until September. He was quoted in that article as saying:

> 'You don't drop 25 to 30 per cent of your clientele for six months just because you are waiting for a piece of paper.'

A further anomaly that has been brought to my attention is that the hairdressing apprenticeship course is completely the same for both men and women, and is conducted by the Department of Technical and Further Education. Concern has also been expressed to me by the hairdressers and their representatives that this crackdown by the Hairdressers Registration Board is not, as the Board claims, ensuring that the public is protected from unqualified people operating as hairdressers; it is doing nothing to pick up the backyard operators.

The Hon. G.J. CRAFTER: I thank the honourable member for her question and for raising these issues in the House. As the honourable member says, there have been difficulties for some time in industrial relations and matters of registration in the hairdressing profession, and the inquiry being conducted by the Government will come to grips with the issues and make recommendations to the Government on how they can be remedied. I shall obtain a full report for the honourable member.

PERSONAL EXPLANATION: MISREPRESENTATION

Mr TRAINER (Ascot Park): I seek leave to make a personal explanation.

Leave granted.

Mr TRAINER: I believe I was seriously misrepresented in an article which appeared in the *Advertiser* last Friday 6 April in the form of a letter to the Editor from a Mr W.R.M. Dunkley. The contents of that letter related to a question which I asked in this House on 27 March and which was briefly reported upon by Ms Parsons in the *Advertiser* on 28 March. The 6 April letter by Mr Dunkley in the *Advertiser* commenced as follows:

> Sir—
>
> I refer to an article (the *Advertiser*, 28 March 1984) in which I am labelled as a scaremonger by Mr Trainer (A.L.P., Ascot Park). I do not know Mr Trainer; in fact I have never even heard of him. Presumably he was exercising his unfettered right to say what he liked, under Parliamentary privilege . . .

After canvassing several other matters, the letter then concludes by saying:

> Politicians should get their facts straight before sounding off.

Because I was attending, on behalf of a Minister, a meeting of the Australian Council on Inter-Governmental Relations in Hobart last Friday, I did not see the offending article until 9 p.m. that day.

I immediately contacted senior staff of the *Advertiser* seeking either a retraction on their part or an opportunity to reply to that letter. The newspaper has not yet published a retraction so, with the concurrence of the House, I take this opportunity to use the forums of the House to correct the misrepresentation that has occurred. First, a mild misrepresentation is involved in that final sentence, because I was not in any way 'sounding off' on 27 March: I was merely seeking information by way of an innocuous question accompanied by only the minimum explanation permitted by Standing Orders, which clearly preclude anyone 'sounding off' by way of a question. Those Standing Orders also probably prevent my commenting today on whether the misrepresentation appearing in last Friday's *Advertiser* involved someone else not getting his facts straight before 'sounding off'. Certainly, Mr Dunkley's letter, as published, was incorrect in its other and more serious assertions. It is a most serious misrepresentation to accuse me of abusing Parliamentary privilege in order to label him as a 'scaremonger'.

A perusal of *Hansard* of 27 March and of the *Advertiser* report of 28 March shows that these alleged offences do not exist. Neither report contains any reference to 'scaremongering'; the word does not appear in either report, nor does any criticism of Mr Dunkley whatsoever, either real or implied. What transpired was this: a concerned constituent drew to my attention an article entitled 'Pacemaker "danger in cremation" ' in the afternoon newspaper of 8 December, in which was the record of an interview with Mr Dunkley on the possibility of heart pacemakers exploding during cremations. The article also contained an implication that the relevant legislation was not adequate.

It was also of some concern to me that the article of 8 December referred to nuclear powered pacemakers containing plutonium, with all that that implied regarding the production of radioactive ash during cremation. When Parliament resumed, I asked, during Question Time on 27 March, for the Minister of Health 'to prepare a report on any dangers that may result during cremation from heart pacemakers left in bodies', so that this matter, although perhaps not a burning issue of the day, could be laid to rest publicly. That brief question contained nothing inflammatory. Without using so much as a single word that could be interpreted as being critical of Mr Dunkley, I merely quoted in good faith several paragraphs of the newspaper item of 8 December, including the comments he had purportedly made. The appropriate Minister (the Minister of Tourism, acting on behalf of the Minister of Health in another place) then offered to inquire into the situation. For the correspondent in last Friday's *Advertiser* to describe this as someone 'exercising his unfettered right to say what he liked under Parliamentary privilege' is a serious and gross misrepresentation of the facts.

STATE BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the State Bank of South Australia Act, 1983. Read a first time.

The Hon. J.C. BANNON: I move:

That this Bill be now read a second time.

On 17 November 1983, I introduced legislation to provide for the amalgamation of the Savings Bank of South Australia and the State Bank to form a new bank to be known as the State Bank of South Australia. It is intended that this legislation will be proclaimed to come into effect on 1 July next. Members will recall that in my second reading speech last November I drew to the House's attention that detailed provisions relating to staffing, which are a feature of the existing Savings Bank of South Australia Act and, to a lesser extent, the State Bank Act, were not part of the Bill which was at that stage before the House. I indicated then that a Bill incorporating such staffing provisions as may be necessary would be brought forward at a later date. Members will also recall that section 2 (2) of the State Bank of South Australia Act requires that the Governor must be satisfied that legislative provision has been made in relation to the rights and interests of the officers of the Bank before the Act is proclaimed. This Bill sets out to make that provision. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

The Bill amends the principal Act by inserting a schedule which comprises the provisions relating to employees. It is both logical and convenient that these provisions be incorporated into the State Bank of South Australia Act rather than being set out in a separate Act. The Bill now before the House is the result of extensive discussions between representatives of the Australian Bank Employees' Union, the management of the banks and the Government. It represents an agreed position on all matters. The principles underlying the Bill are that no employee should lose an established right as a result of the merger and that future rights accruing should represent a reasonable amalgam of the rights which would have accrued under the separate enabling Acts of the two existing banks.

I would like to place on record my appreciation of the positive approach displayed by all those involved in assisting the Government to draw up this legislation. The manner in which the Union's concern about 'prescribed offices' has been handled is a good example. Provision for 'prescribed offices' is made in the current Savings Bank of South Australia Act. They are positions occupied by very senior officers of the Bank and, in isolated cases, positions requiring specialist skills which are not available within the Bank. There is no right of appeal against appointment to a 'prescribed office'.

The Union recognises the necessity for this kind of provision in the new legislation but, naturally, is concerned to ensure that it is not abused. The Union has accepted assurances in that regard from the officers of the banks who were involved in the discussions. The Government supports those assurances with the observation that we see no reason why there should be any real change in the way in which the 'prescribed offices' provisions would be used. The attitudes displayed by all concerned in resolving this issue and, indeed, in the whole of the discussion process, exemplify the approach to industrial matters which has helped to put South Australia ahead of all other States in the Commonwealth in terms of industrial harmony.

Clause 1 is formal. Clause 2 makes a consequential amendment. Clause 3 adds a subsection to section 17 of the principal Act. The new subsection relates the employment of staff by the new Bank to the provisions in the schedule inserted by clause 5 of the Bill. Clause 4 by paragraph *(a)*, makes a consequential change to the heading of the existing schedule to the principal Act. The amendment to clause

1 (2) of the first schedule is made to ensure that the Superannuation Act, 1974, will apply for the benefit of employees of the new State Bank. Section 6 (1) of that Act already provides that employment by the State Bank of South Australia shall be deemed to be employment by the Government of South Australia with the result that employees of the existing State Bank may become members of the fund. The result of this amendment will be that section 6 (1) will, in the future, refer to the new State Bank instead of the old State Bank.

Clause 5 inserts schedule 2 into the principal Act. Clause 1 provides definitions of terms used in the schedule. Clause 2 sets out the powers of the Bank to employ, transfer and dismiss employees. It is worth pointing out that, because of the Australian Constitution, the power of the Bank (being a corporation established by Act of the South Australian Parliament) to employ officers and other persons on such conditions as it thinks fit is subject to overriding Commonwealth law which includes industrial awards made pursuant to the Conciliation and Arbitration Act of the Commonwealth. Specific requirements of other Acts of State Parliament such as those made by the Industrial Safety, Health and Welfare Act, 1972, must also be complied with by the new Bank. Subject therefore to any overriding law the Bank will be able to employ officers and others on such conditions as it thinks fit. For example, in addition to recreation leave, sick leave and long service leave it will be able to grant leave to officers or employees for compassionate reasons or in necessitous circumstances on such pay, or without pay, as it sees fit. Clause 3 gives the board of the Bank power to declare an office in the Bank to be a prescribed office. Prescribed offices will not be subject to classification and there will be no appeal against the appointment by the board of a person to a prescribed office.

Clause 4 provides for the classification of offices and the establishment of committees to advise the board on classification. Clause 5 recognises that the board may, if it wishes, invite applications for appointment to an office in the Bank. Clause 6 provides for appeal by certain officers against appointments made by the board. Clause 7 establishes the Promotion Appeals Committee. When hearing an appeal one member of the committee will be a Union appointee nominated by the appellant. Subclause (6) requires the committee to take into account the demonstrated capacity and the potential capacity of the proposed appointee and the appellant. Subclause (7) provides that an appellant should not be prejudiced if, on a previous occasion, he has refused an offer of promotion. Clause 8 sets out the action that may be taken by the committee after determining an appeal.

Subclause (2) provides that the board may comply with a recommendation of the committee. Clause 9 makes provision for long service leave. Clause 10 makes provision for the superannuation rights of fixed establishment employees of the Savings Bank of South Australia. Clause 11 is a provision as to discipline. Subclause (2) allows the Chief Executive Officer to suspend an officer who is the subject of an inquiry by the board or where he intends to recommend to the board that it inquire into that officer's conduct. Clause 12 establishes a tribunal to hear appeals on disciplinary matters. The appellant may select one of the members of the tribunal, who is an officer appointed by the Union, to be one of the members of the tribunal who will hear his appeal. Clause 13 sets out the provisions that will apply on an appeal to the tribunal.

Mr BECKER secured the adjournment of the debate.

The SPEAKER: Call on the business of the day.

COMPANIES (ADMINISTRATION) ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

This Bill makes two separate amendments to the Companies (Administration) Act, 1982. The proposed amendment of subsection 6 (3) of the principal Act flows from a comprehensive review of the structure of the Department of the Corporate Affairs Commission by the Public Service Board late in 1983. The creation of a new senior position of Assistant Commissioner for Corporate Affairs is one of a number of structural changes intended to strengthen the Commission's corporate law enforcement role. The Assistant Commissioner will be responsible for conducting the more significant litigation and will direct and co-ordinate the work of the Commission's legal officers, investigators and seconded police officers. The review concluded that the effectiveness of the Department's enforcement activity would be enhanced if the Commission, as a corporation sole, were comprised of the Commissioner, Deputy Commissioner or the Assistant Commissioner. The amendment therefore provides that the Corporate Affairs Commission may be constituted by the Assistant Commissioner.

The new section 8a requires the Corporate Affairs Commission to prepare an annual report. Such a provision was contained in section 401 of the Companies Act, 1962, and although a corresponding provision was not included in the principal Act when originally enacted, the Commission has continued to report on its activities. The Government believes it proper that the Commission should be required by the Companies (Administration) Act, 1982, to make annual reports and that these should be placed before Parliament. I seek leave to have the detailed explanation of the clauses of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 replaces subsection (3) of section 6 of the principal Act. The substantive change is the addition of the Assistant Commissioner for Corporate Affairs as a person who may constitute the Commission. Clause 3 inserts new section 8a into the principal Act. The new section requires the Commission to deliver an annual report to the Minister on or before 31 December in each year. The Minister must cause a copy of the report to be laid before each House of Parliament.

The Hon. H. ALLISON secured the adjournment of the debate.

FISHERIES ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. LYNN ARNOLD (Minister of Education): 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 seeks to incorporate three measures into the Fisheries Act, 1982, which is expected to come into operation on 1 July 1984. An amendment is proposed to section 38 to enable a transferable fishery licence, upon the death of a licence holder, to vest in the personal representative of the deceased as part of the estate, and to be transferred in accordance with the laws of succession but subject to the consent of the Director of Fisheries. To enable a fishing operation to continue, and this is generally for the benefit of the family of the deceased, provision is made in the Bill for the Director to consent to another person acting as registered master of a boat where the licence holder had been the registered master. To cover the gap until an executor of the will or administrator of the estate is appointed, the definition of 'personal representative' means, in relation to any period for which there is not an executor or administrator, the Public Trustee.

Because some deceased estates in practice take years to wind up, and such delays, for one reason or another, can be contrived, the Bill proposes that a licence not transferred within 12 months after the death of a licence holder or such further period as may be approved by the Director, may be suspended pending transfer of the licence. This has particular relevance in those fisheries where an 'owner-operator' policy applies, since the licence holder is required by regulation to be the registered master and thus to be the person on board the registered boat during all fishing operations, subject to approved short-term exceptions. The Bill also seeks to provide that the Minister may, by notice in the *Gazette*, implement fisheries management measures relating to prawns and abalone during a specified period. These are areas in which there is a particular need to respond quickly to circumstances. Speed and flexibility are vital elements in, for example, the situation where seasonal conditions cause a delay in the growth of prawns and an extra two weeks closed season is required at short notice to improve the yield. Past experience has established that the period from recommended management decision to proclamation is unacceptably long.

Accordingly, the Bill proposes an amendment to section 43 to provide that the Minister may by notice in the *Gazette*, rather than, as is presently the case in the Fisheries Act, 1982, the Governor by proclamation, declare temporary prohibitions relating to prawns or abalone. The amended provision would correspond to that contained in the Fisheries Act, 1971 following the coming into operation of the Fisheries Act Amendment Act, 1983 on 3 November 1983, but be restricted to prawns and abalone.

A further measure proposed would enable the Minister to delegate his powers conferred by section 28 with respect to the seizure and forfeiture of fish or other things, for example, devices. An amendment to section 23 is thus proposed. In view of the perishable nature of fish, problems have been envisaged with the present section 28 provisions concerning disposal of fish taken in contravention of the Act which are seized by a local fisheries officer, at times when it may be inconvenient to contact the Minister for instructions, for example at weekends, on public holidays or at night. A delegation for this purpose from the Minister to fisheries officers as a class of persons, together with the Director and certain other officers, would enable those officers to, for example, seize a truckload of prawns and deliver them to a fish processor for credit of the Fisheries Research and Development Fund, before deterioration and a consequent loss in value of the fish; or donate a small quantity of seized fish to a charitable organisation; or store and retain such fish as evidence; or dispose of such fish by destruction. The latter situation could arise in remote areas, for example, Cooper Creek. If a case were subsequently not proved or proceeded with, the fisherman would have the right to compensation equal to market value at time of seizure, as provided in section 28 (9) *(c)*.

A delegation from the Minister is also desired to empower fisheries officers to release seized items, for example, devices, if they are no longer required as evidence, and to destroy seized items, for example, devices of illegal specifications or devices found unattended and unmarked in closed waters. Both the Australian Fishing Industry Council (AFIC), representing professional fishermen and fish processors, and the South Australian Recreational Fishing Advisory Council (SARFAC), representing recreational fishing interests, have been consulted. They support the measures in this Bill.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 23 of the principal Act which provides, in subsection (1), for delegation by the Minister of any of his powers under the principal Act. Subsection (2) provides that the Minister's powers under section 28 (which relates to the seizure and forfeiture of fish, boats and other things in relation to which offences are committed) and section 57 (which relates to the suspension and cancellation of licences) may not be the subject of a delegation. The clause amends subsection (2) by removing the reference to section 28, thereby enabling the Minister's powers under that section to be the subject of a delegation.

Clause 4 amends section 38 of the principal Act which provides that fishery licences are not to be transferable unless the scheme of management for the fishery so provides, in which case, they are to be transferable subject to the consent of the Director. The clause amends this section by inserting provisions catering for the transfer of a fishery licence where the holder of the licence dies. Under the clause, a fishery licence that is transferable shall, upon the death of the licence holder, pass to and become vested in the personal representative of the deceased but may not be transferred by the personal representative in the course of the administration of the deceased's estate except with the consent of the Director. The clause provides that where the deceased licence holder was the registered master of a boat, the boat may continue to be used for fishing during the administration of the deceased's estate with the consent of the Director and in accordance with any conditions of such consent.

Proposed new subsection (7) provides that if a licence is not transferred by the personal representative (with the consent of the Director) within 12 months or such further period as may be allowed by the Director after the death of the licence holder, the licence shall be suspended pending such transfer. 'Personal representative' is defined by proposed new subsection (8) to mean the executor of the will or administrator of the estate of the deceased or, for any period for which there is not an executor or administrator, the Public Trustee. Clause 5 amends section 43 of the principal Act which empowers the Governor, by proclamation, to prohibit fishing activities of a specified class during a specified period. The clause amends this section so as to enable such a prohibition, where it relates to prawns or abalone, to be imposed by the Minister by notice published in the *Gazette*.

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

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

In Committee.

(Continued from 5 April. Page 3349.)

Clause 7—new section 58—'Meetings of a council.'

The CHAIRMAN: Order! The Committee is dealing with proposed new section 58.

The Hon. B.C. EASTICK: I have previously moved the amendment: 'Page 31, lines 34 to 35—leave out all words in these lines'. A number of members had referred to the matter and a number of other members wished to refer to it. The Minister had convinced nobody by his attitude on this issue—

Mr Mayes: He convinced me.

The Hon. B.C. EASTICK: I do not know about that, although the member for Unley was perhaps originally the one responsible in the Caucus room for getting the issue included in the Bill, and the Minister has been left holding the baby, for whose birth the Hon. Mr Hemmings (now Minister of Housing and Construction) was responsible in the first place. Be that as it may, I had pointed out to the Minister that this issue, along with one other which I will not canvass at this juncture, would be one that would see this legislation go down the drain, if that is what the Minister and the Labor Party want, because it is quite clear that it is one of the non-negotiable clauses in the Bill, as has been clearly stated by the Local Government Association—publicly stated in the Minister's presence by the former President of the Local Government Association and stated as recently as today by the Hon. Mr Milne in another place.

Whilst we yet have to consider any amendments that may come from another place, obviously the Minister would need (as he was invited to do last week) to give serious consideration to these matters. Earlier this afternoon I had delivered to me from the Corporation of the City of Woodville a statement on this Bill, and I am advised that a similar letter was forwarded to the Minister and other nominated people. At a special meeting held last evening the Corporation of the City of Woodville gave urgent consideration to a number of issues. This document has been handed to me in the House this afternoon since the commencement of Question Time. Indeed, one of the matters council members closely considered is pertinent to the present debate, in that they will not accept a situation wherein council is directed to hold meetings (in this case they refer to committees) before 5 p.m. Although we are dealing here with council meetings, it is relevant to refer also to new sections 58 and 61. Woodville council very clearly points out that it is not satisfied with a number of the Bill's features, extending far beyond the one we are considering now, although it makes the following statement:

> Council has supported the underlying general principle that, where at all possible, decisions should be made at the local level by the local council taking into account, nevertheless, those powers and responsibilities of other authorities.

That is only one of several statements made by council members, but I believe that it is a very important statement, as the council recognises, as does the Local Government Association and the Opposition, the importance of decisions of this nature being made at the local level by the council concerned. Therefore, I persist with the attitude which I expressed last Thursday that the Opposition considers this measure as being paramount in the eventual passage of a rewrite of the Local Government Act. The Minister should not take that as an idle threat (indeed, if he takes it as a threat at all): it is a statement of fact which is supported in the community by other political Parties and groups and which has the total agreement of the Local Government Association.

When the Minister continues with the debate on this issue, I would ask him to get away from the attitude being expressed last week that, for some reason or another, people are being denied access to local government, that is, representation on local government. We have heard a number of statements that people in the community are denied the opportunity to be councillors because meetings are held at times when those people are not available. As I said previously, there are a number of instances where people who have 9 to 5 jobs have had the opportunity of direct involvement with local government by virtue of an agreement between themselves and their employer, and in a number of cases that employer has been the Government.

The position concerning the most recent Mayor of Meadows (now the City of Happy Valley) is a case in point of an officer associated with the Highways Department, who fulfilled his position quite capably. The Mayor of Elizabeth, who is in this building on a daily basis as part of his employment, found no difficulty being present at the region 8 meeting at Balaklava with the Minister and other people on Friday 26 March or being associated with Local Government Week and a number of activities held in the Festival Centre the week before last, and there have been numerous other cases.

Councillor Swan (who I think now may be former Councillor Swan), a member of the Kapunda council, was an employee of Hawke & Co., and by arrangement with his employer was able over a long period to fulfil his obligations to the District Council of Kapunda. As other members have stated, it would not matter if meetings were held between midnight and 6 a.m.: people would still be denied the opportunity to be involved, because of their work or other commitments at home, and so on. The local governing body should be the one to make the decision as to when members meet and, provided they fulfil the requirements of their obligations to the Act as to what they may discuss, how they will approach a matter and how they will conduct themselves and the business of council, it should not be for the Government to intrude (and that is what this provision amounts to) and tell them when they will meet.

I hope that we see a significant change of heart by the Government before this measure moves from this place to another place. This is the House where the Minister is in a position exercising his authority in regard to a change to the Act reflecting a requirement of the community. If the Minister persists with the view that he expressed on Thursday night last week, he will be going against the wishes of the community. I ask members of the House to support the amendment that I moved last week.

The Hon. TED CHAPMAN: Can the Minister tell the House how many ratepayers from country local government districts have complained to him or the Department of Local Government that they have been denied the right to participate as members of council because their daytime employment does not allow them to attend council meetings? As pointed out by the member for Light, during the latter part of the Committee debate last Thursday evening, the Minister became quite cross, to say the least, with members present at that time, saying that council meeting times at present were inappropriate and discriminatory because people were unable to attend those council meetings because of their normal daily employment from 9 to 5.

The Minister's whole attack on the Opposition concerned the fact that councils have traditionally met during the daytime (which predominantly applies to country areas), which was therefore denying total community involvement in those meetings. Unfortunately, the Minister has never had any direct experience in local government, and, as indicated by his outburst last Thursday, clearly he has not had any close experience with any local government activities in country areas. Before proceeding with this matter it would be in the interests of everyone if the Minister paid regard to the view expressed by some 83 per cent of the country councils, which have indicated their support for the Liberal

Party's view in this matter, namely, that councils have the right to meet at the time that suits those councils.

From my experience with a geographically large council district I know that it would be quite impractical for that council (in the district that I represent) to meet other than at times it now adopts. For example, that council has a general meeting each month, although invariably there is more than one meeting. It commences its meeting at 9 a.m. in the morning and it extends at least until nightfall, and often beyond. Excluding meal breaks, the full council considers matters of business associated with its area for seven, eight, and sometimes 10 hours. If the Minister's proposition is that a meeting be not allowed to commence before 5 p.m., then that council because of its work load would be required to commence its meeting at 5 o'clock and, taking out an hour for the dinner break, continue its meeting until 3 o'clock in the morning.

The Hon. Jennifer Adamson: Like we do.

The Hon. TED CHAPMAN: I think members in this place understand my feelings about night-time sittings. It is bad enough sitting after the sun goes down, let alone until the early hours of the morning. The compulsion on local government to conduct council meetings at that time is unacceptable to the Opposition and, clearly, to local government representatives in the field, as has been evidenced by their intense lobbying in opposition to this matter.

Apart from council meetings there are many other matters that councillors are or ought to be involved in. The matter of field inspections or public works inspectons has been raised already in the debate. I understand that the Minister's response to that matter was that they could be made after 5 o'clock prior to the commencement of a meeting, or, indeed, that they could be made in the daytime. The latter option is in conflict with the Minister's entire argument, because people in the community undertaking 9 to 5 employment would have to either withdraw from their employment to do field inspections or rely on their colleagues on council in a position to do the inspections to report on them at subsequent council meetings.

Theoretically, that could work, but for practical purposes and for the benefit of the appreciation by full council of matters concerning a council it would be quite unworkable and unthinkable to implement such a proposition in the field. There is no way that a council can work satisfactorily without the whole council appreciating these major issues. Such matters do not bob up once or twice a year: indeed, in the case of the council that I referred to purely as an example, all of the councillors on that council are required to be aware of all matters that ultimately will be debated and decided upon at local government level. Unless that occurs, those councillors are not doing their job.

I think this is a very serious question. I will be interested to know whether ratepayers have expressed a view to the Minister about their being denied an opportunity to participate in meetings of country councils, in particular. I have not received any reports of that kind. I know of no ratepayer within the councils of Kingscote, Dudley, Yankalilla, Victor Harbor, Port Elliot and Goolwa, or Willunga (all of which are in the electorate of Alexandra) who has raised such a complaint. I will be interested to learn whether complaints were made to the Minister that may have prompted him to persist with his approach to this matter. The Minister does not have his feet on the ground at all if he is serious in making a remark such as that which he made last Thursday night about council meetings being held during the daytime in country areas so that the whole family can have a social outing in the local town. Indeed, the *Hansard* record indicates that the Minister said that he grew up in a country district. If it was Whyalla, what a hell of a joke that is. One can ride around the Whyalla district in a few hours.

The CHAIRMAN: Order! The honourable member should not reflect on Whyalla.

The Hon. TED CHAPMAN: With due respect to your representation of that important area of the State, it is only a horse paddock compared to some of the areas that are occupied and to the responsibility of local government in other country areas. Let us face it! It is like another municipality or city district, as in the case of Port Augusta, Port Pirie or other major regional centres; it does not take in the sort of broad acre, open space areas that apply in Lacepede, Tatiara, Kingscote and the other country districts that I mentioned on Fleurieu Peninsula and so on. They are very large districts.

For example, the area of the District Council of Kingscote is about 65 miles long, with almost 1 000 miles of road; there are tourist facilities of major State significance scattered from one end of that district to another, all of which require the on-site attention, viewing and consideration of all the councillors in that district. To suggest that someone who is in a 9 to 5 job could conveniently cope with that work load if the meeting of the council was to be held after dark or after 5 p.m., as a mandatory requirement, is indeed absurd. It is absolutely absurd, and that is why I believe that those ratepayers in the district who are committed to such 9 to 5 employment as I described have not come forward and said 'We want to be on the council.' Those people pull their weight in the district that I have mentioned like everyone else does, but in other community activities. In many instances, they do community work that is supplementary to the council role, but they recognise their position in the community and what they have to offer in the community, and they do an incredible job. They are a link in the whole chain of effort that is exercised in this direction, and clearly someone locked into a position of that kind cannot apply himself to the functions of local government demanded in these times, leave alone attend the meetings that are demanded under this clause before the Committee.

I cannot support, for those several practical reasons, the desire of the Government in this instance that local government be legislatively required to hold meetings after 5 p.m., leave alone for the thin theoretical and idealistic motives which the Minister cites in this instance. It is quite absurd of the Minister to persist with the Government's view on this subject unless he can come forward with information, new evidence that has not so far been cited during this debate, to justify even serious consideration of it.

The Minister stated that councillors in country areas, by tradition, meet in the daytime to enable their families to have a social outing on those days—that really is a joke! For the 10 years during which I was involved in local government, certainly the council meetings that I and my colleagues representing other distant ward locations attended during the day and well into the night were not used as a basis or an excuse to cart mum and the kids to the local town for a social outing. It is really quite ridiculous for the Minister to proceed with that line, and the record shows that that is what the Minister said on Thursday. He stated:

> 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 families can have a day in town shopping and making social contacts: . . .

That is a straight extract from the Minister's own remarks and really to seriously consider that sort of remark I believe is disappointing to say the least.

I conclude my remarks on this subject, because I was disappointed in the Minister's attitude to this subject last Thursday and, as it would appear from today's situation, he will stay with it. A few days ago I went so far as to congratulate the Minister for his attainment of the portfolio

of local government. I, like many others on this side, was delighted to see a new face in that role following the situation that existed since the change of Government. However, his attitude on this subject, as expressed subsequent to those congratulations, lead me to, for the time being, withdraw, and express some concern for the way in which he is handling himself on this issue in particular. I would like an answer to the question relating to the correspondence that the Minister or his officers have received since he came into Government, or even in recent times, from country districts where ratepayers have specifically requested to be participating members of local government and feel that they are denied that opportunity as a result of the hours that their respective councils meet.

Mr MEIER: I am very disturbed at some of the Minister's comments in relation to new section 58. Various members from this side of the House have given their views as to why we felt councils should not be forced to meet after 5 p.m., and the Minister as part of his reply stated:

It would be much more preferable not to have to force councils to be democratic, but that action has to be taken.

I ask what has happened to the right of the decision-making process in local government? Surely, the local councils should be given the right to make their own decisions. The Minister's statement shows that this Government is now following a policy of guided democracy—a very dangerous policy. In fact, the last prominent world leader who followed guided democracy was President Sukarno of Indonesia, and we know what happend to that policy in the end.

Earlier in this debate we heard people commenting to the effect that the Bill was introduced with the idea of giving greater freedom to local government. What a laugh! Some freedom! It seems that if they do what the Government wants them to do in a democratic way, then they can proceed: if not, then the Government will decide the democratic process for them. The Minister, and by implication the Government, must be exposed for what he is—an advocator of guided democracy. I hope that the Minister will rethink this clause.

It has been clearly stated that we are not opposed to councils meeting after 5 p.m. if they so desire, but I say again that all 12 councils in my electorate indicated that they were opposed to this clause (and that is 10 per cent of the total councils in South Australia before we go any further). I would hope that the Minister can see the writing on the wall, and I would further hope that any reference to and insistence on a policy of guided democracy will cease forthwith.

The Hon. JENNIFER ADAMSON: I reiterate my opposition to the new section as it stands and my support for the amendment which removes the requirement for councils to hold their meetings after 5 p.m. Last Thursday there was some reaction from the Government benches when I read to the House an Australian Bureau of Statistics analysis of trends in working hours throughout Australia.

The Minister took up, with great enthusiasm, the point I made that approximately 75 per cent of Australian employees work during daylight hours, although not necessarily 9 a.m. to 5 p.m. He failed to appreciate that of those 75 per cent the vast majority live in metropolitan areas throughout Australia. In South Australia, which is the case in point in this debate, 82 per cent of all citizens live within the Adelaide statistical area. Therefore, 82 per cent of all citizens technically now, with a couple of exceptions, have what the Government would describe as access to elected representation in local government, because almost all of the 30 metropolitan councils conduct their meetings after 5 p.m. The two exceptions are the Adelaide City Council, which meets in the afternoon, and the Noarlunga council whose meetings commence at 4 p.m. Let us consider the majority—82 per cent of citizens already have free access to elected representation in the Government's terms, that is, if one accepts that after 5 p.m. means free access.

Let us look at the remainder—the country areas. In the provincial cities of Port Lincoln, Whyalla, Port Augusta, Port Pirie, Mount Gambier, Berri and Waikerie, the councils meet after 5 p.m. So, that takes the total even higher. The remainder of local councils are absolutely resolute in their wish to choose their own meeting times. Why should they not do so? They want that right so they can respond to the needs of their local communities.

I wonder whether the Minister is aware that on some occasions local councils in rural areas, during the harvest season notably, will choose to meet at 7.30 a.m. or 8.30 a.m. while moisture levels are still high and while harvesting cannot commence. They will then adjourn their meetings and return to them later in the day after the harvesting has been completed. How on earth are we to run an efficient agricultural industry if we impose requirements on people in rural areas that make it impossible for them to meet their work or industry commitments as well as their local government commitments in terms of council representation?

I use the example of 75 per cent *vis-a-vis* the 25 per cent of people who have flexible working hours and who do not work a five-day week simply to demonstrate the changing trends in employment which are leading to far greater flexibility, shorter working hours and increased leisure time which, in itself, will have its effect on participation in local government. But I stress that 82 per cent of citizens of South Australia already have access to local government representation after 5 p.m. Of the remainder, the vast majority of local government authorities want the right to determine their own meeting times.

I also stress that they want that in response to the needs of their ratepayers, which are no less important than the needs that the Minister is alleging for those people whose working hours are between 9 a.m. and 5 p.m. I reiterate the point that I made in the debate last week—namely, that the opportunity for women to have access to local government in rural areas will be very greatly reduced if the Government insists on requiring local government to meet after 5 p.m.

Mr Hamilton: Why?

The Hon. JENNIFER ADAMSON: I have heard it said by many women who are currently in local government that there is no way that they are prepared to do an 80-mile round trip at night with the risk of traversing kangaroo infested country and possibly having to change tyres. I am simply pointing out to the Committee what I have been told.

Mr Hamilton: They go to the service clubs.

The Hon. JENNIFER ADAMSON: They go to the service clubs in the company of their families. They do not take their families to local government meetings. Women in the country are usually escorted when they travel long distances at night to attend social functions: they are not escorted when they are fulfilling their obligations to local government at night and attending meetings which they alone have an obligation to attend.

Mr Hamilton: That's a very weak argument.

The Hon. JENNIFER ADAMSON: The honourable member may think it is a weak argument but if he speaks to women in local government he will find that they believe it is a very strong argument. I can only put what has been put to me, because I have never had the experience of driving these long distances on a regular monthly basis as a requirement of my elected representation. But I am saying that that is what is happening and that is what is being said in the country. The Government is completely sweeping aside these objections in its absolute blind ideological com-

mitment to impose centralised control on local government. The Liberal Party is violently opposed to that kind of centralised control. We certainly believe that local government should have the right to determine its own meeting times. We also believe that the self-regulating aspect of local democracy will determine that meeting times are decided upon in response to local needs and local wishes. After all, is that not what local government is all about?

Mr GUNN: There has been a lengthy debate on this provision. I cannot, for the life of me, understand why the Government is being so intransigent. Government members know as well as I do that this provision will not come into operation. Fortunately, common sense will prevail and there will be an amendment which will strike out this 5 o'clock nonsense. I find it quite amazing that the Government of this State would attempt to impose upon the third tier of government the actual time that it is to meet.

If this provision was to come into operation I understand that there would be many adjourned meetings and many special council meetings would be held to get around it. I have had the pleasure of being a member of local government in a country area. That council used to meet at 10 a.m. and, on many occasions, would proceed until after 6 p.m. or later. If the Government expects people to go to a meeting at 5 o'clock and sit for that length of time, one of two things will happen—either there will be no adequate discussion or there will be longer and more drawn out meetings, which I do not believe is in the best interests of councils or the communities they are elected to serve.

I have found the Minister's attitude throughout this debate quite amazing. I wonder, if he set out to regulate other organisations in the community to a similar degree, what sort of reaction he would receive. I want to support what my colleagues have said. The councils that have approached me are opposed to this measure. Finally, I understand that the Democrats in another place will go 'one two, one two' down the list of amendments: they will knock this one off, which is a good thing.

I sincerely hope the Government will rethink the matter and get rid of all these obnoxious provisions, which the member for Light has explained so well to the House and the Committee. I want put on record that I am opposed to this new section. I represent the most isolated part of South Australia. Councillors in my area would have the farthest distance to travel. There were no problems when I was a member of the District Council of Streaky Bay. I know of one council which alternates meetings—it has some in the evening and some during the day. It is up to the individual council to decide.

We are asking councils to do more and more. I wonder how many night meetings we are anticipating, because obviously if there is a full day meeting it will take two night meetings to make up that amount of time. It will mean that people will have to travel perhaps 60 kilometres to a meeting and a few days later they will have to come back again. If we tried to do that to other organisations they would laugh at us. I realise that the Minister has his riding intructions, but I think it is a pity he has not told those people the realities of life. I am pleased that the provision will not come into operation.

Mr LEWIS: Today we read in the *News* an article under the heading 'Democrats will oppose "register" ' by Stephen Middleton, pointing out that:

> A Government measure to require councils to meet after 5 p.m. was opposed by the Democrats. Councils should determine for themselves when they should meet, Mr Milne said. If lost wages were refundable and employers, including the Public Service, were encouraged to support local government, meetings after 5 p.m. would no longer be relevant.

That is only part of the article: it is not by any means all of it. It mentions the Liberal Party in another context and the way in which it is attempting to get some sanity into this measure. The important points that arise from that article are, first, we are wasting our time, and the Minister knows it. He could stand up now and save the Parliament hours of debate and the taxpayers of South Australia several thousands of dollars by simply accepting this amendment. He knows it has gone for all money.

Secondly, it is a pity that the reason it is to go will in some part ultimately subvert the fact that it is. Why on earth should someone, because he is on a salary, be reimbursed for what he is doing in spending time on local government, for that time he puts in at ratepayers' expense (because he is obtaining leave without pay), when for years other people who have been on salaries as well as deriving incomes from businesses they own and operate have not been so reimbursed and, under this proposal, would not be reimbursed. The Democrats ought to get their priorities sorted out.

The Hon. G.F. Keneally: It has nothing to do with that.

Mr LEWIS: It has everything to do with this clause, and I differ from the Minister's interpretation, because the consequences of the Democrats' amendment will be that local government bodies in rural areas will still be under enormous pressure to meet at night, even if the Minister agrees, as he will be compelled to agree, to the Democrats' amendments for no other reason than the fact that, if they do not meet at night, they will have to reimburse the State and Commonwealth public servants or indeed anyone who goes to their meetings during the day for the salary that is lost. The Democrats ought to get their attitudes to these questions properly sorted out. We should simply leave it to the democratically elected people on any local government body, council or corporation to decide when they are to meet.

Would the Minister happily accept the Hon. Mick Young, Minister in the Federal Government, dictating, in his portfolio responsibilities through an Act of that Parliament, that this House should sit at certain times and not at other times? I very much doubt it. Would the Minister accept that it was legitimate for that Federal Minister or any other Federal Minister for that matter or any Federal Government to dictate what should happen in this Parliament? I very much doubt it.

Mr Ferguson: That's different.

Mr LEWIS: According to him it is. I do not see any difference in this context. Let us stand the argument on its head. Would this Minister accept that local government should decide when this Parliament should sit? I wonder whether the Minister has ever bothered to contemplate the converse argument and see how he feels about it. I do not consider that either proposition is valid. The institution to which members are elected democratically should in its forum in session decide when it shall meet—that is my view. I cannot understand arguments that have been speciously advanced to the contrary.

I ask the Minister to show me one shred of evidence from anywhere that this was ever sought by any one ratepayer anywhere who alleged and proved that he was denied access to local government by an unreasonable employer because councils chose to meet during the day. Throughout Mallee many people on several of the district councils are not self-employed nor are they retired, but they are answerable to an employer; yet they are happy with the present arrangements. The Minister has no evidence—he has only ideological arguments based on the nineteenth century prejudiced view of the Labor Party that people who work are paid to do a job and no-one else works. The other myth is that such work is done only between the hours of morning and afternoon, say 7.30 or 9 through to 4 or 5 p.m.

That is conservative piffle. In the first instance, workers are not only those (as the member for Henley Beach well realises, whilst he is leaving the Chamber—and it does cause him some discomfort to hear this) who are paid by an employer to do a job. There are plenty of other people in this State and in this community who work and who are not paid a wage or a salary but take the risk of judging whether the time they are spending on the job they are doing will bring them some reward. They usually invest that time along with some of their capital to do it; they are prepared to rearrange their priorities and their responsibilities to enable them to give time to local government when each of those local government bodies considers it appropriate to meet. Why, therefore, should it be argued, or can it be argued, that workers are disadvantaged by meetings that start before 5 p.m.?

Even if the Minister could provide some evidence that there is a body of opinion out there in the big paddock that wants compulsory meetings after 5 p.m., I wager him, whatever he chooses, that not one of those requests came from someone living outside an urban lifestyle in rural areas. I therefore ask the Minister why he imposes this burden, unwelcome and uninvited, on rural councils. It is just not justified or reasonable: pretty soon, pursuing this line, we will find that farmers will have to pay themselves over-award wages to reap grain after 5 p.m., and I find that kind of argument stupid in the extreme. This is not Russia—we live in a democracy. I put to the Minister that, if the public wanted this measure, it would have been an election issue in one or other local government body, and that within that local government body, being an election issue, the members of the ward who could muster the support and the numbers to become elected as councillors would have rearranged council meeting times. I am not saying that that has not happened, but quite clearly that is the mechanism by which democratic decisions can be made and have been made in the past.

I see no reason why we should depart from democracy in future. If sufficient ratepayers consider that they will be better served by councils meeting in the evening they will vote for candidates who advocate evening meetings. Some members of the general public who would be willing to forgo alternative activities, whether work or leisure, will then be able to attend council meetings. If the time of meeting of councils is a real issue, it will surface as such at election time. The Minister reflects on councils when he says that councils wishing to meet in the daytime are inferior to those that wish to meet after 5 p.m. The Labor Party's ideology proclaims that the best interests of ratepayers will be served if, and only if, councils are required to meet after 5 p.m. How can that be considered logical?

Further, why is it necessary for the Minister to reflect on councillors elected by the democratic process by saying that they are inferior to councillors who are willing to meet during the evening?

What would there be in law to stop a district council from adjourning a meeting to the next day or to a subsequent day? I see nothing in the legislation or in any other legislation to prevent that from happening. Government members are being undemocratic by insisting on the provision before the Committee.

Mr BLACKER: There is no answer to the arguments advanced by the Opposition concerning the time of meeting of councils. It is impracticable to direct councils to meet after 5 p.m. It is equally impracticable to direct councils to meet during the day. It should be left to local councils to decide on local circumstances whether they should meet during the evening or during the day. It is ludicrous to direct a council to meet after 5 p.m.

On one council in my district (the Elliston council) the Chairman and two councillors must travel over 100 km on one of the worst roads in South Australia (the Lock-Elliston road) to get to the council meeting, because my constituents are deprived of roads of the standard enjoyed by people in the metropolitan area. Surely, they are entitled to the same standard of road as that in the city. If we force a rural council to meet after 5 p.m., expect it to carry out the additional work load required by recent legislation, and then expect councillors to arrive home at a reasonable hour, they will have to attend double or treble the number of meetings they attend at present.

Members should realise that by the present provision in the Bill certain people in the community will be precluded from becoming councillors. For instance, on the Port Lincoln City Council there are two councillors who work shiftwork. One commences work at 5 p.m. and has an arrangement with his employer which enables him to attend weekend meetings. Another councillor is engaged in security work, most of which obviously must be done at night. Parliament must pass laws containing an element of common sense, and in this case councils should have discretion to determine when it is best for them to meet.

Mr BECKER: I support the remarks of the previous speaker, who summed up the rural situation very well, as many other country members have summed it up. We in the metropolitan area do not suffer the disadvantages produced by long distances that are suffered in certain country districts. However, I have received from the Henley and Grange council a letter dated 3 April. This letter, received in my office on 5 April, is in addition to that to which I referred in my second reading speech. It is important for council members to consider the legislation. I believe that the Henley and Grange council has been responsible in the way it has approached the issue, because its letter states:

> As you are aware the abovementioned Bill is now before Parliament. This council has resolved that I write to you—

and the council is entitled to have its view, which I support, put to the House—

> commending the Government on its commitment to the long overdue review of the Local Government Act:
>
> Supporting, by and large, the passage of the Bill.
>
> Strongly supporting the Local Government Association's position on the Bill which it is considered represents the view of a majority of South Australian councils and, in particular, the view of this council.
>
> Setting forth council's own comments with regard to the: time of meetings, register of interest, variation of council boundaries.

Referring to meeting times, the council states:

> The Bill requires that all meetings of council and council committees should be held in the evenings outside normal working hours. Council considered this matter in some detail and it was felt that such a provision would represent an unnecessary and unjustifiable intrusion into the decision-making capacity of a local council. Based on experience, there is no reason to suggest that significant numbers of people have been disadvantaged by council meeting times. A council itself is in the best position to judge, having regard to all local factors and circumstances, the times at which it might most appropriately meet. Any adverse reaction caused by a council decision in this regard will be dealt with through pressure manifested in public opinion.
>
> If the Bill cannot be amended to delete this unnecessary constraint on local autonomy then some viable compromise must be found. For example, in this council, night meetings of council would present no problem if the council's various committees were permitted to meet at a time of their own choosing. However, any such compromise would have to be acceptable to all of the 125 different sets of local circumstances applicable to the various councils.

The State Government has placed upon local government a tremendous amount of pressure and additional responsibility. However, whether it be the Henley and Grange council or the West Torrens council, which I represent also, I have

always found that they prefer to have subcommittee meetings during the day to enable ratepayers to attend.

The Hon. B.C. Eastick: The Government's action is interfering with their rights—

Mr BECKER: The member for Light is quite right. I cannot understand why a Government would want to override local government in its desire to act in the best interests of its ratepayers.

Mr Baker: They want to destroy—

Mr BECKER: It is quite obvious. I think that the Government is still obsessed with its belief that local government is an establishment institution and should be destroyed. We will not support it. We will not have any part of that whatsoever. Local government members should choose the meeting times, and this Parliament should keep its sticky fingers out of local government affairs.

Mr BAKER: I will be very brief. A number of statements have been made by members on the other side concerning the activities of local government and council meetings in particular. The view has been expressed by a number of members opposite, most of whom have never had any connection with local government at all, that it is unfair to many people who wish to become involved in local government, that meetings are not to be at a time suitable to everyone. First, I point out that they have not had experience with local government. Secondly, the councillors in my area work on average 10 or 12 hours a week on council matters. Many of those matters occur during the day, when time off is needed, during night time or whatever. Their dedication is appreciated. When I was Chairman of the local community association we were visited regularly by the councillor who wanted to know what was happening in the area. The member for Mawson and other members opposite stated that, if the time was set after 5 p.m., everyone could attend: single mothers, shift workers, and a whole range of people in the community. Let me assure you, Mr Chairman, that those people who are interested in local government will make themselves available at the time that they are needed.

The other question raised was that local government invariably sets its own meeting times as regards subcommittees. The Mitcham council sits after 5 p.m. on Mondays, as do most other councils. However, a lot of subcommittee work is done during the day in connection with businesses and certainly some of the hospitals that operate in the area. In fact, the Centennial Park Cemetery Trust has on it members of council and it meets during the day. A number of Opposition members have mentioned that it is totally impractical. I do not know why the Minister holds to this view about 5 p.m. It is like the Cinderella story, with the slipper; at midnight something changes back into a pumpkin, I think. The contribution of councillors who make themselves available is appreciated, and in my area their efforts out of hours are extraordinary, like their efforts during hours. I get the impression that members opposite believe that people can go along to a monthly meeting of council, draw their salaries, and that is where it starts and ends. Local government is not like that: it never has been, and I hope that it will never be like that. It must be up to the councillors themselves to determine those times.

If a person can make himself available only at 5 p.m. or after 5 p.m. of a particular day to attend a council meeting, I would say that he cannot make a contribution to council, because the demands are far greater than mere attendance at a meeting. There might be some statements that someone would like some babysitting facilities made available for that meeting. What about the other enormous number of meetings and functions attended by councillors? Do we have to make that facility available at the same time? I think that the Minister has misjudged the feeling of local government. I think that he should retract that provision before the Bill goes to the Upper House. I believe that he will gain some semblance of credibility if he does so.

The Committee divided on the amendment:

Ayes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Wilson, and Wotton.

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

Pairs—Ayes—Messrs Chapman, Mathwin and Rodda. Noes—Messrs Mayes, Plunkett and Whitten.

Majority of 2 for the Noes.

Amendment thus negatived; new section passed.

New section 59 passed.

New section 60—'Procedure at meetings.'

The Hon. B.C. EASTICK: This matter has been the subject of quite a degree of discussion within the local government community. The Opposition does not intend to move any amendments to this proposed new section, some of the features of which members of the Opposition agree will be a distinct advantage and advancement from the position applying in the past. Basically, a number of people associated with local government have suggested that the mayor should maintain his or her traditional role in providing a casting vote. Others have suggested that the mayor should be given a deliberative vote whilst still retaining the casting vote capacity. However, the Opposition is not agreeable to that proposition.

Similarly, where in the past the chairman has had a deliberative vote as well as a casting vote, the Bill now requires that he will now have the capacity to make only a casting vote. The Opposition accepts that situation. On the balance of the discussions, the Opposition considers that a situation should not pertain where one person is seen to have two votes. In this regard the Woodville council stated:

> The provisions provided for in 'for any other member' presiding at a meeting of the council in the absence of the mayor to have a casting vote only, thus being impartial and not using the deliberative vote on a question and thus deemed to be influencing the members of council . . .

I think that fortifies an acceptance of the reality of the position. That council does not seek to disturb the position. During the second reading debate I indicated that there is a possibility, that after some discussion in the community, in future provisions similar to those that apply to the President of the Legislative Council and the Speaker of the House of Assembly, could be picked up. Section 26 (3) of the Constitution Act provides that:

> Where a question arises with respect to the passing of the second or third reading of any Bill, and in relation to that question the President, or person chosen as aforesaid, has not exercised his casting vote, the President, or person chosen as aforesaid, may indicate his concurrence or non-concurrence in the passing of the second or third reading of that Bill.

A similar provision is made in regard to the House of Assembly in section 37 (4), namely, that:

> Where a question arises in the House of Assembly with respect to the passing of the second or third reading of any Bill and in relation to that question the Speaker, or person aforesaid, may indicate his concurrence or non-concurrence in the passing of the second or third reading of that Bill.

There is not an analogous situation in regard to local government, so to project this measure into that forum may be of questionable value, but generally I think there is some virtue in directing this issue to the attention of the local governing fraternity, that is, in the first instance to the Local Government Association for consideration by its executive, and subsequently for discussion at a regional or annual conference, to provide that the position of the chairman or

the mayor may be seen to be even one step back from where it is at present.

Great play is made in the local city and country newspapers about issues being decided on the casting vote of a mayor or a chairman, which may not always be the position they want to tie themselves into. It may well be a position that they would prefer to stand back from, exercising a vote only where they believe that, having considered the debate that has taken place, they ought to make their position clear beyond any doubt. In some cases it would provide an opportunity of tying a vote with the decision passing in the negative, or in other cases it might simply give the public an idea of where the chairman or the mayor stands on a particular issue, with his or her vote having no effectual effect on the final vote. This is a matter that on an earlier occasion both Chambers of this Parliament were prepared to pick up and accept as being a not unreasonable proposition. I believe it is one that we could recommend to local government.

Neither I nor, I believe, the Minister would necessarily say that this will happen, but we have a responsibility in the State context to seek to share with our Federal and local government colleagues any virtues we may see in any particular procedure. Again, I refer to the letter from the City of Woodville, not because it is a long document and not because it arrived only this afternoon, but because there are some quite commonsense approaches and attitudes expressed in that document. Paragraph 4 states:

> In considering any new legislation referring to local government, it must be seen that local government is acting as the third government, not just an agency of the State Government—albeit that the powers and duties are obtainable from the State Government.

That is a very worthwhile statement and one that fits in closely with what I would like to believe is my attitude to local government: that we recognise it as a third government and that we will be responsible for the enabling legislation giving it that status. We must take the attitude that local government is not merely an agency of the State Government: it is government in its own right, and we should give it the opportunity (as we had hoped this Government would give it in relation to the matter just concluded and one yet to come) to express a point of view in a positive sense. I will, for my part, talk to the Local Government Association, and I will be interested in due course to hear what it has to say about it.

New section 60 (4) breaks some new ground and provides that a person in the council shall cast a vote, a position exactly the same as that applying in this Chamber. If a person is in the council when a vote is taken, that vote is counted, and if the people concerned wish to absent themselves from the voting chamber at the critical time they may do so. I have never believed that a councillor or a member of the council team shows very much courage by hiding behind an abstention from a vote. New subsection (4) in this respect provides a distinct advantage for councils and enhances the relationship existing between all members who have a right to vote.

The Hon. G.F. KENEALLY: I have not discussed the matter of voting powers of the mayor or chairman, although I am sure that it has been discussed by my predecessor and colleagues. I expect that, as the honourable member has raised the matter, it will come to the attention of the Local Government Association. He has indicated that he himself will take that action, and I undertake to discuss this matter with my Department; I am quite happy to discuss it also with the Local Government Association. Although I may not agree with it, I do not know until I look at it.

Mr MEIER: In relation to subsections (5) and (6) of new section 60, why is the distinction made between a mayor and chairman of a council? The District Council of Blyth states:

> My council deems that in some cases, a casting vote by a chairman is unavoidable. For instance, if a decision cannot be reached on the purchase of a certain make of plant.

The way I read new subsection (6), it seems to me that if there is an equality of votes the chairman of a council does not have a casting vote. I am well aware that, if it is something new coming in, the *status quo* will remain, and I accept that. However, what happens in the case where equipment needs to be replaced—say, a grader for road work—and it is essential to have a new one? There might be two graders being considered, and the councillors tie the vote (with the chairman's vote), half of them wanting model A and the other half wanting model B. In that case, there is no *status quo* to fall back on and a decision has to be made. The chairman, as I read new subsection (6), will not be able to help overcome that situation. Will the Minister elaborate on this matter?

The Hon. G.F. KENEALLY: The fundamental reason behind new section 60 and the amendments is to ensure that no member of council has more than one vote. In a council where there is a mayor, the mayor does not have a primary vote because he does not represent a ward within that council electorate. However, it is different in a district council where the chairperson is a representative of a ward, so the councillor, who is also the chairperson, has a primary vote, and this amendment is to ensure that that person does not have two votes.

In the case cited by the honourable member where half want to buy grader A and half want to buy grader B and they are not able to resolve that situation, they would have to go away and talk about it and come back at the next meeting and decide the matter, because to do otherwise would be to give one of the members two votes, and it is agreed by the Local Government Association and the Government that that should not be the case.

New section passed.

New section 61—'Meetings of council committees.'

The CHAIRMAN: I believe the honourable member for Light has an amendment. I question whether in fact it is not a consequential amendment.

The Hon. B.C. EASTICK: No, it is not consequential; the two situations are quite different, and a number of councils have approached them accordingly. The effect would be the same, and a great deal of the debate which has taken place in relation to new section 58 could in fact be related to new section 61. A number of local government bodies have expressed a view that even if they could live with the provision regarding after 5 p.m. council meetings they would find it completey impractical to live with one authorising after 5 p.m. committee meetings. This is specifically related to the requirement that staff members may need to attend these meetings, whether they be overseers, machinery operators or a host of other people. If they were equally bound to provide advice to the committee that would be at overtime rates.

The Minister would appreciate that senior staff are not on overtime: they are salaried officers. Therefore, if a council elects to meet at night, a salaried officer must attend, and that is it. But, if other members of council staff are required to be there, they would automatically be on overtime, and that introduces a cost factor. Obviously, if a committee is to meet at the site of roadworks to watch a machinery demonstration, look at a patch of noxious weeds or examine a problem involving a watercourse, possibly influencing a maintenance programme, that needs to be done in daylight hours. It would not be possible under this provision.

The member for Unley suggested to the Committee that that was a simple matter. Those who could attend would

do so, and the meeting would not be considered final, but after 5 p.m., when those who had not attended did so, a final meeting would be convened at which decisions would be made. That is an abrogation of responsibility of all members of council which could conceivably in a short time lead to friction. Those who could would make inspections and suggestions which might not be consistent with those of other members of council who had not seen a site but who might seek to influence the end result.

Those who could not attend might well have inspected a site in their own convenient time but they would not have the benefit of perhaps seeing a machinery demonstration or hearing members of staff point out any difficulties. We sympathise with the views held by a number of councils. Representations have been made that the more evil of these two new sections 58 and 61, which relate to the determination of meeting times after 5 p.m., applies to committees.

The Liberal Party believes—as indeed does my colleague the member for Flinders in his own right—that the suggestion for 5 p.m., whether it be for council or committee meetings, is out. I return to the document to which I referred several times earlier to give an up-to-date account of one council's belief about the matter. The Woodville council addressed itself to various matters last evening, and authorised a letter which was sent to the Local Government Association, the Minister, myself and others, in which it was stated in relation to new section 61 (2):

> The definition of 'council committees' includes committees, subcommittees and advisory committees. For a council committee not to be held before 5 p.m. is impractical in some specific areas:
>
> 1. Occasions for the committee to meet during the day including early mornings to inspect, investigate or assess a particular problem, operation or other matter (it may lead members of council individually to meet at a particular location, at a known time, without constituting a formal meeting, and a new Act should not encourage such a motive because of the lack of a particular provision).
>
> 2. An advisory committee generally would include members of the public with professional, technical or other backgrounds who wish to serve their community voluntarily but before 5 p.m. or are not available after 5 p.m. on specific occasions.
>
> 3. Council members have found that 4.30 p.m. is a most suitable time for the *'ad hoc'* committee meetings of council which have a reasonable expectation of being finished by 6 p.m. The member is then able to proceed to his home for an evening meal and then attend an evening function, if necessary.
>
> 4. Council does not lose its power to debate any issues of a committee whether it meets before or after 5 p.m.
>
> 5. A meeting of a council committee administering the affairs of a nursing home, hostel and day care centre or other venture should be able to meet during the day, before 5 p.m., when appropriate staff are available and inspections may need to be carried out of the premises and functions.

Those views were expressed by one city council. I hesitate to divide country and city attitudes in this debate. However, whereas a city council may consider it convenient for council members to meet, adjourn by 6 p.m. and then resume afterwards, that is impractical for most members of rural councils, because their homes are not so conveniently located that they could move off to have a meal and then come back to the meeting. I ask the Minister to be a country boy on this occasion and recognise that what he and his Party are seeking to do is against the best interests of the local government fraternity not only in this area but also in the area to which we have already addressed ourselves and to which we undoubtedly will address ourselves on another occasion.

I believe that the Government is totally misguided in persisting with this attitude. If local government is to function satisfactorily in future—be it in the city or the country—it requires the flexibility that will be afforded by deletion of new subsection (2). I move:

Page 33, lines 9 and 10—Leave out subsection (2).

Mr MEIER: I support the amendment. The arguments presented with respect to new section 58 cover much of what is contained in section 61. Many local councillors are involved not only in their own councils but in many other organisations. In fact, the Minister would appreciate, seeing that he has lived in the country for some period of his life—

The Hon. G.F. Keneally: All my life!

Mr MEIER: —for all his life, except when he is in Adelaide when Parliament is sitting, that there invariably seems to be the relatively small band of people who are involved in so many activities in small rural towns. Further, local government is invariably one of the functions with which that small group of people becomes involved. I believe that this is more evident in country areas than it is in city areas, although I would not want to state categorically that that is the case because I have no evidence to prove it.

Country councillors are often members of the hospital board (in fact, council appoints one member of the hospital board); they are often members of the school council (again, local government appoints a member to the school council), and let us not forget that boards and committees these days seem to have many subcommittees, particularly in secondary schools, where it seems that more and more subcommittees are being formed to look after such things as school finances, agriculture, curriculum, sports, and the canteen.

Many country councillors are also members of service clubs, such as Rotary, Lions, Apex and Jaycees, and possibly a few other service organisations, as well as the Freemasons Lodge and other lodges. These councillors are also involved in various sports, particularly bowls, tennis and cricket, and in many country towns they are involved in activities such as the National Trust, the local musical or drama group, the local church committee, and perhaps a local political organisation sub-branch, the United Farmers and Stockowners, and the local Agricultural Bureau branch. I believe the Minister must take account of these factors when considering new section 61 (2) that provides that meetings of a council committee may not be held before 5 p.m. It would be virtually impossible for some of these people to get to council meetings now that new section 58 has been passed.

I hope the Minister will consider the position of members of a committee. For example, if three members of a committee are all able to meet during the day, surely their democratic right is to meet when they so determine. I again ask the Minister to reconsider the statement he made last Thursday when he said that it would be preferable not to force councils to be democratic but that action has to be taken. What a Government, what a way of looking at local government. It shows complete disrespect for the members who are serving on that local council. This new section shows disrespect for committee members when it does not allow them to ascertain the most convenient time for them to meet. I implore the Minister to reconsider his views and support the amendment.

The Hon. G.F. KENEALLY: The Government will not support the amendment. Most of the reasons for its opposition to the amendment were canvassed when debating new section 58. I acknowledge that members of council are very busy people who are likely to be involved in a whole series of other organisations, and I think that is more likely to be the case in a smaller community, where lack of numbers means that fewer people have to carry the full range of activities. However, many of the things the honourable member has mentioned are basically social and recreational activities, and it is not mandatory upon a member to attend. Nevertheless, members of councils in country areas are very likely to be involved in other organisations.

However, it is the same in the rural cities, where some people meet in the evening as members of various boards and other organisations. Individuals must determine their priorities as to how they spend their time. If a person who works during the day is elected to council, he cannot serve on, say, the works committee because he cannot attend day-time inspections. Because of his employment, regardless of his qualifications, that person is denied the opportunity of serving on that committee, and the same thing applies in respect of other committees.

The Government is allowing councillors to participate in decisions of the council taken in the evening even though, because of their employment, they cannot attend day-time inspections. I remind honourable members that there is only a half-hour difference between the proposition in respect of starting time submitted by the Woodville council and that of the Government. The problem with the smaller rural council is different from that of the rural city council because of the greater distances that must be travelled by members of the former, but the Government wishes to ensure that the greatest possible number of people have the opportunity of representing their ratepayers on council and on the major committees of council. That is not a dishonourable aim, as has been suggested by the member for Goyder.

The amendment moved by the member for Light would prevent many people from having such an opportunity. The Woodville council has referred to hostels, which would not be caught up in the definition of 'committee'. There is a gulf between the attitude of the Opposition and that of the Government on this matter. We have stated clearly our policy and what we hope to achieve. If the Opposition does not agree with that, all the argument in the world will not change that position, so, having explained where we stand, I am quite happy to listen to the contributions of members opposite. However, I do not think that I will be taking much further part in debate on this provision.

Mr BLACKER: I think that the Minister's final comments were probably aimed at me when he said that any further debate is almost irrelevant, or words to that effect. I can understand that the Government and the Opposition have taken opposing stands on this issue. I know that the Port Lincoln council meets in the evenings, twice a month and sometimes more regularly. Its problem is that two of its councillors have work opportunities after 5 p.m.: it is quite the reverse to the argument we are putting up here.

There is no real direct cost associated with councils sitting after hours—or no cost of any significance. However, when one starts talking about committees, job inspections and things like that, where paid employees would be required to present themselves, there is a direct cost against the taxpayer. Therefore, not only is there the additional inconvenience and the difficulty of making the position of councillor available to all citizens but also an additional cost to the council, and I for one must oppose this provision equally as strongly as I opposed the previous measure.

Mr MEIER: Very briefly, I would like to give the definition from the *Concise Oxford Dictionary* of 'democracy' as follows:

> A State having government by all the people, direct or representative; form of society ignoring hereditary class distinctions and tolerating minority views.

I believe that the Minister is not prepared to tolerate the minority views in this instance.

Mr EVANS: I am disappointed that the Minister does not support the amendment. He said that the Government does not support it. I hope that before this Bill is fully processed the Government agrees to it.

The Hon. B.C. EASTICK: I would have to say to the member for Fisher that I am quite sure that the Government will agree, unless it wants to completely destroy the regard that local government has for the ALP for getting this Bill into the arena. I take the point that the Minister made in relation to the question whether some of these indirect committees are caught by the new section. It is a matter on which I am aware there is some divergent legal opinion and, notwithstanding the provisions under section 666c, some of the councils and people involved in considering this legislation very closely have been advised that those activities will be involved. If it turns out in subsequent inquiry that they are not involved, so much the better.

Certainly, if it is found that they will be involved, quite obviously one of the areas of contention which the Government has not considered looms even higher on the horizon than at present. The Government's belief that it casts aside any problems in that area may or may not be, and that will be sorted out. I believe that all that needs to be said on this issue has been said, specifically in relation to new section 58, and the Opposition will continue to oppose the provision.

The Committee divided on the amendment:

Ayes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, and Wilson.

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

Pairs—Ayes—Messrs Mathwin, Rodda and Wotton. Noes—Messrs Mayes, Plunkett, and Whitten.

Majority of 2 for the Noes.

Amendment thus negatived; new section passed.

New section 62—'Meetings to be held in public subject to certain exceptions.'

The Hon. B.C. EASTICK: The Opposition supports this proposed new section, although it is at variance with some of the representations that have been made on this matter. There is a residual feeling within a number of local governing bodies that council meetings, or more particularly committee meetings, should be held *in camera*. That is not the general view of the Opposition, although we agree that there are certain occasions when matters should be considered *in camera*, and new section 62 (2) adequately provides for them. One might say that there are almost too many opportunities given for a council to conduct meetings away from public scrutiny. I trust that that does not occur too often, because communication is an all important part of local government in its dealings with the community it represents and it can best achieve effective communication when debates are open to the community. Paragraph *(j)* of subsection (2) provides that 'any matter of a prescribed class' may be considered *in camera*. The mind boggles as to how many classes of prescription could be embodied by that.

I ask the Minister (whilst he maintains the opportunity to exercise an influence with the local government portfolio—until the next election) that he do not make too many prescriptions, because I think that would be against the best interests of local government. I think a very good cause should have to be shown as to why there should be a prescription made additional to those that are already provided for. I ask that the Minister err on the side of not accepting such a prescription. I note that other provisions stipulate that the mayor or the chairman can take a council *in camera* if it is deemed that that is warranted. Again, I believe that a mayor or a chairman will view that provision only as an absolute right rather than one to be used frequently.

The Hon. G.F. KENEALLY: I certainly agree with most of the sentiments of the honourable member. I was interested

to hear that he believes that the Premier will be giving me another portfolio after the next election; but we will have to wait and see about that. The Government does not anticipate that there will be any other reason for councils requiring a secret meeting, if you wish, or for going into committee, as we describe it, other than for those reasons stipulated. Paragraph *(j)* provides for an unusual circumstance which we cannot foresee at the moment. The honourable member can be absolutely certain that there will be no reason to prescribe another set of circumstances to warrant meetings being held in secret. I think we are in agreement on that point.

New section passed.

New section 63—'Meetings of electors.'

The Hon. B.C. EASTICK: The Opposition supports this provision, as it is a definite improvement on that which has applied in the past. However, I do not think it is quite tight enough. In his second reading explanation the Minister suggested that the Government considered the measure as providing an interface with local government and the community. The provision does not require that a member of council be present at a meeting of electors. In fact, a let-out is given in that a meeting can proceed in the absence of a member of a council elected body. However, certain council officers are required to be present, and it is suggested that the Chief Executive Officer or his nominee be the person who undertakes to provide the minutes of the meeting.

The Opposition believes that because such meetings proceed with the approval of council, indeed, fulfilling a responsibility in regard to people's rights, we should ensure that such meetings are chaired by a member of council. Accordingly, I move:

Page 34, lines 28 and 29—Leave out subclause (4) and insert subclauses as follows:

(4) A meeting of electors under this section shall not proceed unless at least one member of the council is present at the meeting.

(4a) Where the mayor or chairman is present and available to preside at a meeting of electors held under this section, he shall preside at the meeting.

The amendment does not go so far as to provide that in the absence of the mayor or the chairman a meeting should be chaired by the member of council who is present, although I believe that that would be desirable.

If it is thought that the provision is still too wide open, such a stipulaton could be added to the new subsection (4) that I have proposed. That could be extended to provide that, 'the member of council so present, in the absence of the mayor or chairman, will be the person who chairs the meeting'. However, I think common sense would prevail, without necessarily being so prescriptive. That is a suggestion made with the sincere endeavour of making sure that a meeting of electors is a very functional opportunity for this interface between the council and its electors.

The Hon. G.F. KENEALLY: The Government will not accept the amendment, for one very basic reason. There is no argument that the mayor or the chairman if present would preside at a meeting of electors. That provision is included in the principal Act. The Government is not prepared to accept the amendment because, if members of council got together and decided to boycott a meeting of electors, that meeting would not be a valid meeting. That would be an easy way for the council to stop electors at large from taking decisions that might have some influence on the council. So, it is certainly not the Government's intention to prevent electors of any council area having an opportunity to hold valid meetings. Whilst I am not suggesting that councillors or any council would seek to deny electors the right to have a meeting merely by boycotting it, nevertheless, if that possibility were in the legislation, it could be taken advantage of. That is why the Government opposes the amendment. The Government believes that a meeting of electors should be a valid meeting, even if no member of council is present.

The Hon. B.C. EASTICK: I regret that I cannot accept the logic of the Minister's statement. Perhaps the Minister will think a little more about this matter. Proposed new section 63 provides that:

A council may convene a meeting of electors for an area or for part of an area.

This is the opportunity for the council to respond. It does not prevent a meeting of electors outside the area of assistance by the council. The very structure that we are considering by the provisions of the Minister's initial new section 63 (1) is that it is the council that is doing the arranging on behalf of the electors. Therefore, as it is the council that has made the provision for the meeting, I believe that it is pertinent that the council ought to be present at the meeting and undertake the chairmanship of it. What the Minister suggested by way of alternative was a boycott and, under those circumstances, the boycott would have been exercised before the meeting was called. Surely, if the Minister is concerned that the council might not want to respond or react, then the council makes that decision before it has proceeded with the provision of new subsection (1), that is, to arrange the meeting, and then the consequence of that action, of not reacting to their people, is a matter of issue come an election, and that is the position which a council would have to view.

Considering it the other way, the council having accepted the request of the community to organise, under this provision of new section 63, a meeting, it is incumbent upon the council to ensure at least one of its members would be present. I would hope, now that I have given further explanation to the Minister, that he will see the validity of the argument and agree that the weight of it requires that he reconsider his position.

The Hon. G.F. KENEALLY: I was bound to come to grief sooner or later. I see the point that the honourable member is making; we are talking about a meeting of electors that the council convenes. So, the idea of a boycott is not relevant. The advice I have received is that what the honourable member seeks to do in his amendment and what new section 63 does is exactly the same thing. The amendment is not needed: the terminology is different, but the effect is the same. So, I propose to vote against the amendment. If the honourable member can discuss this matter with officers of my Department and if this very technical and legal terminology can be worked out to the satisfaction of both the honourable member and the Department, then we can look at it. If we are trying to achieve the same result, all we are arguing about is terminology, and we should be able to resolve it. To ensure that we do, I will vote against the amendment but give an undertaking that, if we need the honourable member's amendment to put into practice what we are both seeking to do, those amendments will be made before the Bill goes to another place.

The Hon. B.C. EASTICK: I am appreciative of the fact that the Minister will give it that consideration. However, the amendment was put to the Committee because, after discussion with other people, there was the belief that the prescription of subsection (5), referred to as doing much as is provided for in subsection (4) and (4a), is not as prescriptive as it might seem. I shall read into the *Hansard* and for the attention of the Committee proposed new section 63 (5) *(a)* and *(b)*, which provide:

Where the mayor or chairman is absent from a meeting of electors held under this section or is not available to preside at the meeting, the following provisions apply:

(a) if there is a deputy mayor or deputy chairman available to preside at the meeting—he shall preside—

'he shall', there is no argument about that—

(b) if there is no deputy mayor or deputy chairman or he is not available to preside—a member of the council appointed by the council shall preside;

There is no problem there. However, paragraph *(c)* provides:

if no member of the council is so appointed or such member is absent from the meeting . . .—

That can be in the plural sense, that there is no member of council present.

The Hon. G.F. Keneally: A member—a member of council.

The Hon. B.C. EASTICK: It is necessary to look at 'member' in this context in the plural, not only in the singular, because there is no prescription or provision for a member to be determined by the council beforehand. Subclause (5) *(c)* provides:

if no member of the council is so appointed or such member is absent from the meeting—a member chosen by the electors present at the meeting shall preside.

The 'member' second appearing is viewed in the broader sense as a member of the meeting, not necessarily a member of council. So, it is the 'member' in the second phase of paragraph *(c)* who can be a member of the meeting who is not a member of council. That is a view which is held and it is where the area of discussion which the Minister has offered will need to be taken.

There is this genuine belief that a legal mind, a court or whatever, could give two entirely different interpretations to the word 'member' twice appearing in new section 63 (5) *(c)*. I am happy for it to be looked at behind the scenes, with the assurance that it will come back to us in a guaranteed form in another place because, as I said, we are interested not in making a political point of this, or in seeking to do other than what is best for local government, but only in making sure that there is no ambiguity which might allow for a construction which could cause some hassle with a meeting of electors.

The Hon. G.F. KENEALLY: The intent of writing that subsection was to ensure that, if council convened a meeting and no member of council was there, the meeting could not go ahead

The Hon. B.C. Eastick: The court does not recognise intent.

The Hon. G.F. KENEALLY: At page 7, the definition of 'member' provides:

'member' of a council means the mayor or chairman, an alderman or a councillor of the council:;

The Parliamentary Counsel has confirmed that 'member' in new section 63 (5) is the same as 'member' as defined at page 7. The Parliamentary Counsel has assured us that in that subsection that is the definition. The undertaking stands.

Mr EVANS: The Minister does not gain much ground by saying that the intent is this or that, because it ends up in the interpretation of how the court interprets what we pass through this Parliament. Over the years we have learnt that many a good intention has gone astray when it becomes a point of court interpretation. We can receive advice from those closest to us and accept it, or we can seek other advice. The Minister must be aware of what the member for Light is saying: we are not concerned with intent but with how it is likely to be interpreted, should it come before a court.

The Hon. G.F. KENEALLY: If the honourable member wants to be academic, we could take out 'intent' and insert 'provide'. I do not intend to move that amendment now. But, I will read from line 39:

If no member of council is so appointed or such member is absent from the meeting—a member [of the council] chosen by the electors present at the meeting shall preside.

That might very well overcome all the problems. If that is the case we could facilitate that later.

Amendment negatived.

The Hon. G.F. KENEALLY: I move:

Page 35, line 3—Leave out 'person' and insert 'member'.

This would be consistent with the preceding clause.

Amendment carried; new section as amended passed.

New section 64—'Minutes.'

The Hon. G.F. KENEALLY: I move:

Page 35, line 33—After 'subsections' insert '(3),'.

This merely corrects an error which was brought to the House's attention during the second reading debate.

The Hon. B.C. EASTICK: I certainly support the amendment. This matter greatly concerned the member for Semaphore, and rightly so. It should greatly concern every member if the new section were to proceed without that provision.

Mr MEIER: Briefly, some six out of the 12 councils (50 per cent) who contacted me expressed great reservations about the number of days mentioned in this clause. I have taken advice on this, and believe that the intention is five working days even though the Bill states 'five days'. Likewise, I assume that one week would be one working week, rather than seven days. If that is not the case, I can see problems. We are approaching the Easter break, which could extend possibly from Friday to the following Tuesday or Wednesday. If a clerk was called out on a couple of jobs for a day or two the one-week requirement would not work. I do not know the penalties for non-compliance with the Act, but I would hope that the clerk would not be subjected to a penalty if there was such a long break and he could not produce the minutes during that time.

The Hon. G.F. KENEALLY: The Acts Interpretation Act interprets five days as a working week. Public holidays, Saturday and Sundays are not included.

Amendment carried.

The Hon. B.C. EASTICK: Has the Minister given consideration to when minutes are considered official and when they are not? We are arranging for reports, minutes, and the like to be made available to the public. Are we seeking, under the provisions of new section 64, to make available minutes subject to confirmation or whether those minutes or reports will be available only after they are confirmed?

The Minister would fully appreciate the position in relation to *Hansard.* Pulls are not available for free distribution until they have been vetted by the author of the words. In one sense that ensures that official documentation as circulated has been authorised or is recognised officially. Much consideration has been given to this subject by a number of people who made representations to me, and who questioned whether the clerk or any member of council would be liable to a charge of acting beyond the line of duty in making such documentation available to the public, under the provisions contained in this clause, if unconfirmed minutes were circulated.

I have heard another view expressed in this place in relation to some committees that the record, whether confirmed or not at a subsequent meeting, is official. If there is a blatant error (which can occur, as the Minister would well know) and, if, for instance, someone close to the preparation misses the sense of a word, the result could be disastrous. If the document were circulated in the community it could be said that Joe Bloggs said such and such when in fact he said something different, because a 'non' before or 'not' after had been left out.

The Opposition totally agrees with extending the provision of information to the public. That is part and parcel of the open information premise. The Minister is asked whether the Government has looked at what may be released, what could be demanded, in effect, what is not so much *sub judice* because that does not apply to this situation, but

what information ought not to be released until the council or committee has met again and formalised the document by confirmation.

The Hon. G.F. KENEALLY: We have given considerable thought to this matter. I have just checked to find out how much thought I have given to it. The situation is quite clear: once a decision is made at council, council minutes are legal documents and should be treated as such. When councils meet only once a month it would not be practical for the council to wait for the next meeting at which the minutes were confirmed in order to act. Action needs to be taken on the minutes immediately after the meeting.

The next council meeting confirms the accuracy of the printed minutes, but it does not affect the legality of decisions made at the previous meeting, the record of that meeting, or the need to act upon them. I take the honourable member's point to which he drew the Committee's attention, but to do other than act immediately would render a council totally ineffectual, because it would not be able to address a problem if it had to wait a month for the minutes to be confirmed before any decision could be made.

The Hon. B.C. EASTICK: I appreciate the point that the Minister has made and I know that it is a view that is abroad. At the same time there is abroad the other view that, where there is a variation in the minute on a policy decision and the written word which is being disseminated is not a true reflection of the decision made by the council (either by the loss of a word, a comma in the wrong place, or whatever), and it then goes out and is used for legal or other purposes abroad, and there can be problems. I am told that quite a number of senior members of the Institute of Municipal Management are questioning this as a decision which can proceed without the possibility of some hiccups or ultimate breakdown.

I want it placed on record that it is a matter that is recognised and indeed if there are any doubts at all amongst those people they ought now to respond to them (and I am sure that the Minister's staff will double check that issue), taking whatever other advice might be necessary from the Crown Law Office, or elsewhere, so that we are not placing a council in a rather disastrous situation as a result of a decision made with good intent but perhaps to the wrong purpose.

New section as amended passed.

New sections 65 to 70 passed.

New section 71—'Power to suspend or dismiss.'

The Hon. B.C. EASTICK: I pick up the point that was alluded to in the second reading debate that there has been a change of heart in relation to the Adelaide City Council in respect of the provisions previously left in the Act in an amendment which was carried before Christmas relating to Divisions IXA and IXAA, where the Adelaide City Council was at distance from everyone else in respect of the opportunity for a member of staff to appear before the Industrial Conciliation and Arbitration Court or a body of that nature. The provision now will apply universally across local government. That is good, and the Opposition is pleased to know that that position has been put to rest. It is a much more uniform approach which overcomes some of the difficulties.

New section passed.

New section 72 passed.

New section 73—'Local Government Superannuation Board.'

The Hon. B.C. EASTICK: I realise that we will write amendments into new section 73, which the Minister has in hand and which are consistent with the amendments which were passed earlier in another Bill relative to superannuation and reflecting upon the existing section 157 or thereabouts of the present Act. That matter is being discussed elsewhere now, as we appreciate. There have been representations that perhaps there should be a variation of what was decided in this place to ensure that the benefits accruing to some people by virtue of a scheme which is better than the one being contemplated be written in. If that is the case, undoubtedly in due course we will receive advice from another place and we would seek to include any such amendment.

Whilst there has been a complete understanding that any benefit accruing which is better than that contemplated under the new provisions must be maintained, I hope that we do not find a series of insertions which clutter up unnecessarily the provision which we are looking for to give an element of uniformity and simplicity. By 'simplicity' I do not mean that it is so simple that it is not watertight, but simple in the sense that it is not fraught with some difficulties of understanding because of the number of clauses, subclauses and so on. It is more a matter of flagging a view which I trust will persist, and that the amendments in due course will not cause us any concern.

New section passed.

New section 74—'Local Government Superannuation Board.'

The Hon. G.F. KENEALLY: I move:

Page 40, after line 29—Insert new subsection as follows:

(2a) The board shall consist of six members of whom—

(a) five shall be persons appointed by the Governor—

(i) one being a person nominated by the Minister, who shall be the chairman of the board;

(ii) two being persons nominated by the Local Government Association of South Australia;

(iii) one being a person nominated by the Municipal Officers Association of Australia (South Australian Branch);

and

(iv) one being a person nominated by the Australian Workers Union (South Australian Branch);

and

(b) one shall be the person holding or acting in the office of the Public Actuary or his nominee.

This amendment inserts a provision which was agreed to by this Committee in the superannuation legislation to which the member for Light recently referred and it seeks to insert into new section 74 an explanation of how that board should be constituted. The wording is taken directly from the amendment approved in this place last week on the superannuation legislation.

Amendment carried; new section as amended passed.

New sections 75 to 77 passed.

New section 78—'Actuarial review of scheme.'

The Hon. G.F. KENEALLY: I move:

Page 41, after line 17—Insert new subsection as follows:

(4) In this section—

'actuary' means a person who is a Fellow of the Institute of Actuaries of Australia.

The reason for moving this amendment is identical to that which I just gave in relation to new section 74. It is in line with the amendments we made to the superannuation legislation that passed through this House last week.

Amendment carried; new section as amended passed.

New sections 79 and 80 passed.

New section 81—'Bribes.'

The CHAIRMAN: The member for Light's foreshadowed amendment is a consequential one, is it not?

The Hon. B.C. EASTICK: Not exactly. It is consequential only in that it would be consistent with moves made elsewhere. It is a freestanding provision, and one could proceed to test the waters. However, as I indicated on an earlier occasion, if the Government has turned down the rationale of the increase in penalty in the previous test section (new section 54), I see no purpose in seeking to improve the Act, as I believe it would, by giving the courts some indication of the way Parliament views these misdemeanours. I do not

intend to proceed, although, if the Minister were to have a change of heart in this measure rather than the previous one, I will accommodate him by moving it.

The Hon. G.F. KENEALLY: I do not think that there is any need for the honourable member to move it, because the Government has not had a change of heart.

New section passed.

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

New section 82—'Authorised persons.'

The Hon. B.C. EASTICK: This covers an area formerly involving special constables, who it has been suggested in some areas should be retained. We believe that providing for 'authorised persons' is a better way of dealing with this matter, but one or two of the ratepayer groups have come out into the open and claimed that this is a denial of justice which was available through special constables looking after parking on footpaths, and matters of that nature. The suggestion was made in the Rosewater area that they ought to look after all those roads for which councils are responsible and that the police should not involve themselves in such issues.

I do not think that this proposition can be sustained, and we certainly do not promote it on behalf of the people concerned, but I do them the courtesy of drawing attention to the suggestion that has been made. I look forward to people, who as authorised persons have a responsibility to report matters or to take action, acting more as educators rather than as policemen, because I think that that is the role one would always want for these people. Nonetheless, if a situation arises where it is necessary for action to be taken, this will provide the personnel to take that action. We will not have the spectacle of a town clerk or district clerk, as chief executive officer, going out trying to do these things which are best done by persons with on-the-spot expertise.

New section passed.

New sections 83 to 90 passed.

New section 91—'Qualification for enrolment.'

Mr MEIER: The District Council of Wakefield Plains has stated:

> Council is of the opinion that this clause should be varied as follows:
>
> should be no requirement for a group of persons to nominate a person to vote on their behalf; should receive an automatic vote and the person to vote be determined on an alphabetical basis; and
>
> provision for body corporates to be enrolled should be excluded from the Bill.

The following points were noted: first, an automatic right to enrolment for corporate bodies and groups of persons does not mean anything unless they actually nominate a person to vote. Secondly, the present provisions enlarge the number on a roll, even though many of the people in question cannot exercise a vote. The council feels that there is not much point in this. Thirdly, many people do not understand this concept: that is, a group of persons or body corporate are enrolled, but cannot vote unless a person is nominated to do so. The council believes entitlement to vote provisions should be simple so that the general public can easily understand them. I think that the council is very concerned about new section 91, although it is not taking exception to the clause other than to point out those factors I have mentioned. I would be interested to hear the Minister's comments on enrolment, particularly as to council's opinion on the first two matters where the provision should be varied.

The Hon. G.F. KENEALLY: The honourable member mentioned three points: automatic right to enrolment; the present provisions which enlarge the number on the roll; and the fact that many people do not understand this concept. Does that follow from these three points? That is an explanation of what is actually in the Bill now, and that is not a criticism of the Bill: it is merely noting what is in the Bill.

Mr Meier: I didn't read it that way.

The Hon. G.F. KENEALLY: What the honourable member is saying is supported by what is in the Bill, and those three provisions have been noted.

The Hon. B.C. EASTICK: I previously drew to the Minister's attention the problem which arises in respect of the automatic recognition of a person who is a member of the House of Assembly. I would like to read a comment made by the Minister when presenting the original Bill, and more particularly relating to this new section as follows:

> A natural person, of or above the age of majority, may vote if he is an elector in the area for the House of Assembly . . .

We are agreed that that is as it should be, and we are agreed, by the very fact of the common roll, which is compiled by the Commonwealth on behalf of the State and also local government, that, having acquired recognition by the Commonwealth Electoral Office that he is so enrolled, that person would be automatically entitled to vote. Some doubt has been expressed as to whether people have always been given that opportunity. We have talked about that claim under new section 94 which follows.

There is the opportunity of a claimed vote, and I want to fortify the point made earlier that it is extremely important that this matter of entitlement as a House of Assembly elector must be tidied up so that no problems will be encountered at the polling booth, whether it involve for a supplementary election or a poll of ratepayers, etc. I am firmly convinced that the Minister's attitude is that, once a person is enrolled as a House of Assembly voter, it is intended that that person will have a vote in respect of local government. I do not propose any amendments at this stage other than to draw attention to the fact that we have an agreement that this matter will be canvassed within the Minister's Department, and hopefully there will be a clear indication of change of direction to local government once this Bill becomes an Act of Parliament, so that no longer can people be denied the vote as they were most recently in Munno Para.

The other feature of the entitlement is of fairly recent origin in its new form. Although it was criticised when it was brought in, it has now become a fact of life, and the multiple voting that used to apply on one property in an area where people had a series of nomination votes if the value of the property was beyond a certain level is a matter of the past. Whilst there was resistance by some people and concern expressed that they ought to be able to have their names placed on the roll because they had a property of greater value, it is no longer an issue and I believe ought to be left to rest.

Mr MEIER: I thank the Minister for his earlier comments, but I still feel that an answer has not been forthcoming on the first part of the matter I addressed in relation to new section 91, namely, that the District Council of Wakefield Plains was of the opinion that that provision should be varied so that there should be no requirement for a group of persons to nominate a person to vote on their behalf: they should receive an automatic vote, and the person to vote should be determined on an alphabetical basis. Will the Minister enlarge on that matter?

The Hon. G.F. KENEALLY: The system of voting by alphabetical order was in vogue prior to 1976, and amendments introduced in 1976 changed it. This suggestion would take us back to those days. As I understand it, the problem which arose was that when there were a number of shareholders they were listed in alphabetical order. The first to vote—say his name was Aardvark—would probably get the

vote; then on polling day a number of these people would turn up and there would be some dispute or controversy as to who would exercise the vote on behalf of the group. We are now requiring the body corporate to advise the council as to who will be exercising the vote on behalf of that body. This overcomes the types of disputes that used to arise every now and then on polling day.

New section passed.

New section 92—'The voters' roll.'

The Hon. G.F. KENEALLY: I move:

Page 46, line 36—Leave out 'at' and insert 'for the purposes of'.

This amendment merely seeks to better express the intention of the legislation.

Amendment carried.

The Hon. B.C. EASTICK: I draw the Committee's attention to the second line of new subsection (13): note should be taken of the wrong spelling of the word 'roll'. I believe it is within the province of the Chair to make that alteration without it involving a formal amendment.

The CHAIRMAN: The necessary alteration will be made.

New section as amended passed.

New section 93 passed.

New section 94—'Date of elections.'

The Hon. B.C. EASTICK: I wish to speak generally before withdrawing the amendments in my name. We have already dealt with that issue on a previous occasion. There is a clear understanding that the Opposition will not be canvassing again the four-year term and the biennial election. I draw the honourable Minister's attention to the introduction for the first time of a changed date for the election, in this case the first cyclic voting to be from May 1985. I believe the Minister would be aware that that date is not totally acceptable to a number of people in local government. There has not been a lot of argument about it, but it is still an issue which has been debated within local government.

I note that the councils of Penola and Warooka, for example, said very clearly that it was their belief there was nothing wrong with October, which was the month introduced into the Local Government Act approximately two years ago. In fact, there have been only two elections on the basis of an October election date. Some concern has been expressed about that day clashing with football finals, and it has been said that, therefore, it is not a satisfactory date. The former Minister did postulate an alternative date: March was suggested in one quarter, then it was April; and then eventually, after some consultation and discussion with the Local Government Association, it was agreed that if there was to be a change possibly May was a time that was least likely to involve difficulties with known holidays (March and April are months affected by Easter), and certainly Anzac Day can occur on the last Saturday in April.

It is important that the view of local government be taken into account here. Whilst at this juncture I do not proffer an alternate date to May, I am aware that it is a matter still receiving considerable attention, and it may surface as an issue in another place. That would be reacting to the wishes of these councils and also to a view strongly held by some people that there really is nothing wrong with October.

One of the virtues of the October date is that it is at a time following the creation of a budget or an assessment and acceptance of a rate. If the date were in May members going into council for the first time would find a partly formed budget and, quite early in their term on the council, would be expected to participate in decisions relative to a budget or rates. Certainly, though, May would promote a happier situation than that which prevailed when the date was in July, when those who went into local government quite often found that at the very first meeting they were called upon to make a decision on the budget and rates, having had no opportunity to really research or ask pertinent questions about such matters.

This matter is still being discussed, and I am interested to know whether the Minister has had any representations on it recently. Personally, I would not be averse to retaining the October date, for the reasons I have suggested, but I am less than pleased that the date proposed is one that has emerged as a compromise after consultations between the Local Government Association and the Minister. However, whether one should work on compromises, or whether greater opportunities should be given to see whether the October date will work is not a matter that the Opposition intends to test by way of vote in this place at this time.

The Hon. G.F. KENEALLY: It is a difficult thing to determine the best date in any calendar year for an election of any sort, as has proven to be the case in regard to local government elections. The October date option was tried. However, this year, for instance, there will be a holiday weekend and also it seems very likely that Woodville will be in the Grand Final, and so the whole of the State will be there to see them win their first premiership! No-one will be the slightest bit concerned about voting in a local government election, given the option of doing that or going along to see such a great game. Because of the Grand Final there has been a problem with the October date for local government elections. South Australia is heavily committed to its football and the Grand Final is the pinnacle of the football season.

Also, there is the matter of the holiday weekend in October. The earlier than May option was looked at earlier, but then one runs into problems regarding the Easter holidays and people being on holidays either outside the State or somewhere within it. So, in discussion with the Local Government Association, it was agreed that May would be an appropriate month. These sorts of changes will always cause some inconvenience to people who had adjusted their diaries for elections at other times throughout the year but, as I said initially, whatever the date selected there would always be some people who would find it inconvenient. This seems to be the best option for the majority of people in local government in South Australia. We now hope that that belief is fulfilled.

The Hon. B.C. EASTICK: The purpose of this new section is to give rise to the new council election procedure of three-year elections all in all out. I shall not further debate the matter at this stage, because it has been referred to previously in connection with a series of alterations pending whether an amendment to a previous new section was successful. I simply point out that an increasing number of representations about this matter are being made to members of Parliament, and no doubt the Minister has received such representations concerning the desire for a four-year biennial election rather than a three-yearly election. The most recent correspondence, which was circulated to all members today, is from the Mitcham council, and I am advised that other representations are in train. This is a matter to which Opposition members are committed. Whilst I do not intend to proceed with the amendment to this provision, because of the circumstances I have outlined, the Minister should not believe that it is a dead issue.

New section passed.

New section 95 passed.

New section 96—'Nominations.'

The Hon. B.C. EASTICK: This provision concerns the process for calling of nominations and the handling of those nominations. At present new section 96 (9) provides:

The returning officer shall, as soon as practicable after their receipt, cause copies of all valid nominations to be displayed in the office of the council.

Members of the Opposition oppose this provision. We believe that nominations ought to be displayed, but only after the close of nominations. We are aware that a variable approach to this issue has been taken over a period and that during probably the past five to eight years the Local Government Act has provided that the returning officer may notify others of details of nominations as he receives them. On other occasions a situation arose where the returning officer was precluded from making that information available until closing time. The Opposition is committed to the view that no information should be divulged until closing time.

That is the procedure that applies to the State and Federal election systems. It does not prevent an individual's indicating in the press or by other means his or her intention to nominate. That is a person's right, but we believe that it is only the business of the returning officer until closing time and should not be divulged by him until he has a list, a single nomination or, indeed, no nomination. The process allows for an indication of the position at the close of nominations. Accordingly, I move:

Page 49, lines 36 and 37—Leave out 'their receipt' and insert 'the close of nominations'.

This will effect what we believe will be a much tidier method of handling this matter. I am aware that representations were made by some returning officers that they were under too much pressure from people wanting to know whether they had received any nominations and, if so, whether they could have details of who the nominees were. The Opposition considers that the amendment will ensure that a returning officer will have the authority of the council to keep the details of nominations to himself or herself until the close of nominations. I ask that the Committee support the amendment.

The Hon. G.F. KENEALLY: The honourable member wishes to revert to the system that applied prior to this amending Bill being introduced. In theory the honourable member is wishing to achieve just that: confidentiality of nominations for council. In practice it does not happen, and the point he makes is correct. There has been clear evidence given to the Department by returning officers all over South Australia that they are put under enormous pressure by councillors or prospective councillors wanting to know who has nominated prior to deciding themselves whether or not to nominate, and inevitably they find out. It is very rare that the confidentiality that this amendment seeks to achieve is in fact achieved.

Our amendment writes into the legislation a fact of life: that councillors or prospective councillors know and find out one way or the other who the nominees are. That happens. We are trying to remove from returning officers and council officers the pressure placed upon them in the past by accepting the situation as it is now. The theory is good, but the practice is different. We are acknowledging the practice and writing the legislation accordingly.

The Hon. B.C. EASTICK: I am disappointed at the Minister's attitude. We should be putting strength in the hands of the returning officer, and that is done by making it obligatory that he hold that information to the end. If the information gets out by some other means, it is no reflection upon the returning officer, but the confidentiality of the nominations in the hands of the returning officer is most important. The Minister might say that there are various means by which the information can get out. There could be conjecture, but there need not be any positive knowledge of what the position is until the returning officer makes that information available.

If I or anyone were to go into the council and, being a person eligible to be nominated, ask for a nomination form, there may be the presumption that by taking out that nomination form, I am to be a nominee or that I am going to nominate some other person to contest the election. That is a presumption which it is the right of anyone to make, but it is still not an official notification that either Joe Bloggs or Mary Smith, or anyone else, will be a candidate. Rather than have a situation of people being denied the right to nominate because they are fearful of a name that has been put about of a person who might be a nominee, there should be no indication whatsoever, and the decision should be available to the public only after the closing time.

The Hon. Jennifer Adamson: Consistent with all of our other attitudes to access.

The Hon. B.C. EASTICK: Exactly, consistent in relation to access, and most consistent with what takes place in the State and Federal sphere. The Minister has hung his hat on the consistency with the State and Federal sphere in other issues. This is another occasion where he could consummate that interest in State and Federal spheres by accepting the proposal.

The Hon. G.F. KENEALLY: One of the problems that a returning officer would face in maintaining confidentiality would be the need to institute an elaborate security system. Either the nomination would come in through the council office or through the mail, and it would be opened with normal mail, so there would have to be instituted a somewhat elaborate security system. That seems unnecessary when everyone knows anyway who the council nominees are. We are not talking about consistency or philosophy; it is merely acknowledging a fact of life, and writing in this provision removes from the returning officers a lot of pressure currently placed upon them unnecessarily because eventually everyone knows anyway. Whether they know sooner or later does not seem to make a lot of difference.

One of the reasons for the difference between local government and State politics is that in the latter many of us are endorsed by our political Parties. Very rarely do we wonder whether an Independent is standing. In local government that is not the case. It is not a matter of waiting until the last moment to see who has nominated and who has not. I am not saying that is a prime motivating factor. It is different from State Government, where we know who is nominating from the moment a person is endorsed by a political Party; one is nominating two years before the nominations are called. Local government is different, so one cannot claim consistency between the two areas. The reasons are as I have already stated.

Mr MATHWIN: The Minister's argument on this matter has been pretty weak. He has sought to grasp a number of straws but has not convinced me; in fact, he has done the opposite. The member for Light's argument was quite obvious: the situation at present does not really cause hardship. He quite rightly pointed out that the Minister has said that there must be consistency in the State and Federal situation, and the situation must be kept as close as possible. The Minister's argument in supporting this new section has been very weak. From my experience in local government, it has caused no hardship at all. There has never been the situation of people racing around looking for nominations; it is ridiculous. I ask the Minister to rethink the situation in relation to this new section. It is one that is not needed at all.

Amendment negatived.

The Hon. JENNIFER ADAMSON: New section 96 (7) provides for the returning officer to correct any deficiency that he considers might render the nomination invalid and states that he shall:

take all such steps to notify the nominated candidate of the deficiency as are reasonable in order to enable the candidate to cure the deficiency before the close of nominations.

That new subsection provides as good an opportunity as any (and there are many in this Bill) for commending those who drafted the Bill in terms of the simplicity, clarity and practicality which breathes through all its provisions, and which is expressed in this one. I understand that, whilst that goal is in the spirit of the present Act, it is not expressed simply and clearly as it is in this clause; and that there has been some confusion with returning officers as to what they can properly do within the law to notify candidates of deficiencies.

I raise this not through any special interest in that aspect, but simply to put on the record as we proceed through the Committee stages of this Bill that all members who are participating in this debate are struck again and again by the extremely high quality of the drafting of the clauses, and that is something for which local government and citizens will continue to be thankful I believe for many years to come. So, through the Minister, I believe his officers deserve congratulations, along with those others responsible for the drafting.

The Hon. G.F. KENEALLY: I would much prefer that the honourable member included me in those congratulations.

The Hon. Jennifer Adamson: By all means!

The Hon. G.F. KENEALLY: I will certainly pass on the honourable member's comments, which are absolutely valid, to all those involved in the drafting of this legislation. There is no doubt that the language of this Bill is a revelation.

The Hon. Jennifer Adamson: A very refreshing change!

The Hon. G.F. KENEALLY: It is a refreshing change, as the honourable member points out, because so many large Bills are complex and difficult to read, and we all need the assistance of legal advisers.

Mr Mathwin: What about the lawyers?

The Hon. G.F. KENEALLY: It is not necessarily the case here. Of course, the lawyers would have had considerable input in writing the language of this Bill, for which we are all thankful. I move:

Page 49, line 38—Before 'office' insert 'principal'.

This amendment tightens the provision to avoid any misunderstanding where there are a number of branch offices within a council area. Specifying 'principal office' identifies a particular location which is, I think, the intent of the clause.

Amendment carried; new section as amended passed.

New sections 97 and 98 passed.

New section 99—'Ballot-papers for elections.'

Mr LEWIS: I do not have any reservations about this clause, but merely rise to draw attention to the fact that whereas in the previous Act, for the purpose of determining positions on the ballot-paper it was necessary for the returning officer to find two people from the ward for whom the position was being determined, that will not be so, as I understand it. That is particularly commendable where it relates to country situations because it had been written in a fashion which required, under new subsection (5), the returning officer to visit the ward to find two electors of that ward who would witness the drawing of lots to determine the position on the ballot-paper. This new subsection is explicit in that it allows the returning officer to simply have any two electors in the council area witness the drawing of the lots.

That is implicit in the way the provision is worded. If it were not so (and the Minister may correct my impression if I am mistaken), it would be a gross imposition on the returning officer, and on the council involved. I say again, in the same terms as the member for Coles has commended the very clear fashion in which the vast majority of this legislation has been drawn, that those responsible for its drafting deserve the highest commendation. It is only a pity that, in those other areas where differences have arisen, they are ideological. In this instance I simply thank and congratulate the Minister and the departmental officers who have been responsible for that consideration. It will save a great deal of time and expense which would otherwise have also caused considerable inconvenience.

New section passed.

New section 100—'Method of voting in elections.'

The Hon. B.C. EASTICK: My proposed amendment seeks to retain the voting position which currently exists under the Local Government Act. That is what is regularly known as first past the post, cross in the square.

Mr Mathwin: It could be called 'sudden death'!

The Hon. B.C. EASTICK: I think the honourable member says that with some feeling. It is a difference of opinion between the Government and the Opposition on this matter. It is viewed differently by a number of local governing bodies throughout the State. I refer back to the statistical information which was inserted in the second reading debate (page 3148 of *Hansard* 3 April 1984). Of the 100 councils known to have responded (and as set out in the documentation I presented to the House), 33 were against optional preferential voting, 54 offered no comment, and only 13 agreed or gave qualified agreement.

We acknowledge that 54 making no comment on the issue is not a very conclusive figure with which to be dealing in considering whether it should be all apportioned upwards or downwards; that is, whether it should all go down to the *status quo* or down to the agreement. I suspect it should not be viewed as agreement, because those councils that wanted to agree with issues were quite forthright in giving an indication of their agreement. I would not enter into any lengthy debate or argument as to apportionment of those 54 votes. But, having regard to the manner in which they provided information on the more contentious issues, one would have to say that it would break in all directions. That being the case, there is a majority for the *status quo*.

The proposition I now put to the Committee—and I do not intend to debate it at greath length—will be for retention of the *status quo*. We commence with an amendment to new section 100. There are subsequent alterations which would be necessary to new section 121, to which I will refer in a moment. But, before putting the proposal as a positive motion for the Committee's attention, I refer to the earlier debate on this issue. Those who heard that debate heard me say that probably members on this side could accept compulsory preferential voting rather than the optional preferential which is offered, but some clarification of what was meant by the term 'compulsory' under those circumstances should be given.

I suggest that the connotation that needed to be put was that it was full preferential. That was the manner in which it flowed through in the debate and may well be in the official record. However, I would not want anyone to take from the debate on this issue relative to voting that the Liberal Party was representing to the Committee or to those who followed the debate that there should be compulsory voting for local government. It is not a proposition contained within the Bill. It might be one of the ideological opinions which members opposite hold, although it has not been brought forward in this Bill and has not been promoted in a general sense. I think we can forget about compulsory voting so far as local government is concerned.

Local government does not want it. It has not asked for it, although it did come up in one or two submissions made by individual councils—some expressing a view that they could see nothing wrong with compulsory voting or, alternatively, saying, 'If voting becomes compulsory then we believe in this, this and this.' There was a qualifying ter-

minology associated with the introduction of compulsory voting under those circumstances. However, I move:

Page 51, lines 3 to 9—Leave out subclause as follows:

(1) A person voting at an election shall vote by placing an X in the square opposite the name of a candidate for whom he desires to vote, but shall not vote for more candidates than there are vacancies to be filled at that election.

Subsequently, if this amendment is carried, I would move:

Proposed new section 121, pages 56 and 57—Leave out subclauses (1) to (3) and insert subclauses as follows:

(1) At the close of voting at an election every presiding officer shall, in the presence of any other electoral officers and any scrutineers who may be present—

(a) open all the ballot-boxes used at the polling-place, remove the contents and exhibit the ballot-boxes empty;

(b) separate the envelopes used for declaration votes from the ballot-papers not contained in such envelopes;

(c) parcel up all the envelopes used for declaration votes and transmit the parcel to the returning officer;

(d) examine all the ballot-papers not contained in such envelopes and reject any informal ballot-papers;

(e) count the votes recorded on the ballot-papers (other than those rejected as informal);

(f) mark and certify a return to the returning officer showing—

(i) the number of votes counted for each candidate;

(ii) the number of ballot-papers entrusted to him;

(iii) the number of ballot-papers deposited in ballot-boxes (excluding those related to declaration votes);

(iv) the number of ballot-papers rejected as informal;

(v) the number of declaration votes made at the polling-place;

(vi) the number of ballot-papers issued but returned unused;

(vii) the number of ballot-papers issued but returned spoiled;

(viii) the number of ballot-papers not issued;

(ix) the number of ballot-papers not accounted for;

and

(g) transmit to the returning officer all ballot-papers in his possession and the return referred to in paragraph *(f)*.

(1a) The presiding officer shall comply with any directions of the returning officer as to procedures to be observed when acting under subsection (1).

(1b) At the close of voting at the poll, the returning officer shall, with the assistance of any other electoral officers who may be present, and in the presence of any scrutineers who may be present—

(a) open all the ballot-boxes and parcels containing declaration votes, remove the contents and, in the case of the ballot-boxes, exhibit them empty;

(b) examine the declarations and determine which votes are to be admitted to the count and which rejected from the count;

(c) remove the ballot-papers from envelopes which are by the determination under paragraph *(b)* to be admitted to the count, examine the ballot-papers, reject any informal ballot-papers and count the votes recorded on the ballot-papers (other than those rejected as informal).

(1c) The vote of a person whose name does not appear on the voters' roll in the capacity in which he claims to be entitled to vote shall not be admitted to the count unless his name was omitted in error from the voters' roll.

(1d) If votes for two or more candidates for election are found to be equal, the returning officer shall, in the presence of any scrutineers who may be present, draw lots to determine which of the candidates is to be elected.

(2) When the result of the election becomes apparent, the returning officer shall make a provisional declaration of which candidate or candidates have been elected.

Providing that information to the Committee obviously sets up a situation which is almost identical to the existing one. The phraseology is a little different: it is not a direct liftout of the old Act, I believe, but couched in the same terms as those just lauded by other members on a new approach to the writing of the Bill. However, I believe that the end result would be the same as provided in the current Act and it is a viewpoint which, as I have indicated, is regarded as essential by a large number of councils. There is no recorded comment by others, but it is certainly a view which members on this side hold as to the method of voting under the new Act.

The Hon. JENNIFER ADAMSON: I oppose the new proposed section as it stands and support the amendment. I should make clear that my council (the Campbelltown council) has not recorded any objection to this proposed method of voting (that is, optional preferential) and, indeed, as the member for Light pointed out, some councils are quite agreeable to the proposal. Indeed, my Party would on a philosophical basis prefer full preferential voting to first past the post, because we believe that that is the fairest method of determining the intentions of the voters. However, our opposition to the proposed new section is based on our opposition to other new sections in this Bill which we have already debated (and some which are still to be debated); that is, we believe that it is wrong for one sphere of government to impose its will on another in matters such as voting, and, of course, times of meetings and other matters that we have canvassed.

Therefore, it is really out of respect for the majority opinion held by local government that the Opposition opposes the proposed new section as it stands, and that has been our consistent attitude throughout. If the Government were to adopt that attitude, I believe that this Bill would have passed through Committee and the House in a fraction of the time with an agreeable attitude prevailing out there in local government and, I venture to say, a very good preparation of the ground (ploughing of the field, one might say) for the remaining four amending Bills. It is a pity that that bipartisan attitude which has as its basis a respect for the majority view of local government has not prevailed, and I regret that the Minister has not incorporated the majority view of local government in this key new section which, as far as ratepayers are concerned, is a key new section because it relates to the very moment when they put pencil to paper to determine whom they want to represent them in their local council. If the Government has its way the time honoured and traditional method in South Australia which is supported by local government will be altered. The Opposition does not believe that that should occur.

The Hon. G.F. KENEALLY: Because local government operates under an Act that is approved by this Parliament, no matter what system it has it will be a system that is approved by this Parliament, and first past the post when it originated did not originate as a result of a request from local government: it was a system that was 'imposed' by Parliament. Therefore, no matter how we look at the Local Government Act, the bottom line is that that is a decision made by State Parliament. There is nothing I or members opposite can do to change that; that is a fact of life. There are one or two things I would like to say in response to the member for Light's comment.

First, certainly compulsory voting is not a subject of this Bill. It certainly was the subject of our original discussion paper, but it was withdrawn as a result of discussions with the Local Government Association and a number of the local government authorities, I would imagine, so we are not talking about compulsory voting. Nevertheless, I would like to urge local government bodies to work as hard as they can to improve voting performances within their own local government areas. Too often we see people being elected to wards when there is not a contest, and on odd occasions there is no nominee. In those cases where there is a contest it is very common to see less than 20 per cent of the vote in a ward and not unusual to see less than 10 per cent of the vote in individual wards.

If that sort of thing continues, the argument for compulsory voting strengthens, and the Local Government Association knows this. It knows and has given an undertaking that it will be working to encourage local government authorities

or people who want to vote in local government elections to come out in greater numbers so that, as they see it, compulsory voting is not required. I am prepared to concede that optional preferential voting is more relevant when there is compulsory voting than it may be when there is no compulsory voting. Optional preferential voting is a system that applies in New South Wales, but there is compulsory voting in New South Wales, of course.

Optional preferential voting is a system of voting that is gaining greater support in other levels of government and, as honourable members opposite have said, a number of councils within South Australia have expressed no great difficulty with this provision. One of the main reasons, and honourable members should contemplate this, that this was introduced was that it stops people grouping together to stand as a political Party, because the voting as we call it is bottoming up. It is not as applies in politics, say in the Senate or Legislative Council, where once you receive your quota of votes, then your votes can go down to somebody else on your ticket, which could apply in the straight preferential system. Because it is optional preferential and bottoming up, it stops political Parties from being involved in local government elections.

Mr Mathwin: It needs the footwork of Sugar Ray Robinson.

The Hon. G.F. KENEALLY: One of the difficulties we always face in discussions of this kind is that there are people who cannot grapple with the complexities of difficult legislation, no matter how well it is written, and we cannot write legislation to suit everybody. However, there are people who understand what I am talking about. Optional preferential voting does ensure that people cannot group together and take advantage of each other's excess votes, because there will not be any excess votes to distribute due to bottoming up. The two who finish will be the two who are elected, if there is an election for two in the ward.

One of the other reasons is that in local government elections, unlike State and Federal where it is Party political, and even if one does not know the person, one will vote for the ticket if the candidates have Liberal Party, National Party, or what have you, after their names. In local government elections they do not have political titles, so in the case where there are a number of nominees, this will provide for people to give their primary vote and preference to persons they know and not to have to vote for people they do not know.

As I said earlier, I concede that this new section is much more relevant when we are talking about compulsory voting than when talking about this voting, and I have a rather ambivalent attitude towards it in this legislation, I must say. Nevertheless, I will be voting against the amendment, and I will also have a look at it. In voting against the honourable member, I expect that we will carry that vote because we have the numbers in this Chamber, but here again I am prepared to look at that.

Mr Mathwin: It was your policy not long ago.

The Hon. G.F. KENEALLY: It remains our policy, as compulsory voting remains our policy, and as a number of other provisions remain our policy. All I am saying is that this measure is more relevant attached to compulsory voting than it might be attached to a voting system where we can get less than 10 per cent of the people voting, and as honourable members opposite do not want a system that will keep politics and groupings out of local government, then perhaps—

The Hon. Jennifer Adamson: Come on!

The Hon. G.F. KENEALLY: That is a little rough, and I will withdraw that reflection. I content myself by saying that I will be voting against the amendment, but it is something I am prepared to have a look at. If, in looking at it with my colleagues and the Department we decide that it should stay in, then the matter can be addressed again in another place.

The Hon. B.C. EASTICK: It seems to be a fact of life that I stand in this place today and say I am disappointed with the Minister's attitude. At least he has shown an element of an open mind on this occasion and the matter may be looked at elsewhere. Of course he does not have the numbers in another place and, therefore, he can look at it all he likes and seek to do certain things, but he may not be able to get that opportunity. This is the place where he gets the opportunity to go back to where I have suggested, and it may not be a negotiable factor when the Bill comes back to us.

As to the member for Unley's interest, I have not got my file with me this evening relating to practices in the Unley council, the Prospect council, and the Enfield council at the last October elections. I would be able to glean from that file some of the practices and directions given by sitting members of this Parliament to the members of their organisation in relation to specific candidates who offered themselves for the local government area. I am quite sure he would not be in a position to offer the same evidence back against any member on this side.

Mr Mayes: Oh yes I would.

The CHAIRMAN: Order!

The Hon. B.C. EASTICK: Be that as it may, the important issue is that we believe the proposition which is going forward by way of amendment is worthy of support here and now, and we will be voting accordingly. But I do make the point again to the Minister that this becomes a test case and, therefore, that decision having been reached, there will be no further debate on the issue in relation to the proposed new section 121 other than perhaps some questioning as to the verbiage of section 121 as it will proceed to be consistent with what the Minister seeks to do with section 100.

The Committee divided on the amendment:

Ayes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Blacker, D.C. Brown, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Wilson, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs. McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Pair—Aye—Mr Rodda. No—Mr Whitten.

Majority of 4 from the Noes.

Amendment thus negatived; new section passed.

New section 101—'Appointment of scrutineers.'

Mr LEWIS: I have no great quarrel, merely a problem with this new section, and that is the method by which it can be shown that the appointment of a scrutineer has been made. There is no cut-off point in time by which a candidate must have appointed his scrutineers. The way the provision is drafted is a little disappointing in that it does leave the way open for some mischief. If it were known that one candidate had not appointed a scrutineer and had no intention of doing so, another candidate could easily send a telegram attributable to the candidate who had not appointed a scrutineer in order to appoint additional scrutineers himself, or at least that is the way the Act is worded.

In new subsection (3) it is not necessary for any evidence of the origin of the communication to be provided to the returning officer or presiding officer where the appointment of the scrutineer can be made by telegram. New subsection (3) states:

An appointment under this section is ineffective unless the candidate has given notice in writing, or by telegram, to the returning officer or a presiding officer of the appointment.

How does the Minister propose to ensure that justice is not only done but is seen to be done and that there can be no mischief involved in the appointment of scrutineers? The awkward situation could obtain where the presiding officer gets a nomination in writing of one scrutineer and then receives a telegram from someone claiming to be the candidate nominating yet another person as that candidate's scrutineer. The presiding officer is then left in the awkward position of determining which of the two he will permit to be admitted to either the poll or the count. Why has that been overlooked? I draw attention to the question because a couple of councillors happened to notice the provision and its consequences after their respective councils had considered the measure and written to me. In fact, they rang me over the weekend about this question.

The Hon. G.F. KENEALLY: I could say the easy solution is that, in the bigger councils where there would be a number of candidates, one can bet one's bottom dollar that each would have a scrutineer, and in the smaller councils they would know whether or not somebody was a scrutineer for the individual candidate, but it is not as easy as that. The returning officer will have to decide in the instance that the honourable member has put to the Committee where two people purport to be the scrutineer for an individual candidate. The returning officer has the responsibility of making up his or her mind on the spot and allowing only one of the two, three, or however many people who purport to be the scrutineer to be the scrutineer.

I do not want to be held to this, but I think the same situation could apply in State and Federal elections. The honourable member is shaking his head, so I do not wish to pursue it in case I am wrong, but I feel it could happen there as well. It would be a very rare occasion on which it might happen, requiring the returning officer to make the decision. We will keep a close eye on it to see whether the fears the honourable member expressed are realised. I am personally confident they will not be.

The Hon. B.C. EASTICK: In relation to the scrutineer situation, subsection (2) of the proposed new section 101 states:

> Where a candidate appoints more than one scrutineer—
> *(a)* not more than one of them may be present in any one polling-place at the same time during the poll; and
> *(b)* not more than two of them may be present in the place for the counting of votes at the same time during the counting of votes.

I am not worried about the position after the voting has taken place, but I am concerned about some of the activities that have been 'traditional' in some polls through the years, the activities of scrutineers in the polling place. I was alerted to the fact that we are continuing the practice of allowing a scrutineer to be in the polling place, observing what is taking place, and would seek to limit the activities of that scrutineer. I raise it at this stage only because this is the first occasion on which mention is made of the scrutineer, but in fact in new section 129 I will seek to put in an amendment which gives very clear guidance. It is very restrictive as to what a scrutineer may do in the polling booth whilst the election is in progress. I cross reference subsection (2) *(a)*, as the trigger point for the action I am going to take. Mr Chairman, I would crave your indulgence after we pass this section to make a statement relative to the area between new sections 102 and 144.

Mr LEWIS: I do not very often engage in providing gratuitous advice to people, and on this occasion by doing it for the Minister's benefit I mean no disrepsect to him, but in the course of his explanation to me he raised the point that scrutineers in their appointment in State and Federal elections are as described in new section 101 (3): that is not so. In State and Federal elections, the scrutineers appointed must present their authority to act as a scrutineer to the returning or presiding officer, as the case may be. That certificate has to be signed by them, and the returning or presiding officer has to be satisfied that the signature is the same as he has seen and witnessed on their nomination paper, and it is up to him to be satisfied of that.

The bit that I cavil at is the part where scrutineers can be appointed by telegram. That is not possible in State and Federal elections, and it is not possible for the presiding officer or returning officer to source the telegram with any reasonable certainty. A telegram by definition does not contain a signature or a declaration. It is just a message through the wire, and could be quite easily sourced mischievously and thereby embarrass the candidate and/or the presiding officer and/or the returning officer if it were done in mischief and, what is worse, we do not prescribe anywhere else in this measure any penalties for people for doing anything like that. I trust that, if the Minister sees the concern that I have expressed and regards it as worthy of consideration, he will at least attempt to rectify the apparent fault in the legislation in another place.

The Hon. G.F. KENEALLY: Whilst the honourable member is not in the habit of giving gratuitous advice, I am not in the habit of thanking members for gratuitous advice either. I would suggest the honourable member look at the Electoral Act which controls State elections, section 120 of which provides:

> Each candidate may by notice in writing or by telegram addressed to the assistant returning officer or returning officer, or deputy returning officer, as the cases requires, appoint a scrutineer to represent him at the scrutiny at each polling booth or other place at which the scrutiny is being conducted, and such notice or telegram shall be signed by the candidate and shall give the name and address of the scrutineer.

What is introduced in the Local Government Act is the same as that which applies in the State Electoral Act.

Mr Lewis: What about the signature?

The Hon. G.F. KENEALLY: One would assume—

Ms Lenehan: You have to give your phone number so they can check whether you're the person at the phone number.

The Hon. G.F. KENEALLY: There will be protection built in, but what we are doing in terms of the Local Government Act is in line with the Electoral Act, so the gratuitous advice on this occasion was slightly misplaced.

New section passed.

New sections 102 to 114.

The Hon. B.C. EASTICK: I indicate that new sections 102 to 114 is virtually a lift-out of the Electoral Act, following representations made after the by-election in Norwood. The issues canvassed there have been very much canvassed before Parliament in recent times. I have consulted with my colleagues and we are happy to move *en bloc* from new sections 102 to 114, then move to question new section 115, then move *en bloc* from new sections 116 to 123, question new section 124, then move *en bloc* from new sections 125 to 128. There is an amendment in relation to new section 129 and then we would move *en bloc* from new sections 130 to 144. I am not denying the Minister or any of his colleagues the right to move in at any stage and question the issue, but if we accept that the issues are straightforward as we see them, they are consistent with an attitude which has been put down by the Parliament in fairly recent times, and indeed the author of the previously mentioned Electoral Act is resident in another place and would have the opportunity to question any aspect of the provisions between new sections 102 and 144 which might require some clarification.

The CHAIRMAN: The Chair would like to record its appreciation to the honourable member for Light's attitude.

New sections 102 to 114 passed.

New section 115—'Declaration voting at an election or poll.'

The Hon. B.C. EASTICK: New section 115 provides:

(1) Where a person who desires to vote at an election or poll and is present at a polling place for that purpose claims that his name has been omitted in error during the compilation of the voters' roll under this Part, he shall be entitled to vote subject to the following provisions:

(a) the person shall before the presiding officer sign a declaration in the prescribed form setting out the grounds on which he claims to be entitled to vote (being a declaration printed on the outside of an opaque envelope);

(b) he shall then mark his ballot-paper with his vote, fold it so as to conceal his vote, and return it so folded to the presiding officer;

(c) the presiding officer shall then, in the presence of the voter and without unfolding the ballot-paper, insert it in the envelope, seal the envelope and deposit it forthwith in a ballot-box provided for the purpose of the election or poll.

(2) The presiding officer at a polling-place shall keep a record of declaration votes made under this section at the polling-place.

We set out a process whereby a declaration vote can be claimed and obtained, but in new paragraph (1)*(b)*, where the voter must hand the folded vote to the presiding officer, the presiding officer being the one to put it in the envelope, I have a simple question: why? If it is a personal vote, the person having filled it out and the returning officer having prepared the envelope into which it is to be placed, it would seem to me that the normal practice must surely be that it is the right of the elector to place the vote in the envelope, then hand the sealed envelope to the returning officer. It is an obscure point to me, and to others who have questioned it, and it is on that basis that I ask the Minister for an explanation or, if it is an intangible situation, perhaps it is yet another matter on which we should seek to get some further feedback in contemplation that it might be corrected in another place.

The Hon. G.F. KENEALLY: This is to ensure that the ballot-paper does not get into the ballot-box outside of the envelope. The individual request to vote cannot be checked, but if it is handed to the returning officer it is sealed and put into the box. It is a small thing but it ensures that the person's vote is in the envelope and in the box so that when one checks whether a person is entitled to a valid vote one knows it is in the envelope. If it is not checked it would go into the box and one would never know whose vote it was. That is to ensure that the person seeking the right to vote has his or her vote in the envelope. It is checked by the returning officer, and this is the security to ensure that that vote cannot otherwise be counted.

The Hon. B.C. EASTICK: I see the rationale for that, but I suggest with respect that it would be far better if the vote were placed into the envelope by the elector in front of the returning officer. This is yet another area where, with a little fine tuning behind the scenes, one might see a slight variation to that provision when it comes back to us. I fully appreciate the need to make sure that voting slips which might be questionable as to a valid claim are not inserted along with others, but I believe that at no stage should the voting paper leave the hands of a voter to a point where it is inserted in the envelope.

The Hon. G.F. KENEALLY: I think that the honourable member raises a very valid point. We will certainly look at that and see whether it should be moved as an amendment to the Bill when it reaches another place.

New section passed.

New sections 116 to 123 passed.

New section 124—'Violence, intimidation, bribery, etc.'

Mr MEIER: This section comes under the heading 'Illegal practices'. I realise it is a modification of the previous legislation that applies also to Parliamentarians, but it would certainly hit any member of local government very hard. Much of the debate so far has been about the fact that local government, until this Bill's introduction, has involved a voluntary contribution by people. Here we see that a person seeking election to local government who offers a bribe with a view to influencing the vote of any person at an election or poll would be guilty of an indictable offence which attracts a penalty of $10 000 or imprisonment for five years.

It would be some shock for a person who thought he would do his little bit for local government and offer himself for election to accidently transgress the Act and find he was serving a prison sentence. I certainly feel that the penalty provided here, compared to many other offences in this State and in this country, is a little too dramatic. I am especially concerned that 'bribe' includes food, drink or entertainment. I do not think that this section specifies in what period a person could become liable for offering such a bribe. In other words, if the Act goes through unamended a person could be nominated for re-election every three years. I guess a year before that time he would certainly know whether or not he wanted to seek re-election. He might put on a garden party and have people at his home, and the conversation could be about his re-election to office. If he were providing free food, drink and possibly free entertainment, according to this provision he could be liable for an offence and be severely penalised.

I am surprised that no limit is specified. In other words, perhaps when the election was called or at the close of the nomination period it would be an offence. I think all members on this side fully appreciate that once an election is called certain restrictions are applied. Shouting a beer in a hotel would be a very dangerous practice at that time. Yet, I think a local government nominee would possibly come more under the influence of that provision. He could have been shouting drinks for his friends for a long time. I see no limit to that specific short period. However, the Minister might be able to help me in this regard.

The Hon. G.F. KENEALLY: The honourable member is very lucky if he thinks it is only local government members who shout drinks for their friends from one election to another. He is very fortunate. He obviously does not go into the front bar of a local hotel to find that he has to buy the boys the first drink and the last. I do not think that is trying to curry favour with the electorate and secure votes. The honourable member is slightly selective in his reading of new section 124, which provides, in part:

(1) A person who exercises violence or intimidation, or offers or gives a bribe, with a view to—(a) (b) (c) shall be guilty of an indictable offence.

This is a very serious breach of the law indeed, which warrants very serious penalties. In regard to the instance mentioned by the honourable member, if someone wanted to take an action against a candidate because he bought a meal or a few beers in the front bar, that person would have to lay a charge which would be dealt with by the law. A judge would then decide whether or not that was an indictable offence. If it was not, and one cannot imagine the judge making a decision that it was an indictable offence for a normal everyday activity like having lunch with friends, buying a meal or a few drinks, which is not an uncommon practice, the person who laid the charge would have to pay the costs of any action that might flow from that. So, I do not really see why the honourable member is fearful. Individuals themselves will have to take action in the matter. The decision is best left in the hands of the court.

The honourable member also raised the matter of the time scale and mentioned whether or not this should apply from the time of calling the election. Of course, set elections are called, in a sense, from the moment an election is over. One knows the next election date and does not really have

to wait until the election is called. One can say, 'We are electioneering now,' as we do in State politics where the election date is flexible and one does not know when it will be until the Premier makes an announcement.

In local government one knows: it can be argued right from day 1 that in three years one could be in an electioneering atmosphere. But, again, that will be a matter for the courts to decide. We have not set an arbitrary date, and in local government one cannot because there is not a set election period at all unless one suggests that from the date of calling nominations that is the period. I prefer to leave it as it is. If anyone took action under this section, the matter would be determined by the court.

Mr MEIER: I thank the Minister for his comments, but I still have serious reservations about the lack of any specific period in normal circumstances, especially in local government where relations are usually relatively friendly, but someone could be desperate to be elected and determined to take the place of someone else who is seeking re-election. It would not be very hard to find examples of illegal practices.

The Minister referred to a person who exercises violence or intimidation, or offers or gives a bribe, so we can easily take out the first two phrases and say a 'person who offers or gives a bribe,' and that certainly has to be read that way. I am not so concerned with violence or intimidation. I realise that that would be a much more serious offence, but if the offering of a bribe can simply include food, drink or entertainment a transgression could easily occur. Although this section might apply to people in the State (and I assume Federal) Parliament, people there are receiving a significant salary and are in a completely different category so far as I am concerned compared to local government councillors.

The Hon. G.F. KENEALLY: What we have done is convert the existing legislation into more relevant terms. The existing legislation includes:

III. Making use of any threat to an elector, or otherwise intimidating him in any manner, with a view to influencing his vote:

IV. The treating of an elector, or the supplying him with meat, drink, or lodging, with a view to influencing his vote, or the supplying him with horse or carriage hire or conveyance hire for the purpose of going to or coming from a polling-booth, with that view. . .

VI. The giving or supplying to an elector of any postage stamp for the purpose of inducing the elector to apply for a postal vote certificate or for the purpose of being used by the elector . . .

The giving of any dinner, supper, breakfast, or other entertainment, at any place whatsoever, to any electors with a view to influencing their votes.

What we are doing is tightening up the provision. I think that, if the honourable member checked, he would find that it is simpler and more relevant, and we are not imposing anything on local government with which it has not been able to live for 50 years or so.

New section passed.

New sections 125 to 128 passed.

New section 129—'Offences as to information about persons voting or not voting on polling day.'

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

Page 61, line 5—After 'polling-place' insert 'or make a record of persons voting at the polling-place'.

When we dealt with new section 102, we alluded to the actions of scrutineers. Proposed new section 129 provides:

While voting is in progress at a polling-place—

(a) no person other than an electoral officer shall have a voters' roll in his possession at the polling-place;

and

(b) no electoral officer shall disclose to any person not being an electoral officer any information as to the persons who have or have not voted at the polling-place.

Penalty: One thousand dollars.

One of the reasons for spelling out what a scrutineer may or may not do was to overcome the old habit of tickboarding, and obviously here we have a situation in which a person who was a scrutineer may not sit in on the voting procedure with a roll and tick off the names or make some records of the names. However, it does not prevent the person using a blank notebook or some other means of noting the names that have been stated at the polling table and making his record. I believe that my amendment gives the strength needed in the section. It spells out quite clearly that the Parliament, and indeed I would hope the Minister, would not want to condone the situation where there was still the possibility of a scrutineer circumventing a clear intention.

The fact that there is a $1 000 penalty (that is a maximum, of course, not necessarily the individual penalty) indicates that the Parliament and the Government recognise in the Bill the practice of some improper and undesirable actions in the polling booth, and this strengthens the provision. I trust that the Minister will see fit to accept the amendment. It is interesting to note the following sentence in the submissions made to the Minister, the member for Albert Park and me earlier today by the Woodville council:

It will be noted that an electoral officer shall not disclose information as to the persons who have or have not voted at the polling place.

It also recognises that it is an area where there is sometimes pressure perhaps subsequent to the election or at the time of the election for information to be obtained and that that should not be the case. I believe that all local government would recognise the importance of preventing people from circumventing the intention of the new section by making it illegal for them to record in any way.

The Hon. G.F. KENEALLY: We support the amendment.

Amendment carried; new section as amended passed.

New sections 130 to 144 passed.

New section 145—'Interpretation.'

The Hon. B.C. EASTICK: The Opposition will be opposing new sections 145 to 150 inclusive. They appear in Part VIII of the Bill under the major heading of 'Register of interests'. This issue was canvassed during the second reading debate and has been the subject of a great deal of concern expressed by people right throughout South Australia, including people associated with local government and others on the periphery. There is a very clear indication in the material presented to the members, and so that those reading this debate can best understand local government's attitude to this action I seek leave to have inserted in *Hansard* without my reading it statistical material, appearing on page 3148 of *Hansard* on 3 April, relating to the register of interests.

Leave granted.

Analysis of five key issues from 125 Local Government bodies
Table 2

	Cities	Municipalities	D.C.	Total
REGISTER OF INTEREST				
Against	19	7	63	89
No Comment	—	1	2	3
No Record	5	2	18	25
Agree or Qualified	2	1	5	8
	26	11	88	125

The Hon. B.C. EASTICK: The clear point made here is that, of 100 councils which responded to the Opposition, 89 were firmly against this issue. The Minister is aware of local government's attitude in the matter. As recently as yesterday the Leader of the Opposition received this telegram from the Mayor of Whyalla:

The Whyalla City Council wishes to express grave concern that the State Government is not respecting the views of local government with regard to amendment to the Local Government Act. In particulr the unanimous opposition expressed against introduction of a register of interest for council members who act in a voluntary capacity.
Aileen C. Ekblom, Mayor of Whyalla.

Again, in paragraph 14 of its document the Woodville council registers strong objection to and totally opposes Part VIII. It further states:

Section 54 provides for the disclosure by the member of an interest in a matter before the council and the harsh penalty including imprisonment for any offence.

They are only two of the many dozens of similar responses from local government. The Minister will be aware that the retiring President of the Local Government Association (Mrs Meredith Crome) highlighted that as one of the two particular areas about which she was concerned, where the Government was intruding into local government affairs. It is a matter which has been canvassed widely. It is a 'yes' or 'no' situation, and so far as the Opposition is concerned it is a clear 'no' to the whole Part and, naturally enough, because we are dealing individually with each new section, new section 145 which we are currently considering will be a test section.

Mr LEWIS: I support the honourable member, and I draw attention to the ridiculous situation that obtains under clause 145, which provides, in part:

In this Part, unless the contrary intention appears—"family", in relation to a member of a council, means—
(a) a spouse of the member;
and
(b) a child of the member who is under the age of eighteen years and normally resides with the member.

During the course of the debate on the Bill involving pecuniary interests of members of Parliament, members will recall that I drew attention to the definition of 'spouse'. I do that again on this occasion and ask the Minister what that word means. My concern is, of course, that with greater frequency these days more and more people are living in *de facto* relationships. Under the terms of this definition, that means that anybody involved in a *de facto* relationship is exempt from this provision, if it were to become law. Of course, we sincerely hope that the Government will see the error of its ways and that it will respect the wishes of the voluntary services provided by local government and support the Opposition's concern in removing these clauses from the Bill, this particular clause being the first of them.

I trust that the Minister can show that I am mistaken and that 'spouse' also means '*de facto* spouse' as from the time cohabitation commences. I remind the Minister that whilst, if you like, the neoconventional *de facto* spouse in most people's minds means somebody of the opposite sex, in this day and age it is not unusual to find that there are people cohabiting who are members of the same sex. I would regard that as involving no more or less an obligation on a person who becomes a member of local government to declare the pecuniary interests of the spouse in that instance than would be the case with somebody who is married in law to a person of the opposite sex. I leave it to the Minister to explain what his understanding of the meaning of this part of the clause is.

The Hon. G.F. KENEALLY: I shall immediately say that that last particular instance mentioned by the honourable member would never happen in local government. It may happen elsewhere, but it would never happen in local government, so I do not think we need concern ourselves with people of the same sex cohabiting. A *de facto* spouse is defined at the top of page 8:

"spouse" includes a *de facto* spouse.

If somebody wanted to take action under that clause against a *de facto*, it would have to be determined by a court when the person began or stopped living as a *de facto*. I hope those answers are sufficient to stop the honourable member from feeling the need to take any further part in discussing this clause, but hope springs eternal.

As the member for Light has pointed out, there is this conflict between the Opposition and the Government in terms of the need for a register of interests. I am well aware of the number of people who have expressed opposition to this part of the Bill. In a sense, that does not surprise me. Nobody really wants their own financial interests displayed, but then, if that is what they do not want, they ought not to be involved in public office, and that is the basic principle. Someone wishing to be involved in public office must be seen to be above criticism, and the most essential way to achieve that is for people to know what that person's pecuniary interests are. It happened here in the State Parliament and it happened to members of Parliament all over Australia. It is not an unusual circumstance.

The argument that because people in local government are doing a voluntary job they should not have to register their interests does not really hold water, because, although we are paid and they are volunteers in the work they do, decisions made at local government level impact quite a great deal more on matters involving the sale and development of individual pieces of land within council areas, whereas members of State Government legislate in the general way: very rarely do we legislate as specifically as we did with the ASER project at the railway station. That is quite an unusual circumstance for State members of Parliament. In local government it is an ongoing occurrence.

People in local government are involved in developmental decisions almost consistently, so it is more relevant for people in local government to have a register of interests. We know of the provisions already for people in local government, involving the need for them to declare their interests; there are strong provisions in existing legislation, and there are certainly strong provisions in this legislation. People in local government are involved in making decisions affecting developmental projects in which they could very easily have a pecuniary interest, and the best way to stop any criticism from anyone within the State is to ensure that those people are above criticism and a register of interests be established.

I know that a lot of people in local government, as do a lot of people in Parliament, believe that a register of interests means that they have to divulge their income, but that is not the case at all. It is a requirement to register only your own property, stating the lot or hundred the property is in. It is the barest of information. Also, a person holding shares does not have to say how many shares are held. It is merely the name of the company in which the shares are placed that is required, or the source of the income. Therefore, the income could be large or small, and the person who has one share in BHP will declare that along with a person who has 100 000 shares in BHP. No-one knows whether you have one or 100 000.

As the member for Light has pointed out, this remains an issue of fundamental difference between the Opposition and the Government. I expect that it may remain so and that we will go to a vote on this issue, but it is something about which the Government feels strongly. It believes that as local government increases its role, as local government takes on more responsibility and powers, this provision becomes more and more relevant. I believe that a provision of this kind will enable local government to fulfil its potential and to do the things that it sees itself doing in the years

ahead without the fear of accusations made currently that there is a lot of self-interest involved, and I think right at the start we should be able to absolve local government from those charges which we all know occur and which people in local government know occur. I think we should stop that, and the best way of doing so is to support this measure.

Mr BLACKER: I oppose new sections 145 to 150, because I believe that this is a reflection on those who have offered their services voluntarily for the community. I know the Minister has drawn the comparison with what occurs in relation to members of Parliament. I think we are dealing with a different set of circumstances, and I cannot accept that the same arguments necessarily apply.

Certainly in the experience that has come to my notice from local government, the idea, allegation or suggestion as to pecuniary interest has never arisen, to my knowledge, within my electorate, and that involves eight councils. Wherever a person may have an interest in an area, that person pushes back his chair and refrains from any involvement in the discussion; certainly, he refrains from voting.

The Hon. G.F. Keneally: Does he leave the room?

Mr BLACKER: I am not aware of that. As it was put to me, where it has occurred in council the councillor has pushed back his chair from the table and refrained from any further involvement in the discussion, debate or vote. Whether the person left the room or whether it is important, I do not know.

The Hon. G.F. Keneally: It will be because, if they remain in the room, they will have to vote.

Mr BLACKER: Under previous provisions that was not a requirement, and that is not the case. As I look around in general terms at the number of people who have become involved in local government, I see that many of those persons retired from their original place of employment and have some investments. In some cases, those investments are well outside the area and have absolutely no reference to the area that they are now serving as councillors. As a result of this legislation; it is required that those outside interests be declared.

It has been put to me that a number of councillors will not seek re-election because they believe it is an invasion of their privacy when they are prepared to give so much of their time for the community. So far, this has never been questioned. The whole exercise is a reflection on the integrity and personal liberties of those involved. Generally speaking, this legislation is violently opposed by all members to whom I have spoken and who have approached me. I do not believe I would be representing my councillors if I did not strongly oppose this Bill in every possible way, and I do just that.

I do not believe we can draw a direct parallel between members of Parliament and councillors. If the Government was genuine in what it believed to be pecuniary interests, or in relation to persons being in a position to influence projects of that kind, it should bring in paid officers of councils under this same umbrella. The Government should bring in departmental heads under the umbrella of pecuniary interests within the Parliamentary scene.

Mr Lewis: They are just as likely as the Minister to be tempted.

The CHAIRMAN: Order! It would be much better if honourable members did not keep interjecting.

Mr BLACKER: I do not believe we have a Sir Humphrey here in South Australia—not by that name, but perhaps by that character. Nevertheless, I think the point is there, namely, that if we are genune about the whole concept of pecuniary interest, if we are to involve those who give of their time voluntarily in the interests of their community, then there are paid officers involved in the local government scene who should be treated equally. They are in a position to have influence and they have prior knowledge of a lot of the internal workings. On that basis, if there has ever been a reflection or a suggestion thereof brought to my notice, it has been from within the paid staff and certainly not from without.

Mr MEIER: The member for Light said some 80-odd per cent of his recipients disagreed with the register of interests. Of the 12 councils out of 13 which responded in the electorate of Goyder, 12 out of 12 not only expressed concern but also were against the pecuniary interests aspect. Two of them would allow some modification. I cannot understand why the Minister is not taking note of what is clearly the opinion of local government. We have heard before that this Bill is designed to give much greater freedom to local government and to let it get on with the business of local government, but it still seems that this State Government is insisting on interfering in certain matters.

I believe that many of the comments made by members of councils in Goyder are relevant. They complement things that have been said and introduce new factors as well. The District Council of Blyth, which has stated its concern, considers the Bill to be totally unacceptable. In the notes on the Bill, it is stated that it is designed to allow anyone to serve as an elected member. This provision will prevent many people from standing for election, thus destroying this principle. The member for Flinders mentioned that very point, handy, that some people will not stand if this provision is included. It is a great shame that the new Bill interferes with the liberties of people to such an extent that they do not feel they can go on as a council member. I think the views here should be considered.

Considerable opposition was expressed by the District Council of Bute to the inclusion of this part. That council considers that the conflict of interests section, section 54, adequately caters for it. We have dealt with that matter earlier and so I will not repeat the details of it. I cannot see why we must have a double headed input into this Bill to stop people possibly having a conflict of interests. A $5 000 fine is already clearly stated. When the Opposition endeavoured to move an amendment for $10 000 to say, 'All right, if you are worried about the pecuniary interests of people, the conflict of interests, we will increase it to $10 000, and that will definitely stop anybody abusing their privilege in local government', the Minister would not accept that increase in fine. Yet he insists that the proposal for a register of interests goes ahead. I cannot see the point that he is endeavouring to make in that respect.

Similar views were expressed by the District Council of Clinton, particularly in respect of small country areas. That council is against it because certain sections of the community would, without question, seek this information for some personal gain, particularly if a person's liability interests are to be made accessible to public scrutiny. I wish the Minister appreciated how small some of these communities are in country areas where people perhaps want to know more about other people's concerns than they have any right to know. I know that it does not occur in the city to anywhere near the same extent, because often people would not even know who their councillors were. The District Council of Mallala states that it is strongly opposed to these requirements. The District Council of Minlaton states:

> There is no reason whatsoever to justify this intrusion into personal liberty. This section has no place in local government. It is not warranted.

I hope the Minister takes note of those comments. The District Council of Riverton is slightly more positive. It states:

While council do not object in principle to having to disclose business interests, they do oppose any thought of introducing disclosure of financial interests and strongly object to any member of the public having access to any information contained in the register.

The District Council of Saddleworth and Auburn, in a similar vein, unanimously agreed that 'councillors private affairs should not be made available to the general public.' The District Council of Snowtown stated:

If this is going to be the attitude of the Government, then people will be even harder to find for office of councillor than they are today. This council area has had very few election ballots in many, many years and during the last three years none. To fill vacancies that have occurred has been a mammoth task. Any discouragement factor that this piece of legislation will bring to bear should be thwarted at all costs.

The Wakefield Plains council stated:

Council will be opposed to keeping a register of interest if it had to be kept at the council office.

I will not detail all the council's submission, as it is fairly detailed but it suggests that if such a register has to be kept then at least it should be kept in Adelaide where local communities will not have easy access to it. The District Council of Warooka stated:

The Association feels that councillors should not have to declare their interests each year, as proposed in the Bill, as this provision is covered in section 53, conflict of interest.

Finally, the District Council of Yorketown stated:

Council is vigorously opposed to the introduction of this type of control into local government.

That council points out that many people would want to look at the register just for the purpose of finding out what Councillor so-and-so has, what debts he has, and other factors relating to his pecuniary interests.

The Hon. Jennifer Adamson: And his wife's.

Mr MEIER: As the member for Coles points out, this also relates to the pecuniary interests of a spouse. It is clear that local government is completely opposed to this provision. I believe that the Minister will have to change his attitude on this if the Bill is to be successful and accepted by local councils. The Bill is 98.5 per cent good, but the remaining 1.5 per cent could do immeasurable harm, and this provision is part of that 1.5 per cent and is something that must be opposed at all costs.

The Hon. JENNIFER ADAMSON: I oppose this clause. My views on registers of interests are well known, and they scarcely need to be repeated. Anyone who wishes to refer to comments that I have made previously can refer to *Hansard* of 15 March 1978 at page 2256 or to *Hansard* of 1 June 1983 at page 1830, at which times I dealt in some detail with the legislation that was going to affect members of State Parliament.The same principles apply to this legislation. I simply repeat my basic objection, which is that one cannot legislate for integrity. Even if, heaven forbid, this measure were passed and became law, I do not believe that it would affect the quality of representation by improving it. I believe that possibly it could have an adverse effect by deterring many worthy people from standing for office in local government.

I cannot see it having any beneficial effect whatsoever, particularly as existing legislation provides very heavy penalties for any member who seeks to advance his or her personal gain in terms of decisions made as a member of local government. Not only can this clause not legislate for integrity, but it absolutely outrages my sense of family privacy that the spouses and children of members of local government should be subjected to this absolutely intrusive mechanism which delves into their private affairs, into their sources of income. The new section begins on page 64 of the Bill and continues on pages 65 to 67 and a portion of page 68—at least 3½ pages of pettifogging socialism, which seeks to intrude into the lives of ordinary citizens and in doing so exposes their private family affairs to public view. In my opinion that is absolutely unacceptable. We believe that the best protection for the integrity of members of local government is an informed and energetic electorate, that is to say, the ratepayers, and a vigorous scrutiny by those ratepayers of the people for whom they are going to cast a vote. That is always the best protection in a democracy against those who would seek to advance their own interests at the expense of the people they seek to represent.

The member for Light has put the case very effectively. The Minister well knows that this provision will not pass in another place, because it has been publicly stated that that is the case. He also knows that he has to satisfy the demands of his Caucus. I do not believe that local government will forget the attitude of the Labor Caucus in regard to this piece of legislation, because it shows a complete lack of sympathy with human dignity and privacy and the aspirations of people who want to serve their local community but who at the same time would like to protect their own families from public scrutiny to which they should never be subjected. I oppose the measure. I believe that local government is quite right in identifying this as being a watershed provision and one on which it is prepared to lose the whole legislation for which it has waited two decades rather than have this inflicted on it.

Mr MATHWIN: I oppose this provision for a number of reasons, as stated previously by my colleagues. The councils in the area that I represent are against it. In a submission to me the Brighton council stated:

All members are appalled that the Government has seen fit to require dedicated honorary representatives of the local community to divulge details of their own and their family's financial affairs, and worst still, to provide that any person shall have the right to peruse and to copy it. It is the Brighton Council's earnest request that Part VIII—Register of interests be removed from the proposed legislation in its entirety.

I fully support those comments. When the Minister replies to the many questions that he has been asked, will he be honest about the situation and tell us how many complaints he has received? Earlier, he said that we all knew that there had been a number of complaints. Will the Minister tell us how many complaints he has had in relation to this matter, and why it is so urgent that this provision be included? If there are many complaints, maybe the Minister could convince me about this provision, but I would like to know how many he has received. Those of us who have been members of a council know the workings of local government. However, the Minister has probably not been in many council chambers in his life—although he has probably been in them a few times while paying his dog licence—

The CHAIRMAN: Order! The honourable member must not reflect on the Minister.

Mr MATHWIN: I did not say the Minister was a dog, that it was his licence; I referred to a licence for his dog. The Minister is not familiar with the workings of local government. He cannot help that, and that is no reflection on him; it is simply that he did not take the opportunity of going into council. From my information and experience, if there is a debate in Council the councillors or aldermen remove their chairs and take no part in the debate until it is completed. When it is completed, they come in on the next issue, and that is fit and proper. In my experience, there has never been any complaint about people who have reneged on that. It is open to the Minister to convince me of any cases, if he has the proof, and say that he has been asked to do this because of the shocking situation that occurs in local government. Perhaps he can convince me to support this, but until he can do that I, with the councils I represent, and indeed the Mayor of Port Adelaide who is

also against this matter when I discussed it with him, remain unconvinced.

I would like the Minister to reply to what I have said. Apart from the fact that it appears to be Labor Party policy, the situation is that all, with the exception of very few local government authorities, councils and municipalities, are against this provision and they desire Parliament not to pass it. Surely it behoves the Minister, who is Minister of Local Government, to take some heed of the councils he represents and indeed leads, and to take the advice of those people and support his councils.

Progress reported; Committee to sit again.

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

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

Adjourned debate in Committee (resumed on motion).

Mr BECKER: It is significant that it is in 1984 that we have the opportunity to debate this Bill with the big brother obsession of the Labor Party that persons in local government are corrupt, which is what it means by insisting that this provision be accepted. It is a reflection on every person serving the community in local government. We have seen the performance and efforts of this Government in relation to legislation, where two members on this side of the Chamber were named as being shareholders in a certain company—and for what? For cheap political purposes. That is a different kettle of fish! It is all very well for the Labor Party to ignore totally confidentiality and respect for this type of legislation when it can throw a little bit of mud at someone else.

No-one will convince me that the confidentiality envisaged in this legislation will be kept, because every person who declares pecuniary interests will be named somewhere, in some sort of publication. The individual will not be able to afford financially to fight to get his rights through the courts, because that is the system we have in this State. There will be no person of middle class income or working class serving on local government who could afford to take the printer, the publisher or anyone else to court to get justification if their name is smeared or slandered or if their pecuniary interests are disclosed publicly. The Government knows it, and members in this Chamber know it as well.

It was a disgraceful performance for two members on this side to have had certain shareholdings disclosed by a member of the Government. That is the type of Government we have in this State, the type of Government that this Party wants to see continue, and that is the type of legislation it has tried to force on volunteers in local government. It is not on, and I hope members on this side of the Chamber, as well as members in another place, will fight with all the power they have, because it will drive out of local government good, honest, sincere community persons.

Mr Lewis: Capable, what's more.

Mr BECKER: They are not capable; they are competent. The member for Glenelg mentioned a number of complaints that the Minister or his Department has received. I have two councils in my area, Henley and Grange and West Torrens. We have had two complaints, one being at West Torrens many years ago. The councillor involved was smeared, slandered, and rumours abounded through the area. An investigation by the Minister of Local Government followed but nothing was proved; however, his reputation was finished because out of sheer viciousness, selfishness and for any other number of reasons rumours were bandied around that he was corrupt. It was untrue, but there was no way that that person could clear his name, and the Government of the day took the opportunity to have an investigation made and made sure that everyone knew about it.

The same situation happened in Glenelg a few years ago where again allegations were made against a certain person. The member for Glenelg explained what the councillors do, and explained that they have to withdraw their chair. Members on the Government side, if they honestly believe that this legislation will achieve anything, are only kidding themselves.

I wish to record in *Hansard* what the Henley and Grange council has had to say on this, because it has given a considerable amount of discussion to this legislation. The council states:

> The council contends that this part should be deleted in its entirety. All restrictions necessary are incorporated in earlier sections of the Act, namely the provisions dealing with conflict of interest and disclosure. As members have to declare any conflict of interest as penalities exist for non-disclosure a register seems superfluous. The council considers that it is already difficult to attract good people to stand as elected members of council and requiring such people to register their interests will not improve the situation.

The majority of councillors in Henley and Grange are employees, working class (if one wants to use the expression of the Government), and the same applies in West Torrens council. Why should these people be laid bare for all and sundry to see what they may or may not have? The letter continues:

> Such a register is considered contrary to the civil liberties of members of council whom, it must be remembered, are acting purely in a voluntary capacity. A register may be necessary for members of Parliament where the conflict of interest penalties for breach of trust do not apply.

That is quite right. Local government is already catered for and cared for. The letter continues:

> In the event that the council is unable to secure the omission of Part VIII, this council is of the opinion that disclosure should be made only to the Town Clerk so that confidentiality can be maintained.

I can assure the Committee that the majority of councillors in other councils in my area do not support that attitude. As I said, all we will achieve is to drive out of local government the very people whom we want to serve the community. I always thought that all persons were born equal. How about leaving it that way! As I have said all through this debate, it is time that the Government woke up to itself and kept its sticky fingers out of local government.

Mr EVANS: We, as political organisations, are on opposite sides of the fence. We could debate this matter all night and get nowhere. I know that the Government supports the provision very strongly. We oppose it. I believe that by the time this Bill is processed it will have to accept it as a Government if it wants its legislation to survive.

Mr BLACKER: I pose a hypothetical problem for the Minister, because councils in my area have, from time to time, had difficulty in getting candidates to contest various wards. I can recall one council that, over a number of years, had to nominate one of the residents of a ward as councillor; there was no election. No resident of the area responded to the council call for nominations for an election. The time came and still there was no-one to fill the position so council finally nominated a person for the position.

In this instance we are saying that councils are to nominate, coerce or whatever to get a person to nominate, then subject that person to public scrutiny which he or she does not

wish to undergo. I firmly believe that some councils in my areas will have this problem. At the last local election, when nominations were called to fill a ward vacancy none was forthcoming. Nominations were recalled and again there was none. Then, either by coercion or by nomination, a person did fill the vacancy, but that person has now left the district and the council has again a problem. I wonder where the Government will draw the line in the event of a council's being unable to get a representative for a ward area. Will it then force the council to nominate a person in that area to be a councillor and subject him or her to the pecuniary interests provision? I see this as a practical problem.

I know that in some areas many persons want to become councillors to service a district. But, in some other areas where council activity has levelled off, where there is no burning issue or where no divisions have been created within the community, one gets a waning of interest. In my short involvement with public life I have known this to happen twice. I see this provision as adding to that practical problem and putting councils in a very invidious position where wards will be unrepresented.

The Hon. G.F. KENEALLY: Meetings during the day time will keep more people out of local government than the register of interests, I have no doubt.

Mr Mathwin: It is an expression of opinion.

The Hon. G.F. KENEALLY: Members opposite believe that they alone can express opinions. I was very interested in the member for Hanson's contribution. He obviously read 'Onlooker' on the weekend and wants to make sure that his name is up in front. The very arguments he used against the register of interests are the reasons why we should have one. He complained that people in two councils had their names pilloried all around the place. Their reputations were destroyed because they were accused of corruption, he said. A register of interests would have protected those people from allegations which would not have been sustained. We would not have had that kind of trouble and allegation.

Mr Mathwin: How many complaints have you had?

The Hon. G.F. KENEALLY: It is no good the member for Glenelg asking how many complaints we have had. We all know that over the years some very serious complaints have been made in some of the larger council areas of South Australia.

Mr Mathwin: Because you don't know.

The Hon. G.F. KENEALLY: Of course I do not know how many there are. I have no intention of seeking that information.

Mr Mathwin interjecting:

The Hon. G.F. KENEALLY: Would the honourable member for Glenelg—

The CHAIRMAN: Order!

The Hon. G.F. KENEALLY: I do not even know what the member for Glenelg is saying.. No member is in a position to know how many conflicts of interest there have been in local government over the last 70 years, because there is no a register of interests. Conflicts of interest could be occurring daily at every meeting of local government. I am not saying there are or there are not. Unless we have a register neither the member for Glenelg, nor the member for Mallee, nor anyone else here, can say whether there are conflicts of interests occurring.

Mr Mathwin: You don't trust local government.

The Hon. G.F. KENEALLY: Yes, I trust local government but, to get back to the argument of the member for Hanson, it is the very presence of a register of interests that overcomes the sort of problems that the honourable member mentioned. Here again, there is a basic difference, as the member for Fisher pointed out. I do not believe that he should be so confident about the conclusion to all this as he believes he is. Members opposite do not want a register of interests. The Government does want one and believes it is important to the future of local government and for the propriety of local government and people's confidence in it.

No-one suggests local government is rife with corruption. The fact that this legislation is before the Chamber does not suggest that, either. It gives local government the protection to which it is entitled against such allegations. As local government becomes more and more involved in the affairs of the State, in development that takes place anywhere in South Australia there is local government input. So, local government is involved, whether we have voluntary or paid members. Everyone knows we do not have paid members at present

The member for Flinders talked about local government officers. They do not make decisions; they give advice. Decisions are made by elected members of council. He may feel that the alternative is the reality, but the reality is that decisions are made by elected members of council who are ultimately responsible for what happens. As I said, all major decisions made around South Australia today on big development projects involve millions of dollars and have local government input. The fact that elected members are not paid does not mean that the enormity of the decisions they make does not have a lasting impact upon South Australia's future, the future of every member here, and of everyone we represent. I and the Government are insistent that local government has the protection to which it is entitled from those amongst us in the community who would want to belittle it, charge its members with corruption, and so on.

Mr BLACKER: I respond to two points made by the Minister. First, relating to the Minister's most recent comments about paid officers having pecuniary interests, I accept that decision making is by councillors depending on advice given to them by paid officers. But, paid officers could have prior information, for example, under the planning regulations in the Planning Act. We know full well that every applicant has to put in an application which must go before local government. An officer is then in a position to do his own wheeling and dealing on the side, and make considerable money from that. I guess that, in saying that paid officers are not in a position to make decisions, the Minister is totally correct, but the paid officers are in a position to benefit personally if they so desire and are that way inclined. I am not casting an aspersion on any individual, but the opportunity is there.

I am not casting an aspersion on any individual, but the opportunity is there.

The other point which concerned me was the way in which the Minister passed off the theoretical problem that I posed to him about councils not being able to get representatives for their area, saying that daytime meetings were more of a deterrent because people were ineligible if they worked in a 9 a.m. to 5 p.m. job. Of the two cases I quoted which were actual instances, I doubt very much whether 100 per cent of the residents of those two respective wards would have a 9 a.m. to 5 p.m. job, and in one case I could not say 100 per cent, but I am pretty confident—

The Hon. G.F. Keneally interjecting:

Mr BLACKER: The Minister has made that comment. The practical problem that has developed in the two wards of which I have some recollection is that they could not get persons who had the time or inclination to become councillors to represent those areas. Therefore, the council after calling twice for nominations and receiving no nominations, itself have to (to use a term) twist the arm of a resident of that area to become a councillor. To me it would be a very

serious thing if council had to do that now and then say, 'Okay, we have twisted your arm, put you in there and made you councillor for that ward, but now you have to comply with this provision.'

The Hon. G.F. Keneally: They would know about that.

Mr BLACKER: What happens if they cannot find a councillor?

The Hon. B.C. Eastick: They could conscript someone off the street.

Mr BLACKER: They can do that. The provisions of the Local Government Act as it stood and as have applied is that they have been able to conscript, and I do not particularly like that word—

The CHAIRMAN: Order! I think that it would be better if interjections ceased.

Mr BLACKER: Thank you, Mr Chairman. The Minister is trying to say that the example I am putting is not likely to occur. I am saying that it has occurred on two occasions of which I am aware, and that is only in my own locality. It may well be that it has happened 10, 15 or 100 times elsewhere over a period of years. That is a practical problem, and I do not see how the Government can overcome it. I would really like the Government to be able to sit down and explain how that can or will occur, and I predict that it is quite likely to occur the next time around.

The Hon. G.F. KENEALLY: There are a number of reasons why people do not stand for local government, and the honourable member has quoted two examples in his area. He has canvassed the possibility that this has occurred a number of times (even 100 times) around the State, and he is correct. It has absolutely nothing to do with the register of interests. That problem is with us now. People are not standing for local government for a whole host of reasons. I am saying that this legislation will not exacerbate that problem to any great degree. There may be some people who, for their own reasons, do not want to declare what are their pecuniary interests. They may wish to do that.

If that is a decision they wish to make, it is based on their own judgment. I do not understand the reasoning; it is certainly a reasoning that I cannot accommodate. I do not believe that people who aspire to public office ought to be able to keep their interests secret, because the very nature of public office and public decision making requires that there be no conflict of interests at all, and the best way to ensure that is to have a register of interests. It is in the very broadest sense: it is not a register of interests that homes in on a person's income or is an indication of a person's wealth, or whatever. It merely lists a number of sources of income, and what that income is is not the business of anyone; no-one can find out and the person who holds the register does not know the extent of the income.

All that anyone would know is that there are sources of income. If someone does not want to provide that sort of information, then those people do not want to hold public office; it is as simple as that. That is an option they have and if they opt not to declare their interests, they ought not to aspire to public office. We in this Chamber declare our interests. I do not know that it has had any sort of detrimental effect upon any of us. I do not know; I am not aware of it at all. I am absolutely confident that this is a storm in a teacup. A week after this measure has been passed it will be a fact of life and local government will accommodate it very readily. If some people wish as a result of that to retire from public office, then that is a price we have to pay. That is a decision they have to make.

I am of the view that the overwhelming majority of people in public office now will see this as a reasonable requirement and will comply with it. Initially, they will oppose it until it becomes a fact of life and then they will quite easily and comfortably live with it. That is what has happened here; it is what has happened everywhere else, and I can see that in every other level of government in this State and other States. That will apply here as well. The wholesale resignation from local government that honourable members opposite foresee has not been the experience elsewhere and will not be the experience here. Therefore, I think that if we take the debate any further we will just be regurgitating the same assumptions. I am happy to participate in that to an extent, but I think that I have answered all the questions that honourable members have raised in the second reading debate and now.

Mr EVANS: The Minister reminds me of another area of conflict that could occur. He seems to have more concerns about people who have acquired property or assets in life, and those things should be declared. I visualise that it will not be long (and it has already happened in some areas) before councils have an interest in child care centres, health provisions, and community facilities. At times there will be councillors who make use of those facilities; at times those facilities could even be free, particularly if a person happens to be unemployed or on a low income. I believe that we are making provision (and always have) for those people to be councillors representing the community.

If that is the case, surely we should also be saying that, where a councillor makes use of a community facility that is provided by local government or intends to make use of it, he should declare that interest. In fact, I go so far as to say that, if councillors use a facility which is free or intend to make use of a free service, it is doubtful that they should make use of it because they are councillors and have a vested interest in the decision made. We are moving more rapidly to that area providing—

The Hon. G.F. Keneally interjecting:

Mr EVANS: The Minister is saying that garbage collection is offered to the total community, and that should be one. However, I am saying that the Minister is declaring that those who have put something together should declare their interests. I believe that, where there are some specialist services offered in the community by local government, perhaps councillors should also declare that they are using them. The other example I pick up is the one relating to officers of council who more and more today are having more direct effect upon how council decisions are made than are councillors, and that is no reflection on councillors because the work load of aldermen and councillors is so great.

It is difficult for them to handle all the situations themselves, and it is not uncommon for officers of council, whether they be engineers or anything else, to enter into a lot of the early negotiations regarding the type of plant or equipment to be bought. We know the stories of what is available when someone is struggling to sell a particular type of machine, and the sort of offers made at times to try to clinch the deal, whether it be a direct discount to a customer in a normal private enterprise area, a bonus of some holiday trip, some gift to the wife, or anything else.

There is no doubt that there is an opportunity for officers of council to be offered all sorts of bribes to clinch a deal. If the Minister is not prepared to admit that and say it is an area we should cover at the same time, I believe he is setting out to say to those who have acquired something that we want to push them into the background as much as possible and make it as difficult as possible for them to stand for council, because in political philosophy, on average, he knows they are unlikely to support his point of view.

Mr LEWIS: I wanted to draw the Minister's attention to a remark which he made on the occasion before last. When talking about this register of interests the Minister said that

we need to know if there is going to be a conflict of interests. He said that at the present time we do not know whether it is happening. It could be happening, or it may not be happening. I wonder whether the Minister can tell me how this legislation changes that situation.

At the present time, in law, local government members, councillors, are compelled to declare any interest of a pecuniary nature, or whatever they may have in a matter before the council. If that is so, and if they do not declare that they have such an interest, how can a man or woman who lacks the integrity and honesty to make such a declaration in the present circumstance be relied upon to make a declaration of his or her complete interests when the penalty for not doing so is no different from the penalty for not declaring that interest in the council meeting now? The risk of being discovered is no greater or less than it is now. What are we really doing? I put to the Minister that, by this measure, we are simply driving honest and honourable people away from office in local government. Surely the Minister can see the point I have made wherein, if a councillor will not declare his or her pecuniary interest as it relates to a measure before council at the time that it is being discussed and determined, given the penalties that are here and now, how can we expect that same dishonest person to do an honest job in the registering of his or her pecuniary interests?

I have put it to the Minister that the penalty for not doing so is no greater or less. Why should we expect any difference in the performance of that duty in such people? It ought to be patently obvious to the Minister and to members of the Government, if they were quite sincere about this, they would agree that we cannot legislate in relation to integrity. The people who offer themselves for office will either have it or they will not. There is no greater or lesser sanction and there is no greater capacity to detect breaches by this measure than there has been previously in the Act as it now stands.

Whether the penalties are adequate or inadequate in the legislation as it now stands is beside the point. We are talking about the principle. This is damnably intrusive and unnecessary legislation imposing on local government what is quite unnecessary, and it will serve no public interest whatever except that interest in mischief (and I could use other terms to describe it) which is to be found in the minds of spiteful gossips and political opportunists who want to do the things that members opposite did to a member on this side of the House when they attacked the member for Hanson over his ownership of shares in Western Mining during the course of the debate on the indenture Bill. They will be as unprincipled in the way they used that information as were members of the Government when they did that. I see no use, and indeed great harm, in these measures.

The Hon. B.C. EASTICK: I finally want to indicate that, if the Minister is going to proceed on the basis as he explained a few moments ago, that once this is in place then people will grow to live with it or accept it, he is really in cloud cuckoo land, because, as has been quite clearly spelt out to him by members of the Local Government Association, by members in this place and by announcements which have been made from people in another place (more particularly the Democrats today), he either moves forward with the Bill without this provision, or he moves forward without a Bill.

Mr MATHWIN: When I talked on this before I asked the Minister just one question, and he refused to give me an answer. He danced around it. I asked him how many complaints he had received. He is the Minister of Local Government, and he is bringing in this Bill. There must be some reason for it other than just policy. I would like to know how many cases he has had. The Minister dodged the question and said that I knew as well as he did that over the years this sort of thing has happened; it is possible that it is happening every day and every week in councils because there is no register. The point is that we do not know. Why does the Minister not answer the question and let us know whether he has had cases in relation to this matter which have led to the attempt to legislate in this manner? Let us have it out. If he knows, it is up to the Minister to say so. If he does not know, at least let him be honest. If the Minister has had nothing to do with it, let him ask the previous Minister of Local Government, who was recently demoted to Minister of Works. At least he ought to know his facts. It is a simple question to a simple Minister asking for a simple answer.

Mr BECKER: I want to answer some of the statements made by the Minister. The register of interests would not have saved either of the two people I mentioned who were subject to an investigation by a Minister of Local Government, because the rumours were spread by extremely vindictive people. I believe that they were politically motivated, and that strengthens my point of view that a public register of those persons' interests would not have made any difference whatever. As a matter of fact, it probably would have made the situation worse, because there is no way anyone can guarantee that there will be confidentiality or that there will not be the disclosure of a person's interests. I believe that doing this in the way the Minister intended is going to aggravate the situation in local government. I think this legislation discriminates, because there is the odd person involved in local government (and I have one down my way in West Torrens), who would make a great boast of all his assets and liabilities and his peculiar treasures, and would do it to show up his opponent if that occasion ever arose.

Let us be honest. If this legislation is the same as the members of Parliament legislation, then the people who print or publish have only got to show that it is in the public interest, and that it is a faithful record of public interest; then there is little chance in relation to preventing that situation occurring. This legislation will not achieve what the Government wants it to achieve. I still believe that the key is in the area already covered within the legislation involving members of council and the register. That is good enough: it is a very strong section of the legislation, a section of which every member of council is extremely mindful. I do not believe that anybody in local government today (and I include the past) would ever deliberately do anything dishonest. This legislation—its interpretation and, indeed, its introduction—indicates to me that the present Government does not trust members of local government, and that is a very sad situation.

The Committee divided on the new section:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

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

Pair—Aye—Mr Whitten. No—Mr Allison.

Majority of 2 for the Ayes.

New section thus passed.

New sections 146 to 150 passed.

Clause 7 as amended passed.

Clause 3—'Arrangement of Act.'—reconsidered.

The Hon. B.C. EASTICK: With the courtesy of the Minister at the commencement, clause 3 was by-passed because it sought to remove Part VIII 'Register of interests', the area contained within new sections 145 to 150. With the refusal of the Government to accept the deletion of these clauses which are not accepted by local government and others, there is now no need to move for the deletion of the register of interests in the preliminary portions of the Bill. I would, however, indicate that, whilst there will be no division called on this clause, certainly the Minister, by his attitude to the register of interests and to other matters occurring during the passage of clause 7, places on the Opposition no alternative but to vote against the third reading.

Clause passed.

Clauses 8 to 15 passed.

Clause 16—'The auditor.'

The Hon. B.C. EASTICK: This clause seeks to rewrite into the Act the terminology associated with auditor. I believe it updates the existing definition, and it clearly sets out that only two classes of people will be eligible to fill this role: the first is the Auditor-General (and the use of the term 'Auditor-General' obviously includes his nominee); and the second is a person who holds a certificate of registration issued by the Local Government Qualifications Committee in relation to the office of auditor. That is basically, if not totally, the situation as it exists now, but it is more clearly stated, and the Opposition appreciates this variation.

Whilst we recognise here that for the purposes of 'auditor' a person must have the appropriate Local Government Qualifications Committee certificate in relation to his office, that is a situation which we suggest ought to apply in this current year and onwards in respect of all officers of local government. There have been a number of cases in the past where people have been able to go on for an indefinite period towards gaining qualification: there has been no incentive for them to complete that qualification in some instances because it has been almost automatic that they get an extension of time.

With changed circumstances and the opportunities which now exist for people to obtain qualification, not only in auditing but in other areas, I would be stating a very clear commitment by the Liberal Party that it sees a need for those people servicing local government to be gaining qualifications or be actually qualified before they are appointed. In remote council areas, where an auditor or some other officer is required, it is not always possible to obtain the top qualified person. The position is much easier now than it has been in the past, and what I have stated is one of a philosophical view which I hope can be implemented in a positive way.

Clause passed.

Clauses 17 to 36 passed.

Clause 37—'Obstructing meetings.'

The Hon. B.C. EASTICK: Most of the other clauses we are now dealing with relate to the removal from the Act of provisions which are encompassed by new sections 6 to 150 with which we have dealt. However, clause 37 does allow the enjoining of the police into the conduct of law and order in relation to council activities, and this has been a grey area. Fortunately, local government has not had to resort to the use of police on a number of occasions that may otherwise have necessitated such action. This is consistent with a view that 'special constables' be taken out of the Local Government Act. However, members ought to be aware that there is a joining of the police in connection with problems that local government may encounter. The Opposition is not opposed to the inclusion of this provision, but it is necessary that members have it drawn to their attention.

Clause passed.

Remaining clauses (38 to 47) and title passed.

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

That this Bill be now read a third time.

The Hon. B. C. EASTICK (Light): It is with regret that I need to record the fact that the Opposition cannot support the Bill as it comes out of Committee. Objectionable clauses have been identified during the passage of the Bill, especially in Committee, and our view is totally consistent with that which has been directed to our attention by local government across the State. It is certainly a view which has been drawn to our attention, more specifically in relation to two of those clauses, by the Local Government Association. We believe that the Minister is attempting to allow politics to interfere and be written into the Local Government Act in a way which we will not accept and which I believe local government finds quite intolerable. We will therefore vote against the third reading.

Mr MEIER (Goyder): I, too, wish to say that it is with regret that I see the Bill emerging in its present form. It is a great shame that the views of many of the councils that have expressed unanimity in the various sections, as outlined during the debate, have not necessarily been taken into account in this Bill. I feel that the Minister will feel the repercussions from these councils and many other councils as a result of his refusal to accept the amendments in question. The Bill has many good things about it, but it has been messed up, to use literal language, by the Minister's refusal to delete certain provisions. I am sorry that we have not been able to change the measure during the Committee stage.

The Hon. G. F. KENEALLY (Minister of Local Government): The Bill has come out of the Committee in better shape than previously. We will honour the undertakings I have given, and we will look at certain provisions and see whether we believe change is appropriate. Members opposite will have another opportunity to judge that matter. I wish to thank everyone who contributed to the debate. It has been very difficult and technical and one that could have engendered a lot more emotion than it did. The debate was a very good one, and the points were made very strongly and, in the main, very rationally. What it got down to was that there is a strong difference between the Opposition and Government on a number of what we regarded as the basic elements of this Bill. However, in general terms there was agreement on some 95 to 97 per cent of the Bill itself. I hope that, when this Bill goes to another place, the same degree of support is forthcoming.

The House divided on the third reading:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

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

Pair—Aye—Mr Whitten. No—Mr Allison.

Third reading thus carried.

REGIONAL CULTURAL CENTRES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SMALL BUSINESS CORPORATION OF SOUTH AUSTRALIA BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 41 and 42, and page 3, lines 3 (clause 6)—Leave out subclause (1) and insert subclauses as follow:

(1) Subject to subsection (1a), an appointed member shall be appointed for a term of office of three years and upon such conditions as may be determined by the Governor upon the recommendation of the Minister.

(1a) Three of the members first appointed upon the commencement of this Act shall be appointed for a term of office of eighteen months.

(1b) An appointed member shall, upon the expiration of his term of office, be eligible for re-appointment.

No. 2. Page 3, lines 24 to 26 (clause 6)—Leave out subclause (5) and insert subclause as follows:

(5) Upon the office of an appointed member becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Consideration in Committee.

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendments be agreed to.

The amendments relate to the question of term of office of members of the Small Business Corporation. The first amendment requires that the term of office be three years and that three of the members first appointed at the commencement of the Act shall be appointed for a term of 18 months to provide that staggering. So, in effect, half of the board will retire after 18 months and the other half will retire at the end of three years, but are eligible for reappointment. The second amendment provides that, upon the office of an appointed member becoming vacant, a person shall be appointed to the vacant office for the balance of the term of his predecessor.

These amendments are rather inflexible in their application. I do not know that such a constraint is necessarily desirable, but I think it is important that the Small Business Corporation Bill be enacted as soon as possible so that we can get on with the task of appointing a board and getting the corporation set up. Whilst I maintain objection to these amendments because I think they are unnecessarily constraining, and I did indicate to the House when this matter was raised in the debate in this Chamber that the Government would, of course, be staggering the terms of office, another place has insisted on moving these as formal amendments. As I say, with a view to getting the Small Business Corporation Bill into operation as soon as possible I am prepared to accept the amendments.

Mr INGERSON: I express general comment. The amendments that we are now discussing were put forward in this place. I am quite happy, on behalf of the Opposition, to note that this has been accepted now by the Government. Consequently, we support the amendment.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No.3), 1984

Adjourned debate on second reading.

(Continued from 21 March. Page 2679.)

The Hon. B.C. EASTICK (Light): The Opposition supports this Bill at the second reading stage. However, we will seek to remove one of the clauses as I will explain at the Committee stage. In essence, the areas of application of this Bill are outside the areas of application of the Bill No. 1 which has just been brought back from the Upper House and Bill No. 2, which is the rewrite to which we have just directed the attention of the Upper House.

Bill No. 3 provides for some activities which have been drawn to the Government's attention over a period of time. This is a cleaning up operation of certain sections of the Act and one or two new policy directions. The first is an onus to ensure power for any proposed by-law which is directed to the Parliament. It currently requires that the assurance of power be agreed by Crown Law and, in this case, the Government proposes that that assurance be given by a legal practitioner. We are unable to support that course of action, but I will deal with the detail of that in Committee.

The second area of application is to repeal obsolete and archaic provisions now enacted in other legislation, more particularly in respect of noisy trades and in planning which are no longer pertinent to the Local Government Act. The third area permits the use of reserve funds to offset temporary liquidity needs occurring in a local government body, more particularly between declaration of the rate and collection of same. It overcomes the problem of the council's having to go outside to borrow money or to take on an overdraft when at the same time it has sitting there a series of reserve funds which would be available to it by the passage of this measure. We support that, although there are a couple of questions associated with it.

The fourth area of application incorporates several of the amendments relating to correction of incorrect cross references where there have been alterations in the Bill and changed circumstances. Those cross references have not been picked up at the passage of some previous amendments.

That is now attended to, and the fifth and final area of application is to exempt the zoo from the payment of rates, a situation which has been overcome in the past by the levying of the rate and subsequently a payment of an *ex gratia* payment. We are not opposed to this, having acknowledged that the matter has been discussed with the Adelaide City Council, but it would be wrong if I did not draw to the attention of the House the Opposition's continuing concern about the number of exemptions being granted to various organisations which have previously paid rates or to which rating has applied at some time in the past. Members will appreciate that the Engineering and Water Supply Department's reservoirs, the Woods and Forests Department's forests, the railways with its land, and a whole host of other areas where the Crown or areas closely associated with the Crown, both State and Federal, are exempt from paying rates.

We also have the special circumstances which have been dealt with in recent times concerning the notional value of the Adelaide Festival Centre, resulting in a changed circumstance in relation to the rates that otherwise would be payable, and as recently as last week in the ASER development legislation we sought to give a moratorium or a holiday to the development on the Adelaide railway station site. Previously there has been a similar situation in relation to the Hilton site, and all these activities, whilst they stimulate development and bring development to the State, have an adverse effect on the taxing power of some body or other. There is a growing resentment (not a particular resentment) amongst local government bodies generally that they are having their taxation or rating base eroded. I suggest

that the matter can now best be dealt with in Committee and I certainly give the Opposition's support to the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Arrangement of Act.'

The Hon. B.C. EASTICK: Clause 3 picks up parts of the Act which will be removed, as they relate to noisy trades which are currently areas that have been picked up by the Planning Act in relation to the City of Whyalla and which are mainly the transitional requirements when the City of Whyalla became a city and moved from the earlier commission situation which had applied from its commencement. They are areas picked up later in the Bill, but I draw attention to the acceptance by the City of Whyalla to the exclusion—a matter which was canvassed with it some time ago. However, I have been informed by the City of Whyalla that it was not advised at the time that the Bill came into the House that this measure would take place. It might be held that it is not necessary, but I suggest to the Minister that it is a courtesy that I believe ought to be extended to all parties that are affected by the measures as they come into the House.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—'Repeal of sections 229 to 233.'

The Hon. B.C. EASTICK: Clause 6 is a case in point, where some rather archaic and earlier provisions are being deleted from the Bill. It refers to memorials which may be submitted to council for street lighting. That was at a time when street lighting was a rarity rather than a positive expectation and I am quite happy, after checking the aspects of the Local Government Act as it exists, that any situation that might arise in future requiring lighting can be equally well accommodated under the normal memorial circumstances or provisions, so the lighting provision which we are deleting may well be withdrawn. It is another area which we do not have to worry about in one of the subsequent rewrites.

Clause passed.

Clause 7—'Power of councils to establish reserve funds.'

The Hon. B. C. EASTICK: Clause 7 has caused not concern but a little agonising as to what precisely should take place. In the first instance (and I must admit to not having been aware or recalling the normal council practice), money that is in a reserve account obviously, if placed with a bank or some other lending institution, is enjoying interest. It had been my belief that that interest would be allotted to that reserve, so that if we were organising a reserve for some eventual playground or works in the council area, the interest on money which had been set aside in the specific reserve (it might even be for long service leave or whatever) would be allotted to that reserve.

I have now been made aware that it is the practice within local government that no funds are made available by way of interest to the reserve that generates the interest. By practice the interest which is generated by any reserve or any other fund goes into a council's consolidated revenue. Whilst it finishes up in the same area of activity, I suggest strongly that we may well need to consider a new set of circumstances where the interest generated by the reserve fund is applied to that reserve fund for the benefit of the reserve purpose. I would not be able to quantify at this stage precisely what loss there would be to consolidated revenue, and it may well be argued that consolidated revenue always makes an additional sum available to the project when the reserve is to be expended on whatever purpose is in mind.

However, I think that it is more consistent with normal practice that a consideration ought to be given to the inclusion of interest to the reserve fund so that the reserve fund is building up whilst it is being held for whatever the eventual use may be. I have had the Parliamentary Counsel draw up a set of amendments to clause 7 which would have achieved this and, whilst I do not offer them to the Committee for action at this stage, I point out that it would have been the following:

Page 2, after line 19—Insert new paragraph as follows:

(ab) interest shall accrue to the moneys advanced at a rate that is equal to the rate that applies to moneys in the reserve fund and that interest must be paid to the fund before the expiration of the financial year during which it accrues;

I have not put it forward, because it is not within the ambit of what the Government is seeking to do at the moment and it would be breaking new ground, but certainly as we are in the next phase of the consideration of the Local Government Act rewrite going to be looking at all of the financial matters, I would put forward as an option, which would certainly receive support from this side of the House unless there was any major reason developed or detail provided which mitigated against it, the suggestion that reserve funds in the future should benefit from an interest at the going rate.

Then those who were interested in a project could see the funds rising, and it would allow them at least a better knowledge of when they could move to implement the particular tasks reserves were being developed for, rather than agonising over where the deficit was going to come from. It would have a beneficial effect. It would do nothing, I suggest, to destroy the benefit which accrues to local government in the total sense, particularly now that local government can borrow against those reserves in the manner in which we are proving at this stage. I commend that thought to the Minister and to the Committee, and accept the provision as it exists at the moment.

Clause passed.

Clauses 8 to 10 passed.

Clause 11—'Repeal of Section 313a.'

The Hon. B. C. EASTICK: The reason given by the Minister for the proposed repeal was that the provision 'allows all the owners of property abutting upon any street or road to apply to have the street or road removed from the register of public streets.' No further advice is given, and I cannot quite see the rationale behind the provision. Is it something which is archaic? Is it something which has been taken over by the opening and closing of roads legislation, or is there another circumstance which the Minister is able to provide to the Committee so that there is a better understanding of the purpose?

The Hon. G.F. KENEALLY: I am informed that we have been told that, even though a street can be removed from the register, it still remains a public street, and that the removal from the register actually achieves nothing, so this provision cleans up that anomaly.

Clause passed.

Clauses 12 to 21 passed.

Clause 22—'Passing of by-law.'

The Hon. B.C. EASTICK: I indicated that the Opposition would be opposing a clause; in fact, it will be opposing clauses 22 and 23. The provision as outlined by the Minister is to allow the solicitor who is charged with the responsibility of drafting by-laws on behalf of the council to subscribe that the by-law that he has created is within the provisions of the Act, a circumstance which is currently undertaken by the Crown Solicitor; that is, the council through its solicitor, whoever he or she may be, determines that such-and-such a by-law is to be created. That is then submitted to Crown

Law and Crown law in due course gives a certificate. A certificate is entered with the by-law as it comes to this Chamber and the existence of that certificate allows the passage of the measure without having to go back to the circumstances under which that by-law has been created.

What would happen here, I suggest, is that if the by-law was to be ensured as within power by the solicitor who was responsible to the local governing body for its creation, there would be material coming in from, say, the 125 councils, from possibly somewhere between 35 and 60 solicitors. Local councils in the country would use their own solicitor for drafting. He may take advice from elsewhere, but there would be a considerable variance, I suggest, of application of words or the method of compilation. I am of the belief that when the by-law got to the Joint Committee on Subordinate Legislation, it would have the problem of having to make sure that the variables within the documents being submitted did in fact meet the requirements which had previously been undertaken by Crown Law.

We recognise that in the area of local government, particularly with the existence of Mr Howie (and I believe he might have some assistance), any transgression or any minor flaw in a by-law is immediately challenged, and we adopt the attitude—I say 'we', because we have discussed it quite fully—that what the Government is suggesting at this moment might well be opening up Pandora's box to the Howies of this world. I do not say he does not have the right. I believe any person has the right to challenge. We believe the possibility of challenge would increase quite considerably if there were from 35 to 60 solicitors doing the authorisation of the by-laws. It is a matter which the inquiry would suggest has been brought forward by the Attorney-General to reduce the work load in the Crown Law Office, and that is commendable; it is a way out, but we suggest it is just transferring the problem from that area into another, and the area into which it would be transferred at the moment is our own Joint Committee on Subordinate Legislation. It is conceivable that it would have to submit this material for classification or qualification, and there would be a bottleneck within the system.

Granted, there is a delay of about six months associated with the by-law's going to the Crown Law Office and the by-law's coming out with its certificate. That figure is reduced on occasions back to two months, but I am advised it is about six months. There may be some suggestion that the streamlining which the Government seeks to involve in this measure will reduce the six-months delay, but it is not going to get away from the additional load it will throw on the Joint Committee on Subordinate Legislation, to have it tested before it agrees to it. If it can be shown by proper documentation, proper paper or proper evidence that it is a foolproof method of approach, then the Opposition could give it its full support. That evidence is not available at the present time. It appears that it is a decision not taken lightly, but a decision which has not been taken with consultation.

Certainly the Hon. Mr Griffin in another place, who speaks for the Opposition on Attorney-General matters, has made it very clear it is not a course of action he would be taking on the evidence currently available to him. Members in this House have indicated that it is not a course of action that they would want to take until they were sure all the other safeguards, particularly in relation to joint support in the committee on this legislation, had been tidied up.

Therefore, I am suggesting to the Minister that it can do no harm to delete it at this stage until it has been tested and discussed and taken through more steps than have currently taken place. The Minister and I have been here long enough to know that local government amendment Bills are quite a common feature of the Parliamentary system. We would welcome it back at a later stage after that discussion, after that testing had been concluded, but not at the moment. The Opposition would, therefore, be seeking to delete clause 22 and clause 23.

The Hon. G.F. KENEALLY: I will not be accepting the proposition that clauses 22 and 23 should be deleted. I point out to the member that the Legislative Council might well be an appropriate forum for debate on clauses 22 and 23, it being where the Attorney-General and the shadow Attorney-General both reside.

I understand the situation, and I believe it to be true, that the suggestion was made to us by the Crown Solicitor that this course of action should be taken. This was initiated not by the Department, but as a result of a request from the Crown Solicitor, through the Attorney-General, asking that the Crown Solicitor no longer be required to vet, in a sense, these regulations. Where a council now employs its own solicitor to prepare a by-law, that work is duplicated, because it is then also looked at by an officer in the Crown Law Department. Secondly, there is a possiblity that some councils might poorly define their by-law and depend upon Crown Law to pick it up and put it into better legal language. Neither proposition is desirable.

I am voting against the measure to allow this proposition to be looked at in the Legislative Council, where the Attorney-General, at whose request this amendment is taking place, and the shadow Attorney-General, who obviously has an interest and some experience in this area, both reside, so they can determine there what is the appropriate course of action. I think it is true to say that the Local Government Department could live with either the existing system or the changes, but the streamlining that the honourable member has mentioned is certainly a factor in the request made to me by the Attorney-General.

Clause passed.

Clause 23—'Confirmation of by-laws.'

The Hon. B.C. EASTICK: A like situation applies. It followed through from section 68, which we have just been dealing with. I accept the alternative course of action that the Minister has suggested. I am quite sure that debate will ensue. As to whether it can be concluded, we will learn that when we get a report.

Clause passed.

Remaining clauses (24 to 31) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.25 p.m. the House adjourned until Wednesday 11 April at 11.45 a.m.

HOUSE OF ASSEMBLY

Tuesday 10 April 1984

QUESTIONS ON NOTICE

LIBRARIES

277. **The Hon. D.C. BROWN** (on notice) asked the Minister of Local Government: Why did the Minister say in a letter to the Town Clerk of the City of Burnside on 28 November 1983 that money from the book processing charge for libraries would not be used for the establishment of new services, when in a letter to the Town Clerk on 10 August 1983 the Chairman of the Libraries Board of South Australia said that $60 000 of these funds would be used to establish two additional school-community libraries this year, and what is the correct situation?

The Hon. G.F. KENEALLY: The book processing charge has not been used for the establishment of new services. The income raised has been used to offset the cost of processing new materials for libraries. The earlier letter from the Chairman of the Libraries board was written at a time when the Government's Budget for 1983-84 had not been finalised. An option being considered by the Department of Local Government at that time was that some funds derived from the book processing charge be used to supplement the capital development programme. I am pleased to advise that the Government was able to provide sufficient funds to enable the public libraries development plan to proceed on schedule with seven new libraries opening this year.

AGRICULTURE

282. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agriculture: What action has the Government taken following its 1982 election campaign promises on the following matters in relation to the Agriculture portfolio—

(a) what specific assistance has been given the fruit and vegetable industry (wholesale marketing division) to overcome its problems of inefficient and high cost handling resulting from the continued use of the overcrowded East end wholesale market;

(b) has the Government provided a suitable site on favourable terms and conditions to the fruit and vegetable industry (wholesale marketing division) to assist in building a new market and if not, does it intend to do so and if so, when;

(c) has the Government introduced a growers' market for the fruit and vegetable industry (growers market division) and if so—

(a) where is it sited; and

(b) what are the terms and tenure;

(d) what specific export development assistance has been given to the fruit and vegetable industry since 10 November 1982;

(e) what specific assistance has been given to the fruit and vegetable industry for 'Fresh is Best' domestic market promotion;

(f) has the Government researched the storage and transport of fruit and vegetable industry products with a view to maintaining nutritional levels and if so, what are the recommended changes to the previous methods in order to achieve that objective;

(g) has the Government drafted legislation to protect the use of words like 'fresh' from advertisers of processed foods and if so, when will it be introduced to Parliament and if not, why not;

(h) since 10 November 1982 what market gardening land near centres of population has the Government retained from other land use to ensure ready availability of fresh food;

(i) what is the name of the independent person appointed by the Government to receive and follow up complaints from consumers about quality and price of retail fruit and vegetables, when was he appointed, what is his salary and how many complaints have been followed up since 10 November 1982; and

(j) has the Government commissioned a discussion paper on the potato industry for submission to a Parliamentary committee for the purpose of providing a basis for changing present legislation and if so, can a copy of that paper be provided to the Member for Alexandra forthwith and if not yet prepared, when will it be so prepared and provided?

The Hon. LYNN ARNOLD: The replies are as follows:

(a) and *(b)* Establishment of New Wholesale Fruit and Vegetable Market: The Government is concerned about the problems of inefficient and high cost handling resulting from the continued use of the overcrowded East End market. Last year the Government received a report from L.G. Curtis and Associates on behalf of a fruit and vegetable industry steering committee established to develop a plan for market relocation. This report focused on a specific proposal for a site in the Grand Junction Road Industrial Estate embodying the specified space needs of the various user groups. It indicated an annual trading loss of about $700 000 in the early years of operation despite the assumption that land and the necessary filling will be provided free by the Government.

The Government appointed an Inter-Departmental Steering Committee aimed at clarifying some of the relevant issues. The committee reported to the Premier and the Minister of Agriculture in late November 1983 and recommended a further study into the identification and potential viability of alternative sites for a proposed new market. This is necessary to obtain a specific assessment of essential needs and hence define what minimal Government contribution, if any, is needed. Following discussions between the Industry Steering Committee and myself, the Government is to appoint Mr E.T. Kime, Chairman, Sydney Farm Produce Authority, to conduct this study. It is planned that Mr Kime will commence the study in mid-April.

(c) Growers' Markets: The Government has encouraged the establishment of a Direct Marketing Association (DMA) which consists of fruit and vegetable growers who are applicants for stalls at the various growers' market sites. The main objective of the DMA is to assist in the development of growers' markets in South Australia. Further, the Government has supported the establishment of two grower markets on a trial basis at locations approved by the Thebarton and Elizabeth Councils. The Brickworks market at South Road, Torrensville, commenced operation on 6 August, 1983. Most grower stallholders have entered into a yearly leasehold arrangement with the operating company, Leisuretime Pursuits Pty Ltd. The establishment of a growers' market at Elizabeth is presently being negotiated between the DMA, the Central District Football Club and the Elizabeth Council.

(d) Export Development Assistance: The Department of Agriculture is to appoint a senior officer to work with the

fruit and vegetable industry on marketing matters. This will include the facilitation of growth in export and domestic markets for South Australian horticultural produce.

(e) Assistance to the Fruit and Vegetable Industry in 'Fresh is Best' Domestic Market Promotion: The Department of Agriculture has worked in close co-operation with the Fresh Fruit and Vegetable Promotion Council of South Australia Inc. in the preparation and production of two educational charts on fresh fruit and vegetables. These charts include information on produce availability, storage, selection, nutritional information, preparation for storage, seasonings and accompaniments.

(f) Researching the storage and transport of fruit and vegetables to maintain nutritional levels: The Post Harvest Horticultural Unit of the Department of Agriculture at the Northfield Research Laboratories is conducting research into ways in which the deterioration of fruit and vegetables can be reduced and so maintain nutritional quality. Technology being developed includes harvesting at correct maturity, rapid cooling of produce after harvest to maintain nutritive value, the maintenance of low temperature of produce at all stages through the marketing distribution system, packaging to protect produce against injury and storage under controlled conditions to maintain product quality.

The Post Harvest Unit works in closely with growers, packers, coolstores, wholesalers, retailers and industry organisations to develop systems for post harvest quality maintenance and so maintain nutritional quality. Key areas of research are in the post harvest handling of citrus, apples, pears, stonefruit, potatoes, onions, tomatoes and other vegetable crops. Most quality control benefits can be obtained through rapid cooling of produce and temperture maintenance to the point of consumption.

(g) Legislation to Protect the use of 'Fresh' from Advertisers of Processed Food: This matter has been referred to the Minister of Health for attention.

(h) and (i) No specific actions have yet been taken on these matters.

(j) Potato Industry: The changing of the Potato Marketing Act is presently under review with all sectors of the potato industry involved. The implications of recommendations in a report on the South Australian Potato Board by the Ombudsman, and the need for changes in legislaiton, are to be fully investigated so that proposed changes will be supported by the industry. The Minister of Agriculture is setting up a working party consisting of representatives of the Combined Potato Industry Committee, the South Australian Potato Board and the Department of Agriculture to undertake this review.

283. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agriculture: What action has the Government taken following its 1982 election campaign promises on the following matters in relation to the Agriculture portfolio:

(a) what action has been taken to amend the present law relating to co-operatives and syndicates to give producers greater protection, assistance and information when commercial take-overs of growers' co-operatives are being promoted;

(b) what steps have been taken to provide support legislation to small scale co-operatives and syndicates formed between a number of individuals for provision of a local base for farm management or machinery usage; and

(c) has the Government set up an advisory unit for farmers and other growers who wish to form co-operative groups or some form of syndicate and, if not, does it intend to do so and, if so, when?

The Hon. LYNN ARNOLD: The replies are as follows:

(a) The Co-operatives Act to replace the Industrial and Provident Societies Act was assented to in June 1983. The Act will be proclaimed when the appropriate regulations are completed.

(b) The Co-operatives Act when proclaimed will give the Corporate Affairs Commission power to absolve a co-operative which meets specific conditions from some provisions of the Act. This will allow small co-operatives to receive the advantages of co-operation without having to comply with regulations designed for larger organisations.

(c) The State Government has had some discussions with the Commonwealth Government over the establishment of an advisory unit on co-operatives at a national level. Resource constraints limit the establishment of such a unit at present.

286. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agriculture: What action has the Government taken following its 1982 election campaign promises on the following matters in relation to the Agriculture portfolio:

(a) how many new agricultural development projects have been resurrected and contractually enacted overseas by the Department of Agriculture since 10 November 1982; and

(b) has the Government established an administration centre for dryland farming technology and, if so—

(i) where is it situated;

(ii) by what method was the land acquired and at what cost;

(iii) how much expenditure has been directed to its establishment to date;

(iv) how much is it likely to cost when completely established; and

(v) what are the anticipated annual costs of maintaining it?

The Hon. LYNN ARNOLD: No new contracts for development projects have been signed during the period. Many new opportunities are being investigated and, I am hopeful that, despite a downturn in the market for development projects in many countries, these will lead to new contracts. We have undertaken some 11 paid consultancies or studies during the period. A district farming demonstration centre has not been set up to date in the light of resources available or other priorities. However, at Turretfield Research Centre, existing programmes have been adapted to incorporate dryland farming technology for use in demonstration.

289. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agriculture: What specific steps have been taken since 10 November 1982 to encourage the involvement of women in all levels of agricultural organisations and what has been the result?

The Hon. LYNN ARNOLD: The Minister of Agriculture consulted with senior management of the Department of Agriculture and representatives from the Equal Opportunities Branch of the Public Service Board in July 1983 regarding the Equal Opportunities Management Plan and its implementation in the Department of Agriculture. The Equal Opportunities Plan is being developed with the intention of using SAGRIC in its pilot introduction. Women participants in the 1982 and 1983 Management Development Programme have returned to the Department and have been given the opportunity to expand their areas of expertise.

Officers of the Extension Division of the Department of Agriculture have continued to encourage rural women to

participate fully in producer organisations. Rural women have been encouraged to register their special interests and areas of expertise in the talent bank register of the office of the Women's Adviser to the Premier. Names of suitably qualified women have been put forward for nomination to relevant Government appointed boards and committees. Recent appointments have included Mrs Joan Russell to the Metropolitan Milk Board and Mrs Joyce Yeomans to the South Australian Egg Board.

Names have been submitted by officers of the Department to the Tertiary Education Authority of South Australia for nomination to an agricultural research project assessment committee. The Minister of Agriculture initiated the formation of a Rural Advisory Council to have equal representation from the Women's Agricultural Bureau, the Agricultural Bureau and the Rural Youth Movement. The new body will concentrate on issues which have a rural family welfare and community development impact.

291. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agriculture: In what way has the Government strengthened the Department of Agriculture's role of extending information on farming operations and establishing a new marketing section to work with industries in the development of marketing strategies and targets to provide growers with the stimulus to grow new crops and what have been the results?

The Hon. LYNN ARNOLD: A Departmental report on the future development of extension services by the Department is currently under consideration by farmers and industry. This gives particular consideration to the use of new tools, such as computers, to aid farm decision making, for example, in the area of data recording and information systems such as videotex.

Ways of strengthening the marketing role of the Department of Agriculture have recently been reviewed by the Department in conjunction with industry. This review recommended that, rather than establishing a new marketing section, departmental officers from the relevant disciplines should work closely with industry on marketing issues, including the need of industry representatives for training in marketing. This approach has been demonstrated to be effective in the case of the livestock marketing study group and will be seen to be equally as effective in the horticultural industries and other agronomic industries for which no statutory or well organised marketing system exists. The forthcoming appointments of a Senior Horticultural Marketing Officer and an Ornamental Horticulturalist will provide any impetus necessary in those particular areas. A specialist adviser in the Plant Industry Division has completed an assessment of possible new agronomic crops for commercial production in South Australia and interested growers and industry bodies are being advised of the results.

292. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agriculture: What additional funding and/or new scope has been provided to the tractor and machinery assessment section of the Department of Agriculture since 10 November 1982?

The Hon. LYNN ARNOLD: During 1983, provision for funding of the Agricultural Equipment Liaison Committee was made (under Minister of Agriculture—Miscellaneous) to the extent of $2 300 a year to cover fees for consultant engineers should their assistance be required in the resolution of disputes and the Chairman's sitting fees and incidentals.

In addition, the Agriculture Department provides the Committee's Executive Officer with secretarial back-up. A position of Senior Agricultural Engineer has been approved by the Agriculture Department Executive for filling within the approved workforce plan for 1983-84, subject to Cabinet approval to create the position.

SURPLUS BUILDINGS

307. **Mr GUNN** (on notice) asked the Minister of Education: What does the Government intend to do with the surplus buildings and grounds of:

(a) the Wirrulla School; and

(b) the Nunjikompita School?

The Hon. LYNN ARNOLD:

(1) Wirrulla School:

Discussions are under way concerning the transfer of the solid building and some of the land to the Kindergarten Union. The Kindergarten Union is currently using some of the buildings. Several of the buildings (transportable) will be transferred to other schools during the next 12 months. This movement will be co-ordinated on an area basis to reduce costs. No movements will be made prior to 30 June 1984.

(2) Nunjikompita School:

Requests for transportable buildings are being considered, as with Wirrulla. No action has yet been taken regarding the disposal of land.

HASLAM SCHOOL

309. **Mr GUNN** (on notice) asked the Minister of Education:

1. What does the Government intend to do with the building at the Haslam School now that it is no longer operating?

2. Will the Minister endeavour to retain the site for recreation and outdoor educational activities?

The Hon. LYNN ARNOLD: Discussions are continuing with the Director, Western Area, and the community of Haslam, who have in the past contributed to the development of Haslam School, regarding its future. There has been a suggestion that the building/property be transferred for use as a museum. There is now a formal request from the Streaky Bay District Council to incorporate the Haslam school under the council's museum(s) programme. This is receiving consideration.

ENVIRONMENTAL IMPACT ASSESSMENT SCHEME

340. **The Hon. D.C. WOTTON** (on notice) asked the Minister for Environment and Planning:

1. Has a complete review of the environmental impact assessment scheme been carried out with a view to replacing it with a system that accepts certain forms of development as inevitable but subjects them to a cost-benefit analysis taking into account social as well as economic considerations and, if so—

(a) who carried it out;

(b) when was it completed; and

(c) is it intended to amend the Planning Act, 1982, as a result of the findings and, if so, when?

If the review has not been carried out, when is it intended that it will be and when is it intended to be completed?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. No.

2. Within the next two years.

CORRECTIONAL SERVICES

342. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Tourism, representing the Minister of Correctional Services: What specific research facilities are being provided by the Government to monitor effectiveness of correctional methods in operation in South Australia?

The Hon. G.F. KENEALLY: A Research and Planning Unit established in the Department of Correctional Services. The Unit has responsibilities for research and evaluation, preparation and analysis of statistical information, and planning studies. It has an establishment of five staff. The Research and Planning unit produces its own reports, co-operates with external researchers through a departmental research committee and has initiated co-operative studies with other Government research units such as the Office of Crime Statistics, Attorney-General's Department.

SCHOOLS STAFFING

345. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: Which primary and secondary schools are under entitlement for staff based on September enrolments for 1984?

The Hon. LYNN ARNOLD: Secondary schools are staffed according to February enrolments. In regard to these schools, there is no school which has a staffing allocation less than that allowed by the strict application of the staffing formulae. Primary schools are staffed according to estimated October enrolments. On the basis of departmental estimates of September enrolments no primary schools would have less than its entitlement.

EDUCATION DEPARTMENT—STAFF DISPLACEMENTS

346. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: Which primary and secondary schools suffered staff displacements after the beginning of the school year in 1984?

The Hon. LYNN ARNOLD: Displacements occurred at the following schools:

Bellevue Heights Primary School, Elizabeth Grove Junior Primary School, Flaxmill Primary School, Seaton Park Junior Primary School, Rose Park Primary School, Sturt Primary School, Tonsley Park Primary School, Magill Primary School, Flinders View Primary School, Whyalla Town Primary School, St Morris Primary School, Spalding Primary School, Morialta High School, Elizabeth West High School, Gepps Cross High School, Ingle Farm High School, Nuriootpa High School, Parafield Gardens High School, Paralowie R-12 School, Salisbury High School, Christies Beach High School, Croydon High School, Taperoo High School, West Lakes High School and Gladstone High School.

347. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: What is the estimated return to revenue for the financial year ending 30 June 1984 from the 10 per cent impost placed on gross earnings of schools where facilities are hired out or produce is sold to the general community?

The Hon. LYNN ARNOLD: The estimated return to revenue for the financial year ending 30 June 1984 from the 10 per cent impost placed on gross earnings of schools where facilities are hired out or produce is sold to the general community is $33 000.

FORMER MEMBERS

354. **Mr BECKER** (on notice) asked the Premier: Which former members of the State Parliament have been appointed to statutory authorities since November 1982, to what authorities have they been appointed, what is the salary or allowance of each and what other privileges are afforded to them?

The Hon. J.C. BANNON: The reply is as follows:

Hon. G.T. Virgo	West Beach Trust	$3 300 p.a.
Hon. D.W. Simmons	Libraries Board of S.A.	$1 020 p.a.
Hon. H.R. Hudson	Pipelines Authority of South Australia	$8 350 p.a.
Hon. G.T. Virgo	Electricity Trust of South Australia	$8 350 p.a.
Mr J.A. Carnie	Electricity Trust of South Australia	$8 350 p.a.
Mr E. Connelly	Arid Areas Water Resources Advisory Committee—Member	$45 per meeting and out of pocket expenses if appropriate
Mr A.R. Curren	River Murray Water Resources Advisory Committee—Member	$45 per meeting and out of pocket expenses if appropriate
Hon. J. D. Corcoran	S.A. Greyhound Racing Control Board—Chairman and a representative of the Greyhound Industry on:	$4 600 annual allowance plus $900 for expenses
	Racecourses Development Board and	Nil
	Totalizator Agency Board	$3 450 annual allowance plus $725 expenses
Mr J. A. Carnie	Citrus Organisation Committee	$4 775 p.a.
Hon. D. W. Simmons	Advisory Council of Correctional Services	$45 per half day meeting
		Reimbursement of travel and accommodation expenses as per Public Service rates

EDUCATION MUSEUM

355. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: Is it the intention of the Government to establish an educational museum in the Language and Multicultural Centre and, if so, what is to happen to the service now provided by the Centre and what consultation has taken place with the ethnic and school communities?

The Hon. LYNN ARNOLD: The Education Department's Grote Street property currently occupied by the Language and Multicultural Centre has been one of the properties under consideration by the Education Museum Development Group for the establishment of an Education Museum. At this stage no decision has been taken on the site for such a facility but the above site is favoured and under further investigation because of its: unique place in the history of South Australian education; architectural significance; relatively central location; position on the 'Circle Line' bus route.

In developing proposals for the establishment of an Education Museum close consultation has been maintained with Ms Ann Sexton, Supervisor, Language and Multicultural Education Centre, who is a member of the Education Museum Development Group. A Working Party established

to consider the relocation of existing functions of the Grote Street site also includes Ms Ann Sexton. If a decision is taken to proceed with the development of an Education Museum at the Grote Street site, close consultation with ethnic and school communities is seen as an integral part of the exercise.

HOME ASSISTANCE SCHEME

373. **Mr BAKER** (on notice) asked the Minister of Labour: Further to the Minister of Labour's announcement during November 1983 concerning the Home Assistance Scheme, which councils have received an allocation and how much has been received by each?

The Hon. J.D. WRIGHT: Home Assistance Grants totalling $308 730 have been approved for 17 local government authorities. A total of $77 182.50 has actually been paid to these authorities as advance against initial expenditure. Detail in respect of each individual authority is as follows:

Authority	Total Grant	Amount Paid
	$	$
C. C. Elizabeth	18 794	4 698.50
D. C. Eudunda	8 905	2 226.25
D. C. Kanyaka-Quorn	5 731	1 432.75
C. C. Mitcham	17 194	4 298.50
D. C. Murray Bridge	40 591	10 147.75
C. C. Payneham	20 961	5 240.25
C. C. Port Adelaide	28 318	7 079.50
C. C. Port Lincoln	11 470	2 867.50
C. C. Port Pirie	8 443	2 110.75
C. T. St Peters	16 886	4 221.50
D. C. Snowtown	3 903	975.75
C. C. Tea Tree Gully	4 818	1 204.50
C. T. Thebarton	8 821	2 205.25
D. C. Tumby Bay	8 092	2 023.00
C. C. Unley	7 450	1 862.50
C. C. West Torrens	23 425	5 856.25
C. C. Woodville	74 928	18 732.00
	$308 730	$77 182.50

SOUTH AUSTRALIAN HEALTH COMMISSION

379. **Mr BAKER** (on notice) asked the Minister of Tourism, representing the Minister of Health: Further to Question on Notice No. 89, what particular action has been taken to improve the accountability of the South Australian Health Commission?

The Hon. G.F. KENEALLY: The South Australian Health Commission Act has been amended to change the composition of the Commission to two full-time members, one of whom is the Chairman of the Commission and the other, the Deputy Chairman of the Commission, and three part-time members. The section of the Act establishing the Health Services Advisory Committee has been repealed. These amendments were assented to on 1 December 1983.

The Health Commission has established an Internal Audit Committee to plan and maintain adequate audit arrangements across the health system. The Committee's Chairman is Mr E.J. Cooper, Deputy Chairman, S.A. Health Commission.

DOWN'S SYNDROME CHILDREN

386. **Mr BAKER** (on notice) asked the Minister of Education: Is it the intention of the Minister of Education to provide for funding of special education programmes for Down's syndrome children in the 1984-85 Budget?

The Hon. LYNN ARNOLD: Consideration of a grant towards the operating costs of Down's Children Incorporated will be given in the context of the construction of the 1984-85 budget. The President of that body was informed by me in November 1983 that I was unable to provide funding in 1983-84, but that, without making a promise of funding, I gave a commitment to examine the situation to see whether funding could be provided in 1984-85.

At the same time, I contacted the Commonwealth Minister of Social Security who later informed me that he had approved an additional grant of $10 980 to assist Down's Children Incorporated in meeting its operational costs to 30 June 1984, as well as a grant of $12 500 to clear a deficit. The Commonwealth Minister for Education and Youth Affairs also advised me in February 1984 that Down's Children Incorporated had applied for a grant under the non-government integration element of the Commonwealth Schools Commission Special Education Programme to enable the extension of their intervention programme to Down's syndrome children in country areas. The application (for an amount of $10 500) has recently been approved.

SOUTH AUSTRALIAN HEALTH COMMISSION

388. **Mr BAKER** (on notice) asked the Minister of Tourism, representing the Minister of Health: Were any private medical practitioners/specialists practising in public hospitals as at 31 January 1984 with contracts which had lapsed and, if so, how many were there and what personal responsibility does the Minister take for the South Australian Health Commission's lack of accountability?

The Hon. G.F. KENEALLY: Contracts with specialists conducting private practice in public hospitals in South Australia originally negotiated in 1980 expired on 31 December 1983. After discussions with the South Australian Salaried Medical Officers Association (SASMOA) the Commission agreed to allow these contracts to continue after that date as a transitionary arrangement with the introduction of Medicare. The Minister of Health takes full responsibility for the accountability of the South Australian Health Commission, which is considered adequate.

ABORIGINAL TEACHER HOUSING

391. **Mr BAKER** (on notice) asked the Minister of Education: Further to Question on Notice No. 213:

1. How many dwellings have been provided for Aboriginal teacher housing in the years 1977-78 to 1982-83;

2. Are any currently unoccupied and, if so, why;

3. How many dwellings are being constructed in 1983-84; and

4. What moneys are being provided by the Commonwealth Government over the period to assist the Aboriginal teacher housing programme?

The Hon. LYNN ARNOLD: The replies are as follows:

1. In the period 1977-78 to 1982-83, 11 houses, seven duplex housing units and nine mobile homes have been provided for housing of teachers at Aboriginal schools.

2. As at 26 March 1984, one mobile home at Nepabunna is temporarily vacant pending the appointment of a TAFE lecturer and four single teacher units, which have been replaced by duplex units and which are under negotiation with the Pitjantjatjara people for transfer, are vacant, as these properties are no longer required by teachers.

3. In the 1983-84 programme, the Authority is constructing nine houses; 12 duplex housing units and one mobile home.

4. In the period since 1977-78 to date, Aboriginal advancement funds of $63 000 were provided in 1977-78 ($20 000) and 1978-79 ($43 000). The Authority in conjunction with the education bodies in South Australia has submitted application to the Schools Commission for funding in the 1984-85 year.

DIGITECTOR SPEED ANALYSER UNITS

393. **Mr BAKER** (on notice) asked the Chief Secretary: What is the policy of the Commissioner of Police concerning the right of motorists to view the reading on the digitector speed analyser unit upon being apprehended for excessive speed?

The Hon. J.D. WRIGHT: Current policy permits offending motorists, at their request, to view the digital speed read-out recorded by the digitector speed analyser instrument. There may be occasions, however, when the reading is cancelled before the motorist has made a request to view the read-out. This can occur when another speeding vehicle is observed approaching the detection point and the instrument is reset in order to time its speed. In such circumstances, motorists are informed of the reason for failure to comply with their rquest.

NORTHFIELD LOW SECURITY PRISON

394. **Mr BAKER** (on notice) asked the Minister of Education representing the Minister of Agriculture: What was the average cost per dwelling unit of the Northfield low security prison complex?

The Hon. LYNN ARNOLD: The average cost per dwelling unit of the Northfield low security prison complex, excluding furniture and services, was $39 900.

ELECTRICITY ADVISORY COMMITTEES

420. **Mr BECKER** (on notice) asked the Minister of Mines and Energy: Why were there no electricity advisory committees established or appointed as at 30 June 1983?

The Hon. R.G. PAYNE: The legislative provision for the establishment of electricity advisory committees was made in 1954 when the Electricity Trust was rapidly expanding its transmission system into the country and acquiring local electricity undertakings. At that time both the Trust and the Government thought that a number of 'electricity management committees' containing representatives from local governing authorities (who in most cases operated the local electricity undertakings including diesel power stations), local interests and the Trust would be needed to advise and assist the Trust in supplying electricity throughout their respective areas.

With the establishment by the Trust of local mains depots and the appointment of Regional Managers who are able to deal with local technical matters and consumer relations, the work envisaged for the committees has apparently been undertaken internally by the Trust. While no committees have ever been appointed, the relevant provision of the Electricity Trust of South Australia Act, 1946-1975, would enable the establishment of advisory committees to deal with any special local matters which may arise in the future.

COMMUNITY WELFARE ADVISORY COMMITTEES

427. **Mr BECKER** (on notice) asked the Minister of Community Welfare: How many advisory committees are there now in the Department for Community Welfare and in relation to each:

(a) who are the members and what are their qualifications;

(b) what remuneration is paid; and

(c) how many meetings have been held in the past 12 months?

The Hon. G. J. CRAFTER: The replies are as follows:

(a) There are 13 advisory committees now in DCW.

(b) Members are 36 private citizens, 14 statutory employees and 40 State Government employees.

(c) Remunerations paid per meeting are 19 at $45, one at $55, three at $100, 13 at $85 and two at $65 (38 paid members).

(d) In the past 12 months 184 meetings were held.

ARCKARINGA BASIN

437. **Mr GUNN** (on notice) asked the Minister of Mines and Energy: Has Meekatharra Mines been granted any exploration rights in the Arckaringa Basin and, if so, will an environmental impact study be required before mining takes place? Is it anticipated that pumping of water from the underground basin will be necessary and, if so, will studies be conducted before it takes place to ensure that the sources of that water are not depleted in any way?

The Hon. R.G. PAYNE: Meekatharra Minerals is the holder of a number of Exploration Licences in the Arckaringa Basin. Preparation of a draft environmental impact statement and its subsequent assessment by the Department of Environment and Planning would be an essential precondition before approval to mine was granted. Analysis of any proposed dewatering of the mine site would be required from the proponent as part of the preparation of its draft EIS. This matter would also be the subject of investigation by the Department of Mines and Energy and the Engineering and Water Supply Department.

BEACH STORM DAMAGE

439. **Mr BECKER** (on notice) asked the Minister for Environment and Planning:

1. What damage occurred at metropolitan beaches during the storm on Monday 26 March?

2. Has the Coast Protection Board sand replenishment programme proved successful this financial year and, if so, where in the metropolitan area and to what extent, and, if not, why not?

3. Will the sand replenishment programme continue until winter and, if so, where and to what extent?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. Very little.

2. Yes, though it must be conceded that the maximum tide of near 3.2 m was well below the 3.98 m maximum which accompanied the 1981 storms.

3. The programme will be completed in early May. The total volumes of sand to be moved together with a completion date for each contract is as follows:

1.	50 000 cubic metres of sand from Port Stanvac to Brighton	11 May 1984
2.	15 000 cubic metres of sand from Semaphore to North Glenelg?	6 April 1984
3.	15 000 cubic metres of sand from Point Malcolm to Grange	11 May 1984

BANK MERGER

442. **Mr BECKER** (on notice) asked the Premier—

1. How many branches and agencies of the State Bank will be closed following the merger on 1 July this year of the Savings Bank of South Australia and the State Bank of South Australia?

2. What are the locations of the branches and agencies involved and how many staff will be affected?

3. Will the new Bank pursue a policy of extending its branch network throughout the State, Australia and overseas and, if not, why not?

The Hon. J.C. BANNON: The replies are as follows:

1. A number of branches may be merged however no 'officer-manned' agencies will be closed.

2. This has not yet been completely resolved.

3. The bank will carefully review its representation and will extend it wherever the opening of a new branch or agency can be justified. The bank is currently considering the possibility of opening at least one more 'officer-manned' agency, and converting two 'officer-manned' agencies to full branches.

PUBLIC SERVICE REVIEW COMMITTEE

457. **Mr BECKER** (on notice) asked the Premier:

1. When will legislation be introduced for the establishment of a board of Government management as recommended in the initial report of the Public Service Review Committee?

2. What other legislative plans are currently under consideration in relation to the public service and if none, why not?

The Hon J.C. BANNON: The replies are as follows:

1. The Committee of Review has been requested to develop the proposal for a Board of Government Management in further detail. This work is proceeding. Until the detailed recommendations of the committee have been received, it is not possible to predict the timing of any legislative change.

2. The Committee of Review is proceeding with the second stage of its inquiry. Legislative implications will be considered as part of this process.

RIVERLAND CANNERY

468. **Mr BECKER** (on notice) asked the Premier:

1. When will a decision be make concerning the future of Riverland Cannery?

2. What investigations have been undertaken and by whom into the future of the Cannery?

3. Have any overseas companies registered an interest to operate the plant and, if so, how many?

4. What now is the estimated cost of steel cans purchased by the Cannery and who are the suppliers?

5. What Federal Government controls affect the export of the Cannery's products?

The Hon. J.C. BANNON: The replies are as follows:

1. Cabinet is likely to receive the Report of the R.F.P. Co-op Redevelopment Task Force in the very near future. Cabinet will make a decision after the Report has been thoroughly assessed and it is sure all options have been canvassed.

2. In June 1983, Cabinet asked Mr Keith Smith, Director of State Development, to chair a task force which was given the job of investigating and assessing the operation of the Riverland Cannery as well as the longer term redevelopment options available to the Cannery. Apart from Mr Smith the task force comprises representatives from the grower community, local business, the union movement, the Receiver/Manager, a consultant and officers of the Department of State Development. In turn, the task force has employed consultants to undertake much of the detailed work.

3. The task force is unaware of any expressions of interest by overseas companies.

4. Because of the variety of can sizes it is difficult to say what the average price is. However, as an indication, the cost of a bright can for deciduous fruit is approximately 11.2 cent each 425g can. The sole supplier is Containers limited which adjoins the Riverland Cannery.

5. A Commonwealth statutory authority, the Australian Canned Fruits Corporation, controls the export of all canned deciduous fruit.