LEGISLATIVE COUNCIL.

Thursday, November 21, 1963.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Electricity Supply (Industries),
Manningham Recreation Ground Act Amendment,
Phylloxera Act Amendment,
Supreme Court Act Amendment,
Ramco Heights Irrigation Area,
Renmark Irrigation Trust Act Amendment,
Rural Advances Guarantee,
Wheat Industry Stabilization.

QUESTIONS.

SUCCESSION DUTIES ACT AMENDMENT BILL.

The Hon. G. O'H. GILES: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. G. O'H. GILES: I address my question to the Chief Secretary. Last night this Council considered at some length the Succession Duties Act Amendment Bill and a great deal of consideration was given to it outside the Chamber. I think many honourable members will admit that it was most difficult to follow not only the ramifications but the technical amendments of the Bill. I believe there is a Standing Order that allows members of this Council to move for the appointment of Select Committees to offer further advice on complex questions. In future, when Bills prove to be complex, both in their ramifications and in their technical verbiage, will the Chief Secretary consider whether the Government should perhaps appoint a Select Committee to help honourable members to understand the legislation and the proposed amendments thereto?

The Hon. Sir LYELL McEWIN: If the honourable member studies the Standing Orders he will discover they provide for the appointment of Select Committees in certain cases. I think there is also an opportunity provided for any honourable member to move for the appointment of a Select Committee if he feels he is not competent to make up his mind on a certain Bill. Committees are used greatly in the House of Commons (where there are nearly 700 members) to assist in the functioning of that House but I see no similarity between conditions in this Council and those in the Mother of Parliaments. Here, to begin with, we are not large in numbers and opportunities are provided (for any honourable member who cannot understand a Bill) to get information. That assistance is always provided. There is certainly not so much pressure on an honourable member that he is unable to make an investigation for himself if he so desires.

We are sent here as responsible representatives and I think the electors expect us to do some things for ourselves and give some independent opinion and judgment in this Council, as has always been customary: I have known no lack of it in the past. Certainly, this is not a matter in respect of which the Government should move.

HISTORICAL BUILDINGS.

The Hon. K. E. J. BARDOLPH: Has the Chief Secretary a reply to a question I asked on November 13 about the Government's making an allocation of funds to the National Trust for the preservation or restoration of historical buildings?

The Hon. Sir LYELL McEWIN: Looking back at the honourable member's question, I do not think that that is directly what he asked. I replied on that occasion that Parliament had already dealt with legislation concerning the trust and that I did not know of any obligation on the Government to raise funds for it. However, I have obtained the following information for the honourable member. First, the National Trust is financed by members' subscriptions, gifts and legacies. Rates of subscription are: Annual membership, £1 1s., rising to £21 for life membership and 100 guineas for corporate membership. These rates have been in force since the passing of the National Trust of South Australia Act, 1955.

Secondly, the trust does not receive any grants from the State or Commonwealth Governments. Thirdly, as at December 31, 1961, (the date of the last annual report) the current assets (cash in hand and at bank) were £3,742; fixed assets (property and office equipment) were £697; and investments (Commonwealth bonds, South Australian Gas Company and Electricity Trust of South Australia) were £7,325, making a total of £11,764. The annual report from January 1, 1962, to December 31, 1962, should be available in two or three weeks.

MERCANTILE LAW ACT.

The Hon. F. J. POTTER: Earlier this session I asked the Attorney-General whether the Government had considered any alteration to the Mercantile Law Act to enable a change in the powers of the Bankruptcy Court. The Minister replied either that the matter had received some consideration or was receiving consideration and said that he hoped to have some information at a later stage. I now ask him whether any progress has been made in the matter.

The Hon. C. D. ROWE: I have to inform the honourable member that not much further progress has been made, but I hope to look into the matter once the Council rises, with a view to considering whether legislation should be introduced during the Parliamentary sittings next year.

EGG INDUSTRY.

The Hon. Sir ARTHUR RYMILL: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL: As honourable members know, I take an interest in the egg-producing industry and have referred to it on various occasions since I have been a member in this place. In this morning's *Advertiser* appears a letter from a gentleman, who calls himself "Under-nourished pullet", that impressed me considerably. Amongst other things, he says that the Egg Board has raised the pool deduction to 6½d. a dozen eggs, the highest ever. He continues:

A poultry farmer producing fifteen 30-dozen cases of eggs a week (which is a very small poultry farm) would have to pay £12 3s. 9d. pool deduction a week, or £633 15s. a year.

The next paragraph is the one that impressed me. It reads:

This amount is paid to the Egg Board to "stabilize" the egg industry. Woolgrowers would pale if faced with paying this amount in levies on the very humble income the poultry farmer receives.

Honourable members know that poultry farmers are not doing particularly well. I do not believe they earn much more than the basic wage plus, whereas with the proposed levy for wool the amount of £633 would represent 24s., which is the amount that has been talked about, because woolgrowers have rejected paying 44s. a bale. That would represent 300 bales of wool, which on the average market price would be worth £28,000 and the net income of that would be a number of times more than the poultry-grower receives. I ask the Minister representing the Minister of Agriculture (who is not a wool gatherer as he showed last night and has shown at other times, but has been a woolgrower for many years), whether he is struck in the same way as I am by the statement and whether he feels something can be done about the situation.

The Hon. Sir LYELL McEWIN: The honourable member asks a question which amounts to an opinion. I did not see the letter to which he referred, nor do I quite see the similarity in the two industries. The spokesman for the wool industry is the Stockowners' Association and, of course, we are told what a bad time pastoralists are having and that everybody is living on a day-to-day sustenance and so on. In the circumstances they find it difficult to agree to make a large contribution. On the other hand the Egg Board contributions are towards a stabilization fund and are entirely the money of the producers, their idea being to give some stability to the market. In the case of woolgrowers the contribution is towards sales promotion and the main thing that concerns these people in making the contribution is just how the money is spent. If they could see it coming back to them and could look at it as stabilization they might be more inclined to think of paying more money. They are satisfied if the money that has been put into wool promotion has been used to the best advantage. In the case of the Egg Board the money goes into a stabilization fund, so to that extent I do not think there is an analogy. I do not know whether the honourable member would like me to pass this question on to the Stockowners' Association.

The Hon. Sir Arthur Rymill: I thank the Minister for his answer, but I would prefer him to pass on my question to the Minister of Agriculture.

The Hon. Sir LYELL McEWIN: I will be happy to do so.

PERSONAL EXPLANATION: ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS).

The Hon. R. R. WILSON: I ask leave to make a personal explanation.

Leave granted.

The Hon. R. R. WILSON: Last evening, when the Committee was asked to vote on the Road Traffic Act Amendment Bill dealing with safety belts, the Minister of Roads asked me which way I was voting. I told him I was voting for the compulsory fitting of safety belts. He then asked me would I pair with

the Hon. Sir Frank Perry, who had had to leave for home because of sickness. There was some confusion because the proper authority was not handed to the Clerk of the Legislative Council. Therefore, my vote was not recorded.

TOWN PLANNING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 20. Page 1827.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the second reading. The Bill contains three main amendments to the Town Planning Act. The first is that the Town Planning Committee shall within 12 months call for, receive and consider objections to and representations upon the report. The Bill empowers the committee to recommend amendments to the report, such amendments not to take effect until they have lain before both Houses and not been disallowed within 14 sitting days. I believe that is a wise provision because honourable members know that since the passing of this Act some time ago there has been much conjecture as to the powers of the Town Planner and the Town Planning Committee. Many objections have been raised and the committee wants to hear objections to the report of the Town Planner. The Town Planner is a member of the committee.

The Bill provides that any recommendations made must be placed before Parliament, and that recommendations may be made to the Minister from time to time as to any regulations concerning any matters referred to in the committee's report. New section 28a (6) empowers the making of regulations to give effect to any such recommendations, and they will take effect after they have been laid before both Houses and have not been disallowed within 14 sitting days. Another proposal is that before making any recommendations the committee is required to consult with every council concerned and its recommendations must be accompanied by a certificate to that effect, including a statement of any comments made by the councils consulted. Prior to this it was found that after a plan had been formulated by the Town Planner none of the councils concerned was consulted about it. This new provision will enable full consideration to be given by councils to any proposals before the committee makes any recommendations. Another important amendment is contained in subsection (9) of the proposed new section, and it is designed to set the value of any land compulsorily acquired for the purposes of giving effect to any regulation as its value at the time of the making of the regulations. That will prevent speculation by people who may envisage some form of town planning being carried out in certain areas and who may buy land cheaply and, when the town planning scheme is brought to fruition, sell the land at a considerable profit when they had done nothing towards increasing the value. The proposal will overcome any possibility of speculation with the land.

In the past the word "planning" had a definite meaning, and the mind turned to the work of the architect, the engineer and the surveyor, but now the word tends to be used also in relation to many other fields of activity. We have planning in industry, and we even have planning in Parliament. Many times during this session the Chief Secretary has been at his wit's end in planning to get legislation through. Town and country planning is the direction of the development and use of land to serve the economic and social welfare of a community in respect of convenience, health and amenity. The planning of a town involves the preparation of a design for the arrangement of the various parts of the town, and determined in advance is the development, location of houses, industry, commerce, parks and playing fields, public and community buildings, layout of the arterial road system, requirements of railways, sea and air transport, water supply, sewerage and other public utility services. The overall plan submitted by the Town Planner contains all these items. No town planning scheme can be a success unless they are included. The technique of planning must involve more than the preparation of a scheme, if action is to follow design. It involves legislative control machinery to ensure that an adopted plan is given effect to as the years pass. This provision is contained in the Bill we are now discussing.

No design can anticipate all future requirements and adjustments that will inevitably be required from time to time. Planning is thus a continuing, flexible process of adaptation to suit changing needs. If planning work is to be logically conceived there must always be a sound reason for each proposal made. This also will be provided for in the regulations. Purpose must dominate the plan. Each town or city has a function to fulfil in the national scheme, and this function determines its future size and economic activities. Likewise, every part of the town has a definite purpose to fulfil and requires to be so located and designed as best to fulfil that purpose. It should constantly be

kept in mind that town planning is followed by building, and that the designer must visualize his plan in terms of constructed buildings. In other words, designs must be conceived in three dimensions if the plan is to have significance and be fully realized.

From this brief outline will be seen the vast scope of the subject—the development of the land. Its object is the well-being of the people, in so far as physical environment can contribute to that end. I have much pleasure in supporting the Bill and hope that the amendments will provide for a smooth working of the town planning proposals in the development of South Australia.

The Hon. F. J. POTTER (Central No. 2): With other members I will support any forward move to ensure that our town planning is placed on a proper and sound basis. Any move to ensure that the comprehensive and excellent report presented to Parliament last year is implemented in the quickest possible time must be supported. For that reason I have pleasure in supporting the Bill, but I have some disappointment because in it are so many steps that must be taken, and so many hurdles to be jumped, that I question whether a better scheme could not have been devised. I do not reflect in any way on the Government's efforts in this matter. All members realize that town planning is difficult and complex, and it is not made any easier by its being a political hot potato in so many ways. Much of the background must be considered when we discuss a Bill, and I am in no way speaking derogatorily of this Bill, because a genuine effort has been made to do something about town planning. If honourable members look at the Bill they will see that it embodies at least four distinct procedures or steps that have to be taken before it is likely that any positive and final result can accrue. The first step is set out in new section 28a (3), which states that the Town Planning Committee may, from time to time, make recommendations to the Minister regarding any particular matter referred to in the report.

I think that is a fair enough place to start. However, before making the recommendation—and this is the second step that has to be considered, and it is mentioned in subsection (4)—the committee must consult every council in the area in which it proposes to make a certain recommendation concerning land, buildings or structures. In addition, it must certify to the Minister, and send to him a statement setting out all the views and comments of the councils concerned. This, in itself, is a pretty formidable task. I should not like to have to undertake it because not only could it be lengthy but the statement of views submitted to the Minister might not be of much guidance to him in formulating any positive policy, because of its diversity and contradictory views and comments.

The third stage is that when all this has been done the Minister may recommend certain regulations to the Governor. I point out that there is no actual requirement that this shall be done. The Governor may make regulations to give effect to all or any of the recommendations submitted. Having reached this stage we then come to the fourth step which could, I suggest, be almost as long as the second step, because the actual regulations must follow the usual course in this Chamber and must lay on the table for 14 sitting days. They must be examined by the Subordinate Legislation Committee and it is well known of course that that committee can, in many instances, be approached by interested parties wanting to give evidence with a view to disallowance of the regulations.

The Hon. S. C. Bevan: What is the alternative?

The Hon. F. J. POTTER: I am not suggesting one, but I am saying that we have a complicated structure that will involve many people in much investigation that will undoubtedly take a great deal of time. I just cannot help feeling a certain amount of regret that all this is necessary, and I am wondering whether the Government cannot in the future think of some better and quicker way to deal with this most important subject of town planning. One of the big difficulties that we have with regard to town planning is that the clock is ticking away against us all the time. I was glancing casually only the other day at this rather heavy file, which is in front of all members, containing the Parliamentary Papers. I know they are not all read by members in any great detail but, when looking at the report of the Public Works Standing Committee on the proposed new Government office block in Victoria Square, Adelaide, I noticed a little table in the appendix to the report. Members will see there a table of the estimated population of the State in the coming years.

It comes, I think, as a shock to honourable members to realize that our present population, which is just on the 1,000,000 mark, is estimated by the statistician to increase by 71,000 in 1965. In 1970 our population will be about

1,203,000; in 1975, 1,350,000; and in 1980 over 1,500,000. In other words, in the very short period from now until 1980, which is only 17 years, we shall have another 500,000 people in South Australia. I would not mind making a guess that the greatest proportion of that extra 500,000 people will reside within our expanded metropolitan area. When we look at those figures and realize just how quickly time is running out for us, we wonder whether or not some quicker method can be adopted to deal with town planning. It seems to me that the key to the situation is the attitude that will be adopted by local government rather than the actual attitude adopted by the Government of the State.

The Hon. K. E. J. Bardolph: Under the Building Act they are going to be consulted.

The Hon. F. J. POTTER: I know that. They will be consulted at great length and, undoubtedly, they will have varying views because it is difficult, in my experience anyway, even today on a matter that perhaps is not directly related to town planning at all to get agreement between two neighbouring councils. I am wondering just exactly where we are going.

The Hon. K. E. J. Bardolph: Why paint a picture of gloom; why not look on the bright side of it?

The Hon. F. J. POTTER: I am not painting a picture of gloom; I am endeavouring to point out that the population is increasing very rapidly and, as a matter of urgency, we must see that our town planning is properly carried out in order to meet that expanded population.

The Hon. K. E. J. Bardolph: Don't you think the amendments in this Bill will do that, and make the position flexible?

The Hon. F. J. POTTER: This Bill certainly tackles the problem and I think the Government is to be congratulated on making a start in this session, and not putting it off for another year.

The Hon. K. E. J. Bardolph: One of the main amendments in another place was inserted by the Labor Party.

The Hon. F. J. POTTER: Yes, but I do not think that did very much. If anything, it may have delayed it further. However, the point is that we have here a number of steps that must be considered. I think that, in connection with the last step, as the regulations will have to be examined by the Subordinate Legislation Committee, this will undoubtedly greatly increase the work of that committee in future years. That committee, as has been pointed out in this Chamber in debate on other Bills, is doing an excellent and important job and I have no doubt that its work will treble with the important regulations that will come before it, as any regulations considered under this Act will be scrutinized carefully by the organizations affected and many witnesses will appear before that committee. In fact, it may even be that a separate committee will in the future have to be set up to consider only the regulations made under this Act. I do not know—only time will tell. All in all, I strongly support the Bill. I am pleased that the Government has made a start on the problem. I recognize and appreciate all the difficulties associated with it. I hope that some of my forebodings (if I may use that word) will prove fruitless and that the foreseeable long delays will not occur, because this is very important and we must move rapidly at once. I support the second reading.

The Hon. R. C. DeGARIS (Southern): I support the second reading of this Bill. I support any move made to implement the findings of the Town Planning Committee. This Bill enables some action to be taken on the report of the Town Planning Committee recently laid before this Council. Clause 3 is the operative clause. It enacts new section 28a in the principal Act, to allow the Town Planning Committee first to make recommendations to the Minister in regard to any regulations concerning any matter contained in the Town Planning Committee's report. Any regulations will be made on the recommendation of that committee. They will not operate before they have been laid on the table in Parliament for 14 days and, as pointed out by the Hon. Mr. Potter, been examined by the Parliamentary Joint Committee on Subordinate Legislation.

Before these recommendations come to Parliament, the Town Planning Committee must consult the local councils involved, and any views that the councils may have must, by certificate, be presented with the regulations saying that the councils have been consulted and any comments that they may make on those regulations will also be tabled. I think that most people support the idea of town planning; they want to understand what the plan seeks to do and the reasons why it is seeking to do these things; they also want to understand the means at our disposal for bringing them about. I was interested in the Hon. Mr. Potter's views on this in regard to the machinery that must be gone through before these regulations come into force. It is

obvious that in the implementation of any town planning scheme many mistakes and blunders will be made and many misunderstandings will occur. One of the great difficulties that I can see in the implementation of the recommendations of the Town Planning Committee in this State, or in the metropolitan area, is the great number of local government bodies, each of which is affected differently by any of the committee's recommendations. This has been very well put by the Hon. Mr. Potter and I am certain that honourable members understand the complexity and difficulty of this situation.

This Bill presents one solution to this problem, but, as pointed out by the Hon. Mr. Potter, it is a rather complex solution. It may be better arrived at by the development of another stratum of local government with, say, a county council outlook. This, indeed, has occurred in the County of Cumberland Scheme in New South Wales. It occurred there almost accidentally. I think it was in 1876, under the Municipal Act, when certain councils were given the right to administer some specific job between a number of councils. In other words, there was a functional authority composed of several councils to do a special job. This has been carried on until today there is the County of Cumberland Council, which is specifically responsible for town planning in the County of Cumberland.

I can see many difficulties involved where there is a town planning committee that has to consult a number of different councils that may have differing viewpoints on the recommendations of a town planning committee, and it may be that we shall have to investigate such a scheme as this, to have a further functional authority in which local government is involved to attack this problem. Mr. Denis Winston, who wrote a book on the County of Cumberland scheme, had this to say in one place, which is of interest:

> Here at last was a piece of local government administrative machinery which promised a solution to the difficulties of small or financially weak authorities undertaking large jobs—without resorting to the traditional negative solution of taking matters out of their hands altogether. It was a hopeful step forward. In 1920 the four municipalities of Hurstville, Kogarah, Rockdale and Bexley were constituted a County District and the St. George County Council created for the supply of electricity. The Clarence River County Council was constituted in 1922 to control the Nymboida Hydro-Electric undertaking. In 1938 the Northern Riverina, and in 1940 the Rous County Council were formed to organize water supply in their areas. These were the forerunners of the Cumberland County Council which came into being in 1945 to prepare the master plan for the area of the County of Cumberland and which, since 1951, has been implementing the planning scheme.
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> Not of least interest and importance, in connection with the difficulties and the successes of the Cumberland County Council, is the fact that it is essentially a local government body striving to succeed in a complex and controversial task under conditions where local authorities have often failed in their responsibilities, though not always through their own fault. The Council's success or failure will have an important bearing on the future of local government in New South Wales: it may well prove a turning point, reversing the present trend towards government centralization in the interest of efficiency which is so full of danger for the democratic way of life in which the vital element is the point of closest contact between authority and the citizen, that is to say, at the local government level.

I am quite certain that town planning will always be a controversial matter and this Bill is a first step to implement some of the recommendations of the Town Planning Committee's report. But I see certain difficulties ahead in regard to the matters I have mentioned. I support the second reading.

The Hon. C. R. STORY (Midland): I rise to support the second reading of the Bill. I congratulate the Hons. Mr. Potter and Mr. DeGaris upon the consideration that they have given to this measure. I think it is fair to say that, contrary to the opinions expressed in some quarters, the Town Planning Act will become effective and be of real benefit to the planning of the capital city of South Australia and will allow it to develop in an orderly manner, but I have heard it said once or twice that this plan will never get off the ground.

I believe the Bill is a good approach to the problem, for within the first 12 months the Town Planning Committee can, under the provisions of clause 3, consider objections and representations from any person submitted to the Minister pursuant to section 28a or any matters referred to therein. It will also give interested persons, such as various sporting bodies, people interested in preserving park lands and people interested in the National Trust, an opportunity to be heard before the committee and make suggestions. Clause 7 deals with the regulation-making powers of this Bill. These powers are different in that they will be more in the nature of a by-law than is the case in normal regulations under other Bills. The regulations will not come into effect automatically when they are gazetted, but will have to lie on the table for 14 sitting days of Parliament. New section 28a (7) (*b*) reads:

If any notice of motion to disallow the regulation has been given as aforesaid the regulation shall come into effect if and when such motion or all of such motions if more than one notice has been given is or are negatived.

This provides the same basis as for by-laws of district councils. It is a wise provision because Parliament, and the Subordinate Legislation Committee in particular, will be often inundated with by-laws, mainly regulations from departments, and probably many regulations submitted by the Minister on the recommendation of the Town Planning Committee. Quite often it is necessary to call witnesses and sometimes to give notice of motion of disallowance of regulations whilst the committee is still taking evidence to clarify the position. Generally speaking, I believe that the Town Planning Committee has brought down a comprehensive report with which everybody agrees. At this stage it is not known how much of it is practical but the Government has gone to the trouble of having this report prepared and I believe Parliament will pass this Bill, which will enable the committee to obtain the type of information desired to allow Parliament and the public to know which parts of the Bill should be implemented quickly. Therefore, I have pleasure in supporting the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—''Enactment of section 28a of principal Act.''

The Hon. C. D. ROWE (Attorney-General): I move:

In the second paragraph of new section 28a (2) to strike out the first word ''The'' and insert ''Any''; after ''amendment'' to insert ''or variation so recommended''; and to strike out ''it'' first occurring and insert ''such amendment or variation as the case may be''.

I am sorry I have not been able to supply all members with a copy of the amendments but I have taken the opportunity of discussing them with the Leader of the Opposition and I think he agrees that they are purely drafting amendments.

The CHAIRMAN: They have been circulated now.

The Hon. C. R. STORY: I have not had the time to study these amendments and so that I may understand them clearly I ask the Attorney-General why it is proposed to change these words.

The Hon. C. D. ROWE: The amendments have been moved purely to make the verbiage clearer. I do not think they will alter the ultimate effect of the clause in any way.

Amendments carried.

The Hon. L. R. HART: New subsection (9) provides that the value of the land shall be as at the time of the making of the regulation. This provides a protection against any appreciation of land values, but there could be the reverse effect, because the values could be depreciated. Can the Attorney-General say whether the legislation would apply in that instance? Is it intended that land which has been acquired and which has depreciated in value shall be valued at the date of the regulation rather than the date of the acquisition?

The Hon. C. D. ROWE: It would be the value of the land at the date of the regulation. I think the intention would be that the regulation would apply to the acquisition of a piece of land and not an area of land. The value would be the value at the date of the regulation.

The Hon. Sir ARTHUR RYMILL: I agree with the Hon. Mr. Hart. In the last decade or so I have seen enough of unfair treatment of people in this matter. I think the subsection should be deleted. Will the Attorney-General explain the basic reason for its insertion? Fifty years could elapse before the acquisition was made. This morning I received the following letter from a prominent lawyer:

Once again I am writing to call your attention to the legislative provision which has been introduced into the Lower House. I have read House of Assembly Bill No. 79 to amend the Town Planning Act. It adds a new section (28a) to the principal Act and it is subsection (7) of this new section that I am concerned about.

That is now subsection (9). The letter continued:

This seems most unjust. An acquisition might be made 10 years after the regulation and during this time land values might have changed completely. What about improvements *bona fide* made after the making of the regulation? I think it is also badly drawn. There is a great deal in section 12 of the Compulsory Acquisition of Land Act and the draftsman surely has not given consideration to how that section, and this one, are to apply together.

I cannot concern myself with the draftsmanship, but I am concerned with the substance of the subsection, which seems to be capable of operating unfairly in many cases. In other cases it could operate to the benefit of landowners, but in most instances, particularly in

these days of inflation, it must cause difficulties. It could be, because of inflationary times, that the owner would get less than the true value, because he would be paid in pounds that no longer have the value of pounds at the time of the regulation.

The Hon. C. D. Rowe: The regulation would provide for that.

The Hon. Sir ARTHUR RYMILL: There is nothing in the Bill about it.

The Hon. F. J. Potter: You do not take land by regulation but by compulsory acquisition.

The Hon. Sir ARTHUR RYMILL: Yes. The step could be taken many years afterwards. We all know that our money today is worth only one-third, or even one-quarter, of what it was in pre-war days. If a regulation were made just before the last war and the land were acquired today the land would not be paid for in pre-war pounds, which were pounds in those days, but pounds that are worth about 6s. 8d. in today's money, and that sort of thing would be unfair. There is no justice in this matter at all. I will oppose the subsection unless the Minister can give me a substantial reason for its inclusion.

The Hon. G. O'H. GILES: Briefly, I should like to thank the Hon. Mr. Hart for drawing my attention to this clause. I should like to refer to a transaction that I think is relevant to this type of case. About 17 years ago my father was served with a notice that the Government wished to acquire land, which he owned, on the other side of Yatala Gaol, for the purpose of increasing the scope of the prison farm. This was a case of the Government's looking well into the future in connection with its plan of increasing prison farm land. The only catch was that, when the transaction was completed, the Government offered to lease the land back for seven years. The State obtained that land cheaply. I see nothing wrong with this if we ignore the fact that perhaps the owner was treated a little roughly, because the Government did not wish to use the land for seven years.

The Hon. K. E. J. Bardolph: Happily enough.

The Hon. G. O'H. GILES: However, this is analogous to the case that the Hon. Sir Arthur Rymill quotes when he says that the land should be acquired at the time. In this case it was, and the Government bought it at good value. If, as Sir Arthur Rymill says, the Government is able to serve notice by way of regulation of its intention to acquire a particular area or farm, and it puts off the actual acquisition of it (in this case for seven years, as it did not wish to use it during that time) I think it is possible for this type of transaction to recur. Who knows whether seven years is the particular period that may apply?

The Hon. Sir Arthur Rymill: If subsection (9) were deleted altogether it would not stop the Government from making that acquisition.

The Hon. G. O'H. GILES: That is so. I am grateful to the two honourable members for drawing my attention to this clause on which I think, in fairness to the Chamber, the Attorney-General should provide some further information.

The Hon. C. D. ROWE: I think I had better ask that the Committee report progress until I can obtain further information on this matter, and I ask leave also to consider the matter again on motion.

Progress reported; Committee to sit again.

Later:

In Committee.

The Hon. Sir ARTHUR RYMILL: When progress was reported we were considering the point raised by the Hon. Mr. Hart. I had said that I proposed to vote with Mr. Hart against new section 28a (9). I would like your ruling, Mr. Chairman, as to how this is to be dealt with, because obviously some of us wish to vote against a particular part of the clause and not the whole clause. Do I or does Mr. Hart move an amendment that this particular part be struck out?

The CHAIRMAN: Does the Hon. Mr. Hart desire to move an amendment at this stage?

The Hon. L. R. HART: No, Mr. Chairman. All I did was to ask for clarification from the Minister, but the debate has proceeded from there and I think several members consider that probably this new subsection could be deleted. I do not know just what the Minister thinks at this stage; perhaps he can clarify the position.

The Hon. Sir ARTHUR RYMILL: I think possibly I can clarify it by moving that the whole subsection be struck out.

The CHAIRMAN: Does the Hon. Sir Arthur Rymill so move?

The Hon. Sir ARTHUR RYMILL moved:

To strike out new subsection (9).

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendments.

MARKETING OF EGGS ACT AMENDMENT BILL (PRODUCER REPRESENTATION).

Adjourned debate on second reading.

(Continued from November 20. Page 1836.)

The Hon. M. B. DAWKINS (Midland): I rise to support the second reading of this Bill, the principal purpose of which is to provide that the egg producers of South Australia will be able to elect their own three representatives to the South Australian Egg Board. Three producer members will be elected under the provisions of this legislation. Honourable members know that, in the past, producer members were elected by the Minister of Agriculture from a panel submitted to him by the South Australian Egg Producers Association. I believe that this is a more democratic provision and that the voting qualifications are quite satisfactory. Any poultry farmer who has sold 3,000 dozen eggs to the board in the past year, or who, under a permit, has disposed of that number will qualify for a vote, and that will mean that any producer who has about 200 to 250 laying hens will also qualify for a vote. The electoral districts have been arranged, I believe, in a satisfactory manner. I think it was my honourable friend, Mr. Bevan, who said that he hoped this would be done in a more satisfactory manner than the proposed redistribution of Parliamentary electoral districts. That would hardly be possible, because I believe that the proposed redistribution is extremely well balanced, having regard to distances and community of interest. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Election of producer members."

The Hon. L. R. HART: In my second reading speech yesterday I mentioned a couple of items that were probably not quite correct, one being that there were no specific qualifications for a man to be eligible for nomination to the board. On looking further at the Act I find that that is incorrect and adequate provision is made. The other matter was that a person could nominate for the board irrespective of the district in which he lived or in which he was entitled to vote. I now find that that also is incorrect. I mentioned, too, that this was a Bill that had been fired at us late in the session and that we had not had time to peruse it closely. The more I look at the Bill the more I find wrong with it.

I intend to move an amendment. I had hoped that members would have the proposed amendment on their files; I made provision for this but the copies of the amendment are still on their way. It was possibly the intention in the Bill, originally, that a man could nominate irrespective of the district in which he lived. I think this would be a sound provision. After all, in Parliamentary elections one does not necessarily have to live in the district in which one nominates. It is sometimes difficult to get suitable men for the particular board, men who are qualified for the position and have the time and inclination for the job. In fact, I have been informed that it has been difficult to obtain men to represent the northern areas. We have the State divided into three areas, and at the present time the three producer representatives live in the County of Adelaide district. That is one of the districts defined in this new schedule. Under this Bill two of those gentlemen will have to retire. I do not introduce this amendment to preserve positions on the board for these men, but provision should be made so that, if a qualified and outstandingly good man is available to the board, he should not be debarred from nomination because the district in which he lives is already represented on the board. It may well be that a man is living on the perimeter of one of the districts and will be quite acceptable to the producers in the adjoining district but, because he does not live in that district, he is precluded from nominating for it. I do not think there is any fear of getting a man who is unsuitable or unqualified for the position by reason of this proposed amendment but, without this amendment, the position may easily arise where we have not on the board the best men available for the posts. Consequently, I move:

In new section 4a (3) to strike out "entitled to vote at that election" and insert "whose name appears in the roll of electors for any electoral district".

This amendment will bring about the position that I have just described—that, irrespective of which district a producer lives in, provided he is a qualified person to vote in any district, he shall be so qualified to nominate for any other district.

The Hon. Sir LYELL McEWIN (Chief Secretary): The honourable member has fully explained his amendment. I have the authority of the Minister who administers this Act to accept the amendment.

The Hon. L. R. HART: I apologize to the Chief Secretary. I have conferred with the Minister of Agriculture and he is prepared to

accept this amendment. I should have informed this Committee accordingly. The new subsection as amended, will read:

At each election in respect of an electoral district, one producer, who must be a person whose name appears in the roll of electors for any electoral district, shall be elected for that district by the persons entitled to vote in that district.

As long as the man's name appears in the roll of any electoral district, he shall be elected for whichever district he nominates by those persons entitled to vote in that district.

The Hon. C. R. STORY: Surely the people mostly affected by this Act are egg producers, not lawyers. The difficulty of understanding this amendment must be a handicap. It seems too wordy to me. It could be condensed and made clearer than it is at the moment. Those concerned must understand exactly what this means. Perhaps the honourable member could examine the wording of his amendment.

The Hon. L. R. HART: The amendment was drawn up by the Assistant Parliamentary Draftsman and it has been seen by the Minister of Agriculture, who is the Minister in charge of this Bill in another place. It has been accepted by him. It does make sense to me.

The Hon. Sir ARTHUR RYMILL: I think it is all right. If this amendment is adopted, the subsection will read exactly as the mover of the amendment has said it will. The words "any electoral district" may be the difficulty. It may mean "that electoral district". The new wording of the subsection makes sense. It is like a member of this Committee who has to be on the Legislative Council roll but does not have to be on the roll for the particular area in which he lives. If that is the intention of the honourable member who moved this amendment, it makes sense. It is merely a qualification that you have to be on an electoral roll for some district.

The Hon. S. C. BEVAN: I do not know what the Minister thinks about this. The Hon. Mr. Hart has informed the Committee that he has spoken to the Minister of Agriculture in another place, who feels that this is all right and he is prepared to accept it. But it is contrary to the Bill itself. The electoral districts are defined in the schedule to the Bill. The producer who is entitled to be enrolled is he who produces 3,000 dozen eggs or more a year. He is entitled to be on the electoral roll of the district in which he himself is conducting his business. Does it not defeat the whole purpose of the Bill, if this amendment is carried, to say that a person carrying on business, for instance, in any of the counties of Sturt, Hindmarsh, Carnarvon, Albert, etc., is entitled, because he is enrolled in one of those electoral districts, to nominate for and vote in the County of Adelaide? That is what I think the Hon. Mr. Hart's amendment would do and I believe it runs counter to other clauses of the Bill that have been passed.

The Hon. G. O'H. Giles: What other clauses?

The Hon. S. C. BEVAN: There are three or four prior clauses in the Bill dealing with the same subject that would also have to be amended to give effect to Mr. Hart's amendment. I have no alternative but to oppose the amendment.

The Hon. Sir ARTHUR RYMILL: Although I have not really been able to consider this matter I believe the Hon. Mr. Bevan is right. New subsection (2) reads:

> Each person whose name appears in the roll of electors for an electoral district is entitled to vote at an election held under this section in respect of that district and shall have one vote at that election.

Subsection (4) reads:

> The board shall, for the purpose of each election in respect of each electoral district prepare a roll of persons who are, in the board's opinion, entitled to have their names included in the roll of electors for that district.

I suggest to the Hon. Mr. Hart that the word "any" in his amendment should be altered to "that".

The Hon. R. R. WILSON: I support the remarks of the Hon. Mr. Bevan. This amendment will alter the Bill from what the producer requires. Producers want representation nearer to their place of production. If this amendment is carried the position will be much the same as it was in the past. All producers elected might be in the one part of the State.

The Hon. L. R. HART: Perhaps I have not explained the position clearly. The intention of this amendment is to allow a producer, who is entitled to vote at any election and has produced the required number of eggs, to nominate for any other district besides the one in which he resides. In other words, he can nominate for election in any one of the three districts. The only people entitled to vote for him will be those living in the district in which he nominates. In answer to the point raised by the Hon. Mr. Wilson, if the people in a district desire to have a local producer as their representative that is entirely in their hands provided they are able to get a local producer with the qualifications, ability and desire to serve on the board. However, if they cannot get such a man in their own

district, under my amendment it will be possible for a producer in another district with the qualifications and so on to nominate. Even so, it will still be an election by ballot and the district in question will have the final say as to who shall be its representative, irrespective of where he comes from.

The Hon. G. J. GILFILLAN: I support the remarks of the Hon. Mr. Hart because this principle is generally accepted in most other cases. In local government it is not necessary for an elected councillor to live in the ward he represents. Members of this Parliament are not required to live in the district for which they are elected provided they are elected by the people entitled to vote in that electorate.

The Hon. G. O'H. GILES: I support the amendment Mr. Hart wishes to move in relation to subsection (3). It does not apply to subsections (2) and (4). He wishes to allow anyone from any of the three electoral areas, whether he lives in the particular area or not, to be able to stand for election. I have had some experience with this principle in other fields of agriculture and I believe Mr. Hart's amendment is the right way to deal with the situation. It is not necessary to be bound by the electoral boundaries. If this amendment is not passed it could sometimes mean that the best men in the industry could not be put forward for election.

The Hon. M. B. DAWKINS: I, too, support the amendment. I believe Mr. Hart has a good point. However, perhaps it might be a good move to report progress and re-word this clause. The wording is clumsy. This is not the fault of Mr. Hart because it was restrictively worded in the first place.

The Hon. C. R. STORY: I support the amendment. I think Mr. Hart is right. Our difficulty is that no thought was given to amending the clause in this way. I believe the law should be readable as far as possible so that primary producers are able to understand it. They have to comply with the law and they should not be confused by it. It has even been necessary for Mr. Hart to make several explanations of the clause as it will be affected by his amendment. I believe the clause should be examined and perhaps reworded.

The Hon. Sir LYELL McEWIN (Chief Secretary): Opinions have been expressed for and against the amendment. The Bill has not been returned to me for long and actually it is not my Bill. I cannot find the Parliamentary Draftsman to ascertain whether the amendment is good or bad drafting. The Hon. Mr. Hart has proposed an amendment that, I understand, is acceptable to the Minister of Agriculture and I am not in a position to supply any comment for or against it. In view of the circumstances, I am happy to report progress.

Progress reported: Committee to sit again.

Later:

In Committee.

The Hon. Sir LYELL McEWIN: Before I asked leave to report progress, honourable members had expressed opinions about the drafting of an amendment submitted by the Hon. Mr. Hart. He has conferred with the Parliamentary Draftsman and I think is now able to give an expert and unbiased opinion about whether the drafting is good, bad or mediocre.

The Hon. L. R. HART: I have conferred with the Parliamentary Draftsman and we have come to the conclusion that we cannot improve upon the original wording of the amendment which was drawn up by the Assistant Parliamentary Draftsman. I would think that, after our discussion yesterday on the Succession Duties Act Amendment Bill, this wording should be mere chicken feed. If I had a blackboard here, I could clearly define what it meant, but I think members may have had time to analyse it. I assure them that this wording does exactly what I want and that it does not leave any loophole.

The Hon. K. E. J. Bardolph: Why did you challenge it in the first place?

The Hon. L. R. HART: It was challenged only because of the inability of members to comprehend it.

The Hon. Sir Lyell McEwin: He wanted to avoid a Select Committee.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—"Repeal of principal Act, section 23 (5)."

The Hon. L. R. HART: I wanted to say something about new section 4a (5), which is inserted by clause 4.

The CHAIRMAN: We have agreed to that clause.

The Hon. L. R. HART: I am not happy about clause 6. It repeals section 23 (5), which exempts from the payment of a levy eggs sold to hatcheries. This involves anomalies. First, some hatcheries hatch their own eggs; therefore, on those eggs no levy would be paid. However, a hatchery that purchased eggs would indirectly pay a levy.

Further than that, eggs purchased by hatcheries for the production of chicken meat would also be subject to a levy. I think all honourable members will agree that eggs produced for hatcheries for the production of chicken meat are no embarrassment to the egg industry; in fact, they may well assist it. I think it is unreasonable that hatcheries supplying these eggs should pay the levy. The numbers of eggs produced in South Australia for hatcheries varies between 15 and 20 per cent of the total production. In Queensland over 50 per cent of the total production is supplied to hatcheries. The production of eggs in this State for meat production could well rise in the next few years.

The Hon. G. O'H. Giles: Do they get more money for them?

The Hon. L. R. HART: Yes, but they have fewer eggs, because it is a specialized production. Birds bred for meat production do not lay as many eggs, so it is essential that producers get more money for them. Although I do not wish to move an amendment, will the Chief Secretary assure me that in the policing of this Act some exemption will be considered for eggs supplied to hatcheries for the purposes of meat production?

The Hon. Sir LYELL McEWIN: Yes. I have discussed this matter with the Minister concerned, and he has advised me that, whilst he desires the Bill to remain as drafted, he will take cognizance of the honourable member's remarks. He is prepared to take up this matter with the Egg Board with a view to providing certain exemptions. I think this may meet the problem that concerns the honourable member. I ask him to accept the assurance, and to accept the clause as drafted.

Clause passed.

Remaining clauses (7 to 9), schedule and title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL).

Consideration in Committee of House of Assembly's amendments:

No. 1. Page 3—Insert new clause as follows:

10a. Remission of Rates.—The following section is inserted in the principal Act after section 267a thereof:

267b. The council may, upon the application of any person who is liable to the payment of any rates or other amounts payable in respect of ratable property and who in the opinion of the council is in necessitous circumstances, by resolution remit the payment of such rates or amounts or any part thereof or the interest or any part of the interest thereon. The council may require the applicant for any remission under this section to support his claim by evidence on oath or by statutory declaration, in such manner and with such particulars as may be prescribed or the council may require. Any rates or amounts or part thereof or interest or any part of the interest thereon payment of which is remitted by the council pursuant to this section shall cease to be a charge upon the ratable property concerned.

No. 2. Page 4 (clause 13)—Leave out subsection (4).

Amendment No. 1.

The Hon. N. L. JUDE (Minister of Local Government): This amendment deals with the remission of rates. In 1959 Parliament inserted in the principal Act section 267a which enabled councils to remit rates to people in necessitous circumstances, but actually it was only a postponement of the payment of rates, not a complete remission. The rates still remained a charge on the property at the death of the owner or on its sale. This new provision was sought by some councils.

The Hon. K. E. J. Bardolph: Which councils?

The Hon. N. L. JUDE: I am not prepared to give the names now, because I do not want to make a mistake. The honourable member knows the position because a member of his Party in another place moved in the matter. Is the honourable member supporting the amendment?

The Hon. K. E. J. Bardolph: Yes.

The Hon. N. L. JUDE: The amendment provides an option because "may" is used. We have great faith in local government, and we are now giving it a power suggested for it previously. The new clause is related to a council's own people and its own revenue. It should be accepted and we should have sufficient faith in councils to believe that the provision would be used wisely. It would not be a decision by the clerk but by the council itself.

The Hon. C. R. STORY: I oppose the amendment because I cannot see that it conforms to normal local government practice. The Minister referred to the use of "may", but the provision throws a tremendous responsibility on local government, which is not geared to accept the provision, and I do not think it should be expected to accept it. I do not go all the way with the Minister and believe that each council has a halo over its head. I would not be surprised if some people were induced to apply for the remission of

rates. What a responsibility to place on a council! It would have to decide what were necessitous circumstances. A set of conditions would have to be drawn up in order to determine the matter properly. I do not think a council would like to have this responsibility. The word "may" could soon become "shall". I cannot see how the new clause could be amended to satisfy me. We either believe or do not believe in this type of thing. Parliament has been generous, in my opinion, in providing in the Local Government Act that people who are in difficult circumstances and cannot pay their council rates can have them debited against their estate, and when the ratepayer dies they are deducted from the estate. That goes a long way towards assisting people in such circumstances.

The Hon. G. O'H. Giles: It is more equitable than this provision, too.

The Hon. C. R. STORY: Yes, far more equitable. How would we feel if we knew that three people living in the same street had applied to the council, and that two had been granted a remission and the third had been refused? Who would be the arbiter of that?

The Hon. K. E. J. Bardolph: The council.

The Hon. C. R. STORY: Of course, Caesar unto Caesar. It is not a good principle. The more people who escape their obligations under this provision the more burden there will be on people who it is considered can pay. We could easily find ourselves in a position where people in the town square were paying a high rate in order to meet remissions of rates, or part thereof. It is not the type of legislation I should like to inflict upon local government. Who in local government has asked for this? Has it been the Municipal Association, the Local Government Association, the Advisory Council, or is it something that odd members of Parliament have constantly requested over many years?

The Hon. K. E. J. Bardolph: What do you mean by "odd"?

The Hon. C. R. STORY: A person would have to be odd to bring up a discriminatory thing like this. I cannot support the amendment as it stands.

The Hon. M. B. DAWKINS: I must oppose the amendment, also. It is purely and simply a present to the beneficiary. We can now remit rates in necessitous circumstances, but they remain a charge against the estate, which means that beneficiaries do not get as much. It does not affect the person who is in necessitous circumstances. I could not support the amendment in those circumstances.

The Hon. Sir ARTHUR RYMILL: I agree entirely with previous speakers that hitherto we have asked councils to remit rates for people in necessitous circumstances, but they remain a charge on the property to be paid later. I favour that because then there is no discrimination between ratepayer and ratepayer. Before we can collect rates there must be a property.

The Hon. R. C. DeGaris: Not necessarily; a person can rent a property and still pay the rates.

The Hon. Sir ARTHUR RYMILL: That is splitting hairs.

The Hon. R. C. DeGaris: It could come into this matter.

The Hon. Sir ARTHUR RYMILL: No, it would not, because if they failed to pay the rates the council would have the right to collect them from the owner of the property. This would allow councils to relieve forever some ratepayers of their obligation to pay rates. Surely it is not proper for this place to substantiate or confirm that. We have seen attempts by some councils, under certain discriminatory powers, to strike a differential rate. This gives them the right to say that A shall pay his rates but B shall not. I have no objection to ratepayers in necessitous circumstances being relieved of paying rates so long as the rates remain a charge on the property. To say that one shall pay and the other shall not, although possessing a property of some value, seems entirely wrong and outside the powers of a council.

The Hon. S. C. BEVAN: I support this amendment, which gives discretionary powers to the council to deal with applications from persons in necessitous circumstances, and this can include pensioners and other people who want the total remission of their rates, or part thereof.

The Hon. F. J. Potter: Most pensioners could be owners of their houses.

The Hon. S. C. BEVAN: I agree, and that the person who has only his pension is in necessitous circumstances.

The Hon. Sir Arthur Rymill: Why shouldn't it remain a charge on the property?

The Hon. S. C. BEVAN: I suggest we look at the amendment, which leaves the discretionary powers with the council. If the council thinks a fair application has been made it has the option to remit rates. It can, if it so desires, remit the rates for a person during

his lifetime. The council would have power to do that or to remit portion of the rate, or it might reject the application. This provision applies in other States. If the council has already the discretionary power and deems a charge necessary, it still has the power under this Bill to make a charge upon the estate. There is no other alteration.

The Hon. Sir Arthur Rymill: The last part says "shall cease to be a charge upon the ratable property concerned."

The Hon. S. C. BEVAN: Yes, after the council has decided the matter. The council would still have discretionary power to grant or not grant a remission.

The Hon. Sir Arthur Rymill: Yes, but under this amendment once the council had remitted the rates it would be the end of it.

The Hon. S. C. BEVAN: Some city councils applied to the Minister some time ago. They repeated their applications for an amendment to the Act to do exactly what this amendment intends. As a matter of fact, the representations to the Minister did not go as far as this amendment. It did not give, as I am suggesting this provision does, as much discretionary power. City councils have made representations, and surely they know what they are doing. Surely they would not ask for power to do something they did not want to do. Many necessitous cases deserve assistance in this regard. This amendment will enable a council to give the assistance asked for. I hope members will carefully examine the amendment and its effects. To those who have spoken against it and say it is bad I say the only action to be taken by a council would be action where extreme hardship was involved. The council is entitled to exercise a discretionary power, if it so desires.

The Hon. L. R. HART: I oppose this amendment. It breaks entirely new ground and is something for which there is no precedent. If we establish this principle in local government, why single out local government? If it is good enough for local government, it ought also to be good enough for the central government in relation to land tax and water rates. It places the onus of proof on the council. Admittedly, the applicant is required, under statutory declaration, to submit particulars and then it is up to the council involved to prove that the case is not a valid one. Councils are burdened with sufficient responsibility without having to set themselves up as courts of jurisdiction. I see no precedent for this. If this amendment is carried we shall place councils in an untenable position and it will not be long before they ask for protection from the very thing we are now proposing to give them.

The Hon. R. C. DeGARIS: I, too, oppose the amendment. The Hon. Mr. Bevan said that councils would have discretionary power in this matter. This is the most objectionable part of the amendment. The wording is that the council "may", and then we have to define exactly what "necessitous circumstances" are. In other words, as has been pointed out by the Hon. Mr. Story, in one council there could be a divergence of opinion about how the provision was to be applied. Furthermore, there could be completely different applications of this amendment from council to council: one council might deal with it leniently, while other councils might deal with it much more harshly. Therefore, by this amendment, we are asking councils to more or less play a part in social services. There has always been a provision in the Act that if there is difficulty in a person paying his rates they need not be paid but can remain a debt on the property. Under that provision the council would not be making a donation to a beneficiary in the estate, but that could happen under this amendment. The most objectionable part of it is that the councils are being asked to play a part in social services, which will not be equitable over the whole State because the Act will be administered by councils in different ways.

The Hon. G. J. GILFILLAN: We have not had an opportunity to examine this amendment at length but it appears to me that the thought behind its introduction (the giving of some relief to people in necessitous circumstances) is a worthy one; but this is a doubtful way of going about it. The Hon. Mr. DeGaris was much to the point when he talked about social services, because this is a completely new departure from the normal practice of levying taxation. It will have many administrative difficulties. I can visualize many circumstances where councils may be flooded with applications from people trying to avoid paying their rates. In most council areas are some unscrupulous ratepayers who will go to practically any length to avoid paying their just dues. However, other people are genuinely short of money and will do their best to meet their obligations. This amendment, if carried, will put councils in a difficult position in trying to administer the Act fairly. They will be subject to much outside pressure, and in some cases, perhaps, to pressure from organizations to remit rates.

The principle prompting this amendment (helping those who are in unfortunate circumstances) is good, but this amendment will make the Act difficult for councils to administer. If we as a Parliament want to help these people it should be by way of direct assistance through social services and not in this unsatisfactory way. I oppose the amendment.

The Hon. JESSIE COOPER: Looking at the problem from a practical point of view, I, too, oppose the amendment. I cannot think that any council would be overjoyed at having this responsibility because it would be a cumbersome piece of machinery in operation. I envisage the employment of at least two social welfare workers. It is well known that few welfare workers are available, but anything less than trained social workers to do this type of work would make the provision completely unworkable.

The Hon. G. O'H. GILES: I voice my objection to the clause, because it is discriminatory legislation against local government, which should not have this responsibility. In many ways local government is a sitting duck, virtually an Aunt Sally. This clause would discriminate first against local government, secondly against ratepayers within the local government areas and, thirdly (and probably worse than anything else), against people in necessitous circumstances, even within a local government area or a ward, because it would be difficult for local government to cope with it. Any local government authority can decide "Yes" or "No" on an application. This surely leaves it wide open to discrimination between people in necessitous circumstances. Fourthly, of course, it certainly is discriminatory as regards people, whether in necessitous circumstances or not, and whether in one ward of a council area or another. This is not a proper liability for a council. I oppose the clause.

The Committee divided on the amendment:

Ayes (6).—The Hons. K. E. J. Bardolph, S. C. Bevan, N. L. Jude (teller), Sir Lyell McEwin, C. D. Rowe, and A. J. Shard.

Noes (12).—The Hons. Jessie M. Cooper, M. B. Dawkins, R. C. DeGaris, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, Sir Frank Perry, F. J. Potter, W. W. Robinson, Sir Arthur Rymill, C. R. Story (teller), and R. R. Wilson.

Majority of 6 for the Noes.

Amendment thus disagreed to.

The following reason for disagreement with amendment No. 1 was adopted:

Because the amendment would authorize undue discrimination among owners of ratable property and between councils.

Amendment No. 2.

The Hon. N. L. JUDE: This strikes out subsection (4) of new section 290c in clause 13. That subsection reads:

Where a municipal council resolves to wind up a reserve fund provided by the council under this section the fund shall be dissolved and the moneys standing to the credit of that fund at the time of the passing of the resolution shall be deemed to form part of the revenue of the council and may thereafter be expended by it in the manner in which and for the purposes for which the revenue of the council may be expended.

Members in another place expressed the opinion that if a council did take the opportunity to accumulate funds it would be unreasonable for the council to be able to dissolve the fund and spend the money for some entirely different purpose. The Government regarded that as a not unreasonable suggestion and approved of the clause being struck out. I suggest acceptance of this amendment.

The Hon. F. J. POTTER: The suggestion in supporting this amendment seems to be that a council is a body that continues in perpetuity, and that if it makes a decision that decision should not be reversed. What would be the position if a fund were established for the accumulation of money to be used in a particular way and another council decided that the money should not be spent that way? If this amendment is carried the money will be locked up in a fund and not used. This seems to be completely wrong. If we give a council permissive power to accumulate funds in this way, because of the very nature of local government as we understand it, we must give it power to use that fund for other purposes if it is decided that the original purpose cannot be proceeded with. We shall have a completely ridiculous situation if this subsection is struck out. I oppose the amendment.

The Hon. N. L. JUDE: I cannot let those comments pass without immediately replying. The honourable member suggests that councils should be permitted to amass funds gained from parking meters for purposes that we think are desirable and that such funds might not be spent. I assure him and all members that many purposes related to parking exist on which a council can wisely spend money. I remind him that in the first part of this provision we used the word "may". We did not make it compulsory for councils to accumulate their parking revenue.

There was an attempt to include "shall", and if it had been included I would agree with the honourable member. Councils go on for years. There is not always a new council each year. How often do we find an entire council disappear overnight to be replaced by a new one? The policy might be changed, but not the entire council. The ratepayers would see that the money was spent.

The Hon. Sir ARTHUR RYMILL: The Local Government Act says that a council lives from year to year.

The Hon. N. L. Jude: The clause allows this matter to go on for years.

The Hon. Sir ARTHUR RYMILL: Yes, and that is why I took exception to it during the second reading stage. I remind members that I said:

I am not particularly happy, as I have said before, about the principle of segregating certain portions of a council's income into funds to be expended in the future. I feel that this is contrary to the normally accepted principles of local government but, as it is drafted, I find no very great objection to the clause because it leaves it open to the council to establish these funds or not, as it thinks fit, and to utilize the funds for other purposes. The Hon. Mr. Bevan had something to say about this. I make it clear that I do not propose to oppose the clause in its present form but, if it is amended as Mr. Bevan wants it amended, then I shall vote against the whole clause. In other words, I am prepared to accept it as it stands but not if it is amended. That is my way of doing what Parliamentarians are always told to do—compromise. I do not like the clause because I believe it is contrary to the letter and spirit of the Act. I would always have preferred it to go out, and I still do, and if it goes out here I will be happy. I will vote against the amendment because any virtue the clause had will be destroyed.

The Hon. N. L. JUDE: Surely it is not reasonable to expect members to believe that a council will accumulate funds from parking meters, which matter caused a controversy amongst the people, and spend them on a civic centre or a fountain. I believe that the council "may" do it. It was agreed that local government should not be forced, but if funds were accumulated it was agreed they should be spent on the purposes for which they were accumulated.

The Hon. Sir ARTHUR RYMILL: I draw the Minister's attention to the fact that this is his Bill and he deliberately put in the proviso. I have not had time to read what he said about it, but during the debate he justified its inclusion. I did not ask for it to be put in, because it was there when the Bill was introduced. Now the Minister gives every reason why we should not have it. I find this all contradictory. The Minister has not persuaded me that I should do something different.

The Hon. N. L. JUDE: Like the honourable member I am prepared to learn and to compromise.

The Committee divided on the amendment:

Ayes (11).—The Hons. K. E. J. Bardolph, S. C. Bevan, Jessie M. Cooper, G. J. Gilfillan, N. L. Jude (teller), Sir Lyell McEwin, Sir Frank Perry, W. W. Robinson, C. D. Rowe, A. J. Shard, and R. R. Wilson.

Noes (7).—The Hons. M. B. Dawkins, R. C. DeGaris, G. O'H. Giles, L. R. Hart, F. J. Potter, Sir Arthur Rymill (teller), and C. R. Story.

Majority of 4 for the Ayes.

Amendment thus agreed to.

MARINE STORES ACT AMENDMENT BILL.

Consideration in Committee of the House of Assembly's amendment:

Page 2, line 11 (clause 3)—Leave out "like youth".

The Hon. Sir LYELL McEWIN (Chief Secretary): This amendment is a very small one. Clause 3 specifies the organizations which may make bottle collections for religious, charitable and other purposes. The proposed new section 7a (1) (*e*) states:

For the promotion of the objects of the boy scouts association, the girl guides association or other like youth organizations approved by the Chief Secretary.

The amendment that has been made in another place is to leave out the words "like youth". This amendment does not interfere in any way with the spirit of the legislation, and in fact it will permit a slightly wider application than previously in that it will enable other worthy organizations to be considered. It is still necessary for the approval of the Chief Secretary to be obtained. I commend the amendment and ask the Committee to accept it.

The Hon. C. R. STORY: I support the amendment. As the Chief Secretary has said, it has widened the scope of the provision, and I can think of a number of organizations which possibly can now come within its ambit. The proviso is there that any organization will have to be approved by the Chief Secretary. The only thing I am disappointed about is that the Chief Secretary has not given us another demonstration of how the "bottle-o" goes about his work.

The Hon. Sir ARTHUR RYMILL: This is another good example of the virtues of the bicameral system of government, working in this case in reverse. The Bill originated in this Chamber, and I also agree that it has been improved by the House of Assembly. I support the amendment.

Amendment agreed to.

SECOND-HAND DEALERS ACT AMENDMENT BILL.

Consideration in Committee of the House of Assembly's amendments:

No. 1. Page 7, line 23, The Schedule—Leave out "and 'three months' ".

No. 2. Page 7, line 24, The Schedule—Leave out "and 'six months' respectively".

No. 3. Page 7, line 25, The Schedule—Leave out "33. Subsection (4)—Strike out 'three months' and insert 'six months' ".

The Hon. Sir LYELL McEWIN (Chief Secretary): The amendments relate to the schedule and honourable members remember that the schedule contained penalties that were provided in the principal Act (many of which had been passed in 1898) and had been adjusted to be more in keeping with today's financial structure. In both cases the amendments relate to the period of imprisonment. The increased monetary penalties were accepted as they were when the Bill left this Chamber. However, another place considered that no increase was necessary in the periods of imprisonment, which, as they were, provided sufficient punishment or deterrent. Therefore, the only alterations made were to the terms of imprisonment, and I suggest that this Chamber can accept the amendments.

The Hon. C. R. STORY: I accept the proposed amendments. Money values have altered considerably over the years, but I do not suppose that time has inflated in the same period. Some offences that are committed today and come within the scope of this legislation would not have been visualized when the Act was last amended.

Amendments agreed to.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 20. Page 1850.)

The Hon. K. E. J. BARDOLPH (Central No. 1): Honourable members will agree that in every industry and business superannuation has become one of the foremost conditions of employment. I compliment the commissioners—the Deputy President of the Industrial Court (Mr. Williams), and the Auditor-General (Mr. Jeffery)—and any comments I make now I do not want to be construed as a reflection on their integrity or ability in presenting the report to Parliament. I am somewhat disappointed at the proposal we are now discussing because in one instance it makes a distinction between women and male members of Parliament although the Constitution Act was amended some time ago to give women equal rights as members of Parliament. I am also disappointed that no lump sum payment has been provided and that superannuation payments were not tied to the basic wage. Much has been said this afternoon and during this session of Parliament about the changing value of money. This afternoon the matter was discussed in relation to the acquisition of land under the Town Planning Act.

On behalf of the Labor Party I had the honour of submitting our proposals to the commissioners. We thought that whatever amounts were to be paid under the committee's recommendation should be tied to the basic wage for the purpose of maintaining purchasing power in accordance with the changing economy. However, the Bill does not provide for that. Under it members who go out of Parliament will have their superannuation payments fixed at the rate that applies when they leave and no provision is made whereby they can maintain their standard of living over the years because the superannuation payments are not tied to the basic wage. I do not mention this in a derogatory manner concerning the commissioners. I mention it because Parliament is the place to say these things and is the place where they can be rectified by the Government's taking cognizance of what is said. In my submissions I suggested a nine-year period instead of the 10 years a member previously was required to be a member of Parliament before receiving superannuation. The commissioners acceded to that request. I also submitted that there should be a maximum period of 30 years for contributions and that has been included in the committee's recommendation. I requested that an additional lump sum benefit of 15 per cent of the salary of each year of service should have the same qualifying period as applied to the pension. Members' contributions have been increased to £4 a week, which is £208 per annum. Members have been paying about £3 a week into the fund.

Some people consider that the whole amount for superannuation for Parliamentarians is paid by the Government. This is completely

wrong because members pay a proportion of the superannuation fund contributions as do other people in industry and commerce but we are not treated on the same basis as they are with respect to the amount of pension they receive. I mention these facts because, as I said earlier, Parliament is the place to ventilate opinions on these matters. I was pleased to hear the remarks of the Chief Secretary in explaining the Bill. He said that the difference between the treatment of male and female members of Parliament and other matters which honourable members may think should be rectified will be considered by the Premier and will be referred back to the commissioners for further consideration. I accept that and I know positively that both those gentlemen have the ability and integrity to consider impartially requests made by Parliament. Accordingly I have pleasure in supporting the second reading.

The Hon. C. R. STORY (Midland): I am also in favour of the Bill and I am pleased a committee was set up for the purpose of examining certain anomalies that must always occur in these types of schemes. It is accepted that at different times problems must be dealt with by an expert committee. In my opinion we had an expert committee to investigate these matters. The provisions in the Bill are much better than, perhaps, some honourable members expected. Generally speaking, I think honourable members are satisfied, but I am aware that the Bill does not suit everyone. Under a scheme which members enter and leave at all ages it is difficult to please everybody. While the committee can deal with various anomalies that arise, I believe that Parliament must make the rules under which the committee functions. The Hon. Mr. Bardolph referred to the position of women members of Parliament. I believe it is the duty of Parliament to make the first decision on whether they should pay two-thirds of the contributions or whether they shoud pay the full contributions and receive the full benefits. If the committee has something to bind it, it will be able to do its job but if it has to make a decision which Parliament should make then Parliament is failing in its duty. I have pleasure in supporting the second reading.

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill and I shall point out some anomalies. I do not believe the members of the committee were given the full facts in this matter as they were in the other case we referred to them. I understand that recommendations made by this Parliament will be referred back to the committee, and that is my purpose in speaking. I was astonished that clause 6 does not provide for any increase in superannuation benefits paid to former members. I am disappointed about this because I think it is our duty, as members of Parliament, to look after the members who established our superannuation fund. It is wrong that they should receive the same amount for the rest of their lives as they were granted in 1958. I hope that the Premier and the Government will take notice of this and see that their superannuation pensions are increased. I am not prepared to say what the increase should be, but I think on the last occasion it was an increase of 12½ per cent. That was bad enough and I hope there will be another look at this aspect.

I am totally opposed to different treatment of men and women members, though I should say, with great respect to our women members, that I was not keen to see women coming into Parliament. However, it has been decided that women can become members of Parliament and I think that they should be treated as members and not, as it were, as part of a member of Parliament. It is wrong to suggest that women members should be considered inferior. I think the women in this Parliament have played their part very well and I think they should be treated on the same basis as male members of Parliament, and receive the same benefits. I am not concerned whether we amend the Act to provide that the "spouse" shall receive the pension, provided that we are all treated equally. We have decided that we will accept this Bill as it stands and perhaps amend it in the future, but I am opposed to any differentiation between members of Parliament concerning the payments and benefits they shall receive. I think that is totally wrong and I hope that that view is put to the joint committee. I have enough confidence in its two members to believe they will bring down a certain recommendation.

I have nothing to say about the provision that contributions shall be made up until 18 years' service. I think the way they have been worked out is reasonable and perhaps better than one would have expected. However, if I am fortunate enough to be endorsed to come back to this place after 15 years' service, for the succeeding three years I shall be required to pay £600, for which I shall receive £60 a year in return. This will be a total, of course, of £180 up to 18 years. I

think that is reasonable but from my point of view the next three years is the catch: if I continue, I shall be paying £200 for the nineteenth year, £200 for the twentieth and, if Father Time then takes me away, after I have contributed the £400 and the Government has contributed £400, the only body to gain anything from this contribution will be the fund.

The fund would gain £800 and my widow would receive no more than she would had I retired on the completion of 18 years' service. I do not think that is just or reasonable. I do not care what the amount is, but if we pay so much a year up to a maximum it should be adjusted each year until the maximum is reached. There is not one member of Parliament on either side of the Council who believes that he should pay money into a fund for nothing. I should say that that is likely to happen to some of us in this building. I agree that it is most difficult to work out something to suit everybody; we could examine the circumstances of each of this Parliament's 59 members and we would hardly find five members whose circumstances were identical as far as superannuation was concerned. If we are to have a maximum at a given period, such as £1,500 at 30 years, those who have been here 30 years should not be expected to contribute once they reach the maximum.

There is a strong case for greater consideration for two or three present members who came into Parliament at the age of 26. They will reach the maximum at the age of 56, after contributing £6,000. Admittedly, our present younger members will not pay that much but they will reach the maximum at 56 and, taking their normal retiring age as 65, they will contribute £1,800 and not receive one penny more in pension. No-one can tell me that that is justice. I want to make it quite clear that it is only because of time and circumstances that I find myself in the position of not being able to vote for the amendments that have been suggested. However, on some other occasion I may be in 100 per cent agreement with the sentiments of the amendments.

The Hon. JESSIE COOPER (Central No. 2): I rise to support the Bill which is designed to put Parliamentary superannuation on a more realistic basis. However, I am surprised and shocked at those clauses of the Bill which discriminate between male and female members. There is, in many places of Australia, still an unfortunate continuation of the peasant-like attitude to women, which is that a woman's usefulness should be confined to all types of home activities, and that women should be discouraged from attempting to take an interest, or be employed, in other activities. In a State such as South Australia, where £26,000,000 is being spent this year on education, and half of that on educating and improving the minds of the young women of this State, I say there is no room for the continuation of this peasant outlook. In the original Act, framed in 1948, section 16 (6) states:

> This section shall not be so construed as to confer any benefit on the widower of a woman member.

One would have thought that after the Second World War, when women were called upon to serve with men in every phase of that war, this attitude might have gone forever. At that time there were no women members in the Parliament of South Australia, but now, 15 years later, that position has changed, and I regret that this old attitude of women's inferiority has reared its head again in this Bill, and in an even more virulent form. I can only suppose that this peculiar outlook in the Bill originates from the minds of public servants whose attitude seems to suggest that women should be kept in an inferior place forever, as in fact such people have always argued in their approach to award fixing. I say this advisedly because I personally found from the moment I entered this Chamber about five years ago the greatest friendship, fellowship and general acceptance. There has never been the slightest inference of discrimination and I can assure honourable members that I have greatly appreciated this fact and have been proud of it. My friend and colleague in another place, Mrs. Steele, has likewise had this experience.

It is an intolerable proposition that the rights of women members of the Parliament of South Australia should be made inferior to the rights of male members, purely on the strength of a Treasury whim and an imagined opportunity of saving a few pounds a year. (That is all it is—an infinitesimal amount that might well have been provided by the contributions of the women members themselves.) The idea of differentiation between men and women members assumes that all men are responsible for finding the wealth of a community and that all women are indigent and/or dependent.

The assumption in this Bill is that no male spouse would need the support of or be dependent on his wife or be in an inferior position

to her with regard to money. This is a ridiculous assumption, and is in fact not true. All honourable members know that in America and other countries of the Western world most of the capital invested in the country is owned by women. If we are to follow these lines of argument to the rational conclusion that, where a member dies and the spouse is considered to have ample means, no superannuation shall be paid and that, where the spouse does not have sufficient means, superannuation shall be paid, then one can only suggest that in the minds of the Treasury officials there was some rough and ready suggestion of a means test. As this was obviously not feasible, the general concept that women must all be needy and that men never are was accepted as fact. This concept is false. I have overheard it this afternoon: if you are a married woman, you get it both ways. This is a false assumption. Even among the male members of the various Parliaments of Australia one will recognize cases where the spouse and not the member is the person with the wealth. Is the principle to be applied in these cases? Evidently not, but it would be just as logical to say that a wealthy wife of a male member should not benefit.

I believe that that is a reasonable analysis of the thoughts of the members of the Treasury behind this Bill. I find it absurd and irrational to differentiate or discriminate between men and women members in these circumstances, merely with the object of saving an infinitesimal sum of money, particularly considering the small number of women members involved. Considering, moreover, the circumstances in which they live, a very small percentage of the fund will ever be called upon. It is a basic principle that the men and women who serve in the highest position in the land (that is, representing the people of Australia) should not suffer any differentiation in remuneration or treatment. I suggest that honourable members consider these main points. First, women members should have the same salary as the men; they have a job of equal standing; they have the same responsibility; they represent men and women in their electorates just as the men do.

Secondly, members of Parliament are not subject to an award of any sort. They receive their salary under provisions made by the Constitution of the State, and in the Constitution of the State there is no differentiation between men and women. Thirdly, with regard to a woman member's personal responsibilities, she is just as liable as a man. It is just as likely that a woman member will die leaving an invalid spouse unable to provide for himself as it is that a man will die leaving a spouse needing support. In fact, the case can frequently be more urgent in the case of a woman member dying. A man at about the retiring age may be presumed to have had a full life of employment, and he should be able to make some sort of provision for a spouse, whereas a woman by the nature of her position in our everyday social life has spent most of her life in maintaining a home and raising a family, during which time she will not have been able to build up a financial reserve from her own personal exertion or activities. Therefore, when she takes part in public life she will frequently be in greater need than a man for some guarantee of financial income for her spouse if she should die before she is free of these responsibilities.

I have had suggested amendments prepared and, when the Bill is in its Committee stages, I shall ask for the support and earnest thought of honourable members. I thank the previous speakers, who have all emphasized that this is a matter for Parliament to decide. It is a matter of principle, not of detail for the consideration of any outside committee.

The Hon. K. E. J. Bardolph: The Constitution Act gives women legal rights.

The Hon. JESSIE COOPER: They are only too well known to me, having had to sit through a court action early in my Parliamentary career. Section 48a of the Constition Act reads:

> A woman shall not be disqualified by sex or marriage for being elected to, or sitting or voting as a member of, either House of the Parliament.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I rise to support this Bill and wish at this stage to indicate my support for the amendments that the Hon. Mrs. Cooper has tabled. I agree with practically all she has said except that I am rather afraid she blamed the wrong people for this discrimination. However, we shall hear more of that later. In last Tuesday's *Advertiser* appeared an illuminating article as follows:

> Sir Baden Pattinson was speaking in support of Miss Kay Brownbill, the L.C.L. candidate for Kingston in the Federal elections. Miss Brownbill is the only South Australian woman candidate. Sir Baden Pattinson said women were serving in high positions with "conspicuous success".

I have no doubt that Sir Baden was actuated very much in that thought by the activities of the honourable member who has just

resumed her seat and of a member of the same sex in another place. The article continues:

When a vacancy occurred, he hoped to recommend one of several "eminently suitable" women for appointment to the Board of the Public Library.

He went on to say:

A woman councillor in the Adelaide City Council is more than a match for most of the male members.

It is not for me as a mere man to quibble about this statement. In fact, I hardly dare to, but I am quoting what the Minister said. I have been looking at the 1894 volume of *Hansard*. This was the time when women were given the right to vote. I found that the grandfather of the lady concerned in Sir Baden Pattinson's statement opposed women getting the vote. This struck me as rather peculiar, but that is by the way. Sir Baden continued:

Perhaps the day is not far distant when this State will enjoy the benefit of a woman judge and a woman Cabinet Minister. It is a sad reflection on the good sense of Australian electors, and women voters in particular, that in the House of Representatives of 124 members there is not one woman to voice the feminine viewpoint.

I read that not for the purpose of criticizing anything it contains—certainly not to criticize the chivalry of the Minister—but to illustrate to honourable members that if they pass the honourable Mrs. Cooper's amendments they should have the wholehearted support of at least one Government member in another place. I have read the 1894 *Hansard* on several occasions. Women were not only given the right to vote but also given the right to sit in the South Australian Parliament—the latter right not being availed of for many years. In 1894 the Bill introduced by the Government included the right of women to vote but not to sit. Honourable members thought that that was illogical and amended the Bill to give women the right to sit as well.

As the Hon. Mrs. Cooper has said, women have absolutely equal rights in Parliament. They have equal pay and I see no reason why they should not have equal superannuation rights. They have equal rights in every other respect. I should like to point out that in 1894 it was not the House of Assembly that started the move for women to have the right to vote for and sit in the South Australian Parliament: it was in this Chamber that the Bill was introduced and it was this Chamber that gave the lead. Therefore, I feel that it is proper that this Chamber should again take the lead and rectify this position, which I regard as an anomaly, and substantiate what our predecessors did in 1894 by saying that in this Parliament at any event women shall have absolutely equal rights.

[*Sitting suspended from* 5.50 *to* 7.45 *p.m.*]

The Hon. F. J. POTTER (Central No. 2): I support the second reading. I do not want to say much about the provisions in the Bill which deal with the increases and variations in Parliamentary superannuation recommended by the committee appointed by the Government. I congratulate the Hon. Jessie Cooper on her excellent speech and support entirely the attitude she has taken on what she calls a discrimination between male and female members of Parliament. As all honourable members know, the proposed alteration of the Parliamentary Superannuation Act was referred to a committee—the same committee that dealt with the matter of Parliamentary salaries—and it saw fit to make recommendations, but in doing so it made little or no alterations to the existing set-up.

This Parliament is the only competent and proper body to deal with the questions of principle that arise in this legislation. It is wrong to suggest that the determination of whether there shall be equality for the sexes in Parliamentary status or superannuation should be left to an outside body, particularly a committee of two people who are, in one way or another, members of the Public Service. That is fundamental. This Parliament, which includes this Chamber, must make decisions of principle, and in this regard the Hon. Jessie Cooper has presented an unanswerable case to the Council. I remind members that when the honourable member had to undergo the ordeal of a case before the Supreme Court as to whether or not she, as a woman, was qualified to stand and be elected as a member of this Parliament, the court finally held that it was a matter for determination by Parliament itself. I say that the same principle applies in this case. I do not think that any member of this Council would wish to see a discrimination between male and female members of Parliament in any respect whatever.

It is anomalous that there should be a distinction in the Bill between male and female members, because, as far as I know, this is the only distinction that now exists. If the Hon. Jessie Cooper's amendments are accepted by this Council, and subsequently by another place, the only remaining distinction regarding rights, privileges and entitlements of members will be removed. There should be no differentiation between contributions of male and

female members for these benefits. I am sure all honourable members would support entirely the view that the same contributions and benefits should apply to all members. The only matter of concern is one of principle, and Parliament must make the decision, and it should be the only body to make that decision. In view of the strong arguments advanced by the Hon. Jessie Cooper and the Hon. Sir Arthur Rymill we should not hesitate to support unanimously the proposed amendments. I support the second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary): I would not have spoken but for the remarks of some members. I regret that, probably owing to emotion, certain people have been indicted regarding this Bill. Its presentation to Parliament is the result of the appointment of the Public Service Arbitrator and the Auditor-General as a committee. I believe the approach originally came from Opposition members and the committee was appointed so that an independent inquiry could be conducted. It has always been the practice and policy of the Government to have an independent inquiry into these matters. We support arbitration and in this case we thought it was proper for an investigation to be made by an independent committee in connection with recommendations about salary and superannuation changes. Members know that the committee's report has been laid on the table and that there is no secrecy about its recommendations. The Government has introduced legislation according to the recommendations, and it was agreed that if Parliament considered there were anomalies they would be referred back to the committee immediately. The only matter that could not be followed in the report related to Ministers. The attitude of Cabinet was that it should not, as a Cabinet, promote something in the nature of special consideration for the benefit of Ministers, even though it had been recommended, because this was a Parliamentary Superannuation Bill and not a Bill related to Ministers. It is unfortunate that the Treasurer and representatives of the Treasury should be indicted on no less than, I think, three occasions. One remark was to the effect that this Bill resulted from the whim of the Treasurer and members of the Treasury, but they had nothing to do with it whatsoever. Each member of Parliament is conscious of who made the inquiry. They had the opportunity to make representations. No holds were barred and in no way was the matter influenced by the Treasury.

The only report on which this legislation is based is that laid on the table for everybody to see. There is no excuse for introducing an indictment involving the Treasurer personally, or any other member of his very competent staff. I cannot let this matter pass without expressing deep regret that it should be mentioned, or such an indictment made. We may become emotional and over-zealous sometimes in making our case, but it is inexcusable that people, with no opportunity to defend themselves in this Chamber, should be indicted in the way they were this afternoon.

The Hon. K. E. J. Bardolph: I do not think it was so much an indictment as an observation.

The Hon. Sir LYELL McEWIN: The honourable member can have his opinion; he spoke this afternoon, and I am replying, and I hope I am competent to do so without his assistance. I have said already that if members have not read the report it is not because the opportunity has not been provided. So far as any discrimination between sexes is concerned, I am entirely sympathetic and support all remarks made regarding our two women members of Parliament, one in each House. Nothing has been said regarding them that I cannot endorse wholeheartedly. Circumstances have made it necessary, much as I regret having to do it, for me to make these remarks.

I have said that the legislation submitted has been based on that report, but if Parliament chooses to make an amendment I will not speak in opposition to it. I would not do it. I may be a little upset because of the suggestion that there has been tampering or influence respecting the recommendations of the committee, for that has not been so. The Bill has been drafted, as I stated in the second reading explanation, on the report of the committee to Parliament. The matter is now in the hands of Parliament and I am not here to oppose it. I suggest that everything said by members is not merited. I am defending the people who had nothing to do with the report and who should not be indicted in any way. The amendments are on the file and are entirely in the hands of the Council.

I am prepared to accept them and all the justification forwarded in support of them. All I can say is that in presenting legislation to Parliament the Government has honoured its obligation. The Bill is the result of an expert investigation, and if Parliament desires to alter the recommendations then that is a matter for Parliament. The Government was justified in doing what it did. Had it tampered with the recommendations in any way it would never have been more vulnerable

to criticism. Cabinet did not accept the recommendations but it did offer some special considerations. If Parliament desires to include special considerations the matter is in members' hands. I leave it to the Council to deal with accordingly.

Bill read a second time.

The Hon. JESSIE COOPER (Central No. 2) moved:

That it be an instruction to the Committee of the whole Council that it have power to consider the suggested new clause 12 relating to the amount by which the total contribution of a member or pensioner exceeds the total amount of pension derived from those contributions and received by persons entitled thereto.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, section 9."

The Hon. JESSIE COOPER: I move:

To strike out subsection (1db).

To my mind this is the most dangerous clause of the Bill because it seeks Parliamentary sanction to discriminate between men and women members. Once this two-thirds contribution becomes law women will have been accepted as inferior. I cannot believe that it is of use to say, "Leave this and it will be rectified; if it is wrong then we shall deal with it in new legislation." I leave the matter in the hands of honourable members.

The Hon. C. R. STORY: If the honourable member convinces members that this subclause should be struck out then the principle of equal contributions and equal benefits has been established, and I will support that. Members who take an interest in this matter are probably seized with the position as put by the honourable member. I think a case has been made out, and I support the amendment.

The Hon. Sir ARTHUR RYMILL: I entirely agree with the Chief Secretary that what the Government has done, and the manner in which it has presented this Bill, is absolutely in accordance with what we would expect of our Government; it has done exactly the right thing. As the Chief Secretary has said, this matter is in the hands of the Committee. The Government has presented a Bill based on the report it was given, and it has handled the matter as we would expect it to. On the second reading I said I would support these amendments and I intend to do so. I support the clause particularly because, although it is minor in itself, it seems to be the key to all the amendments. Another great weakness in this Bill is that Ministers of the Crown get no additional superannuation. That is a difficult matter to handle at this late stage but I hope (I know it is difficult for people to promote their own causes) that, when this session continues in February, we shall get a Bill that does justice to our Ministers.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—"Repeal and re-enactment of section 13 of principal Act."

The Hon. JESSIE COOPER: I move:

In section 13 (*b*) (i) to strike out ", or in the case of a woman member, two-thirds of that amount"; in subparagraph (ii) to strike out "or, in the case of a woman member, two-thirds of that amount"; in subparagraph (iii) to strike out "or, in the case of a woman member, two-thirds of that amount"; and in subparagraph (iv) to strike out "or, in the case of a woman member, two-thirds of that amount".

These are all consequential amendments.

Amendments carried; clause as amended passed.

Clause 7 passed.

Clause 8—"Amendment of principal Act, section 16."

The Hon. JESSIE COOPER: I move:

To strike out clause 8 and insert the following:

8. Section 16 of the principal Act is repealed and re-enacted as follows:

16. (1) Subject to this section, on the death of a person in receipt of a pension under this Act, there shall be paid to that person's widow or widower, if any, a pension at an annual rate equal to three-quarters of the annual rate of that person's pension; but, where that person married after his or her pension had commenced and become payable, the widow or widower, as the case may be, shall not be entitled to a pension on the death of that person.

(2) Where, before the death of a person who had become entitled to a pension under this Act which had not commenced or become payable because the person had not attained the age of fifty years, that person had not elected to receive a refund of his or her contributions pursuant to section 18 of this Act, there shall be paid to that person's widow or widower, if any, a pension at an annual rate equal to three-quarters of the annual rate of the pension that would have been paid to that person had he or she attained the age of fifty years; but, where that person married after he or she had ceased to be a member, the widow or widower, as the case may be, shall not be entitled to a pension on the death of that person.

(3) Where a member or a person in receipt of a Parliamentary salary dies after not less than nine years' service as a member and leaves a widow or widower, there shall be paid to the widow or widower a pension at an annual rate equal to three-quarters of the annual rate appropriate to the length of service of that member or person.

(4) Pension shall be payable under subsection (3) of this section notwithstanding that the member or person was under the age of fifty years at the time of his or her death and that his or her total contributions to the fund were less than three hundred and fifty-one pounds.

(5) The widow or widower of a member or person referred to in subsection (3) of this section shall not be obliged, in order to obtain a pension, to pay into the fund the amount by which the contributions paid to the fund by that member or person fall short of three hundred and fifty-one pounds.

(6) Pension payable to a widow or widower pursuant to this section shall cease on her or his re-marriage.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10—"Amendment of principal Act, section 18."

The Hon. JESSIE COOPER: I move:

To strike out clause 10 and insert the following:

10. Section 18 of the principal Act is repealed and re-enacted as follows:

18. (1) Where a person has ceased to be a member but has not complied with the requirements entitling him or her to a pension under this Act, he or she shall be entitled to receive a refund of his or her contributions without interest.

(2) Where, pursuant to section 14 of this Act a person under the age of fifty years has become entitled to a pension which does not commence or become payable until he or she attains that age, he or she may, within two months after becoming entitled to the pension elect to receive in lieu of such pension a refund of his or her contributions to the fund.

(3) An election under this section shall be made in writing and shall be addressed to and lodged with the trustees.

(4) A person who makes an election in accordance with subsection (1a) of this section shall not be paid a pension but shall be entitled to receive a refund of his or her contributions without interest.

(5) Where a person whose contributions have been refunded under this section subsequently becomes a member—

(*a*) he or she shall, within three months after his or her re-election, or such further time as the trustees may for good cause allow, repay into the fund the amount refunded to him or her; and

(*b*) the period in respect of which the refunded contributions were paid shall be counted as service for the purposes of this Act.

Amendment carried; clause as amended passed.

Clause 11—"Repeal and re-enactment of section 19 of principal Act."

The Hon. JESSIE COOPER: I move:

In paragraph (*a*) after "widow" to insert "or widower"; in paragraph (*b*) after "he" to insert "or she"; after "widow" to insert "or widower"; after "his" to insert "or her"; to strike out "subsection (1a) of"; after "him" to insert "or her"; after "his widow" to insert "or her widower, as the case may be,"; to strike out "he" last occurring and insert "that person"; after "widow" last occurring to insert "or widower"; to strike out "his" last occurring and insert "that person's".

These amendments all hang together and are consequential.

Amendments carried; clause as amended passed.

New clause 12—"Death of person entitled to pension."

The Hon. JESSIE COOPER: I move to insert the following new clause:

12. Section 19a of the principal Act is repealed and re-enacted as follows:

19a. Where:

(*a*) a person in receipt of a pension dies without leaving a widow or widower entitled to a pension or a widow or widower of a member or of a person in receipt of a pension dies after becoming entitled to a pension; and

(*b*) the total amount of pension received:

(i) by that person; or

(ii) by that widow or widower; or

(iii) by that person or member and that widow or widower together,

as the case may be, is less than the total amount of the contributions paid by that person or member without interest,

the trustees shall pay the amount by which the total amount of such contributions exceeds the total amount of pension so received to the personal representatives of the deceased person, widow or widower, as the case may be, or to any other person or persons to whom the trustees deem it just to pay it.

This merely extends the provision of a pension to the widower of a pensioner member. In other words, the amendment is consequential to other amendments.

New clause inserted.

Title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's suggested amendments.

BOOK PURCHASERS PROTECTION BILL.

The House of Assembly intimated that it had agreed to the Legislative Councils amendments.

MAINTENANCE ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

PARLIAMENTARY SUPERANNUATION (MINISTERS).

The Hon. Sir ARTHUR RYMILL (Central No. 2) moved:

That Standing Orders be so far suspended as to enable him to move a motion without notice.

Motion carried.

The Hon. Sir ARTHUR RYMILL: I think that this is a proper and suitable time to bring forward a motion because we have been dealing with the report of the Parliamentary Superannuation Committee. There is one notable omission from the matters reported upon, and it is related to Ministers of the Crown. Under the Bill they have been dealt with in exactly the same way as other members and no consideration has been given to the fact that they hold a very much enlarged type of office to that of the ordinary rank and file members. I move:

That in the opinion of this Council the Government should bring forward for consideration a Bill to give effect to the recommendations of the Parliamentary Superannuation Committee in its report dated November 8, 1963, concerning scales of contributions by and conditions for pensions of Ministers of the Crown.

I think that this section is self-explanatory and that it is unnecessary for me to deal with it at length. I have before me the report of the committee, which is available to all members. In it is a special section making recommendations in respect of Ministers of the Crown, which matter Parliament has not dealt with, and which I am sure all members will agree should be dealt with. My motion does not require the acceptance of the recommendations, but it is a request that they be brought forward for consideration in the same manner as the Bill that has just been passed.

The Hon. C. R. STORY (Midland): I have pleasure in supporting the motion. I do not know the reason for the Government's attitude in this case, but probably it is for the same motives as are held in connection with so many other matters. Our Ministers are dedicated to their work and they do not think they should be given privileges above those given to ordinary members. I believe that members appreciate that Ministers have rendered special and long service. Legislation brought forward now would apply to future Ministers, whatever their political complexion. The Hon. Sir Arthur Rymill has suggested that the Government bring down a Bill for Parliament to debate, and put the position in its proper perspective.

The Hon. K. E. J. BARDOLPH (Central No. 1): I do not oppose the motion. I wholeheartedly agree with it, but perhaps there could be an explanation from the Chief Secretary on behalf of the Government. I understand that the committee members reported there should be an increase in superannuation benefits for Ministers. I also understand, although I may be wrong, that the Government, in its wisdom, decided not to accept the report of the committee on that matter. Perhaps the Chief Secretary could inform members the reason for the Government's not accepting the recommendation on this issue.

The Hon. Sir LYELL McEWIN (Chief Secretary): I naturally feel some embarrassment in addressing myself to this subject. As I mentioned before, when the Government received the report it excluded the section referring to Ministers because, in a sense, it dealt with a Parliamentary Superannuation Bill and not with a Ministers' Superannuation Bill. Therefore, little consideration was given to it. I cannot even tell the Hon. Mr. Bardolph the details of the recommendation about Ministers. This shows how much consideration we gave to that section of the report. Cabinet merely decided that the report dealt with Parliamentary superannuation and that a Bill should be presented accordingly. It was left at that because it was felt that it was a matter for Parliament rather than for Ministers. The Government has always considered these schemes were different from others. I understand the effect of the recommendation was that Ministers should be able to contribute for another unit of superannuation. I could not tell members the arguments or principles involved. The Government did not accept the recommendations because it did not wish to bring down a Bill without giving the matter more consideration. In other words, the Government is loath to do something which will give Ministers more than anybody else. It was decided not to discriminate in favour of Ministers, as this was a Bill affecting Parliament.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL).

(Continued from page 1894.)

The House of Assembly returned its amendment No. 1 in an amended form:

10a. The following section is inserted in the principal Act after section 267a thereof:

267b. The council may, upon the application of any person who is liable to the payment of any rates in any financial year in respect of any property and who in the opinion of the council is in necessitous circumstances, by resolution, remit the payment of such rates or any part thereof or the interest or any part of the interest thereon. The council may require the applicant for any remission under this section to support his claim by evidence on oath or by statutory declaration, in such manner and with such particulars as may be prescribed or the council may require. Any rates or part thereof or interest or any part of the interest thereon payment of which is remitted by the council pursuant to this section shall cease to be a charge upon the ratable property concerned.

Consideration in Committee.

The Hon. N. L. JUDE (Minister of Local Government): I have not had much time to consider the House of Assembly's amendment, but it appears that it is not of any great consequence and I move:

That the House of Assembly's amendment be agreed to.

The Hon. Sir ARTHUR RYMILL: Would the Minister be prepared to apply the same sort of consideration to the payment of State land tax and water rates because they seem to be in this category? I should like to know the Government's attitude on that before we go any further.

The Hon. N. L. JUDE: I suggest when that matter comes before us we should then consider it.

The Hon. Sir ARTHUR RYMILL: That is the sort of answer I expected. I think I know what the Government's attitude would be on that. There seems to be, in my opinion, no difference in principle at all between this and those matters. The striking out of the words "or other amounts payable", I imagine, constitutes some sort of improvement of a minor nature to the House of Assembly's original amendment. However, I do not think the insertion of the words "in any financial year" makes the slightest difference. I am with the Minister on the alteration of "ratable property" to "any property", although I do not comprehend what it means. However, the sting is in the tail and the amendment still leaves in the words to which we really object: "Any rates or amounts or part thereof or interest or any part of the interest thereon payment of which is remitted by the council pursuant to this section shall cease to be a charge upon the ratable property concerned". If it is intended to continue to act on the whim of the local government authority we can forget rates altogether and forever, and they cease to be a charge on the property in any way at all.

There is one slight drafting matter which I should like to commend to the Minister's attention. This further amendment seems to be very carelessly drafted, because, although in the first part the words "or other amounts payable" have been struck out, the words "or amounts" still remain in the latter section, so it does not seem to have received the very intensive consideration that one would have expected it to receive in the other place. I do not think this is any sort of improvement, except in a very minor way. None of the objections we raised and which were included in the reasons for rejecting the Assembly's amendments has been met. They were, I think, in the terms that undue powers of discrimination (or words to that effect) were given between both owners of ratable property and councils. That is the effect of the verbiage. The whole of the objection remains. The alteration to the amendment does not remove any part of the objection. Therefore, I suggest we should not accept the amendment.

The Hon. C. R. STORY: Likewise, I do not support the amendment. I should like some explanation from the Minister. This shows how fortunate it is that we have a Parliamentary system with two Houses, which gives us some time to think. Most of us today feel that this would not go on forever once an application was made to a council, that it would not go on and on without periodic review by the council, but it appears that the intention of the amendment is that it should go on.

The Hon. F. J. Potter: Once and for all.

The Hon. C. R. STORY: Once it is operating it will go on. The new words are "in any financial year". To me that means that it will be an annual review or that it will remain from year to year. That makes it even worse. I can imagine there may be a disastrous year and we do not want to think entirely about the unfortunate pensioner down on the swamp. There may be a disastrous year of frost, pestilence and so on when relief is needed. A council could find itself with a mass of people saying, "I am in necessitous

circumstances.'' The council then would have to decide what ''necessitous circumstances'' were in those cases. The power proposed is to make a charge against a property for one year to get a man over his difficulties. That is the way I read it at the moment, that it will come up for annual review; it will be a 12 months' business. If we had let the other provision go through, we should have had this thing around our necks without any review for a considerable time, perhaps until the person died. The council did not appear to have to investigate the matter. It indicates that this was not a very well considered amendment in the first place. Something was put in as a bit of a catch-cry for a particular object, but it did not help. For instance, moieties are special matters; councils need the money in most cases to continue with a particular project. If we exempt a person from a moiety for work in front of his house and somebody else has to pay a little more, it does not seem to be a good thing.

The Hon. N. L. JUDE: It is obviously a concession, but it does not permit a council to remit a moiety, only rates. A person could not apply for rates to be remitted for ever, merely because he found himself in necessitous circumstances. The council would have to consider the matter each year.

The Hon. K. E. J. BARDOLPH: In these last few days we seem to have been in a spirit of compromise, and I therefore suggest that after the word ''concerned'' we add ''if a case of hardship can be established''. There may be instances where an old aged couple may have a semi-invalid daughter looking after them, and when the parents pass on the daughter may be in the same necessitous circumstances as the parents were. I make this suggestion to members who are opposed to the amendment.

The Hon. Sir ARTHUR RYMILL: I do not think that is a valuable suggestion and it will not alter the situation. I would be willing to accept the new section if the words ''cease to'' in the last line of the typewritten copy were deleted. The latter part of the new clause would then read:

> Any rates or part thereof or interest or any part of the interest thereon payment of which is remitted by the council pursuant to this section shall be a charge upon the ratable property concerned.

If those words were struck out the objections I have would be removed, but I do not suppose the position would be any more acceptable to another place than the other proposal.

The Hon. N. L. JUDE: The Hon. Sir Arthur Rymill is getting back to section 267a, which we inserted in the Act in 1959. It provides that the rates shall remain a charge on the estate. If the honourable member wants to continue in a spirit of compromise I will make a suggestion. He wants to delete the words ''cease to'', but that gets back to a previous provision. I suggest that we insert ''may'' instead of ''shall''. Would that be a reasonable compromise? In other words, the new clause would say that the council may review the matter. A widow on a pension may be occupying a house worth £3,000 to £4,000. She may not want to sell, or she may not be able to find a buyer, but she may be in necessitous circumstances and not be able to pay her rates. Under a provision already in the Act the rates, if remitted, would remain a charge on the estate, but under the new proposal they would not remain a charge, which could mean hardship on other ratepayers. When the widow passed on the dependant would become the possessor of property worth £3,000 to £4,000 and I think members would agree that the rates should not be wiped off if there were any reasonable opportunities of having them paid.

The Hon. C. R. STORY: The Minister has suggested a compromise. A ratepayer may own a house worth about £3,000 yet be in temporary financial difficulties and get a remission of rates, which would remain a charge against the estate. That is already provided in the Act. Why should we provide a term of freedom from rates for a ratepayer and have the beneficiaries under the estate get the full benefit?

The Hon. N. L. JUDE: If we insert ''may'' the council will look at the matter.

The Hon. Sir Arthur Rymill: We are afraid that the council will not do that.

The Hon. N. L. JUDE: It may be that the property is mortgaged up to the hilt, and that nothing is left in the estate. The necessitous circumstances might never end, but where they do the council could look at the matter and decide what should be done.

The Hon. Sir ARTHUR RYMILL: If the rates were a charge on the property the mortgagee would have to pay them, which is one of the privileges of being a mortgagee. I thank the Minister for trying to solve the problem, but his suggestion does not appeal to me. The council may not consider the matter as he thinks it will. We have seen what councils do. I could give many instances in the city of Adelaide where pensioners

occupying valuable houses have had difficulty in paying their rates. They have come along after the assessment revision to say that their rates should be reduced because they cannot pay the increased rates following the higher valuation of their property. Some of the houses are worth literally thousands of pounds. In some instances the people do not want to move and in others they stay because of the improving value of the property. I have no doubt that this sort of thing applies in other council areas.

This Parliament has gone to the extent of allowing councils to remit certain things provided they become a charge on the property. The Government will not do this with State land tax or water rates; it has not done it and never will do it. Therefore, why should councils (which must get revenue just as the Government must) be in a position where they will be pressurized for this very purpose? Why should they be given this power and why, if they exercise the power, should another ratepayer suffer—because somebody will have to make up the revenue? If one person is relieved of his rates another ratepayer will have to make it up. It is one thing to temporarily relieve a person of rates knowing he will pay them later on when the property is sold; it is another matter to forgo them altogether, which this amendment provides for. It is a socialistic amendment and the Council must not tolerate it.

The Hon. S. C. BEVAN: I support the amendment and the suggestion of the Minister. Replacing the word "shall" with the word "may" is exactly what I said should be done this afternoon, and I support it. It will mean that the whole discretion will be given to the council. The Hon. Sir Arthur Rymill suggested that this amendment was socialistic. That is the whole crux of the honourable member's objection. He thinks the amendment was moved by members of the Labor Party in another place and therefore it must be wrong. It does not matter what merits it may or may not have. However, this move came from requests to the Minister, not recently, but over some time. Councils have made these requests and this amendment will meet them.

The Hon. Sir Arthur Rymill: Which councils?

The Hon. S. C. BEVAN: The honourable member knows very well without my naming them.

The Hon. Sir Arthur Rymill: I do not.

The Hon. S. C. BEVAN: Port Adelaide council is one.

The Hon. Sir Arthur Rymill: I would have guessed that.

The Hon. S. C. BEVAN: The honourable member said he did not know, but he does know.

The Hon. Sir Arthur Rymill: I did not know, but I made an intelligent guess because I have seen in the press what that council is doing.

The Hon. S. C. BEVAN: If these councils did not want the power they would not have made the request to the Minister to have it included.

The Hon. Sir Arthur Rymill: Port Adelaide council tried to make a differential rate between house and house.

The Hon. S. C. BEVAN: I suppose Port Adelaide council is socialistic in the honourable member's view. I suggest that the Hon. Mr. Giles could have a look at the amendments more closely and he might see their true meaning. There is no harm in them. Various reasons have been given why councils should not have these discretionary powers, but I feel they should have them. Let us consider a hypothetical case of an elderly couple who are pensioners in necessitous circumstances but their home is in the husband's name; the council remits the rates because of the circumstances. At present the council has the power to grant a remission of rates but it remains a charge on the estate. Let us suppose the husband dies intestate. The widow does not have a penny but the home must be sold over the widow's head to get the rates.

All this amendment does is to allow the council to review the position and it can remit as far as the debt on the estate is concerned or it need not do it. This request has been made by elected councillors. They are elected by the ratepayers of the district—they do not elect themselves. Surely it can be held that elected councillors and aldermen are reputable people and have the confidence of the electors of the ward they represent, otherwise they would not have been elected. The council may require the applicant for any remission under this provision to support his claim by evidence on oath or by statutory declaration in such manner and with such

particulars as may be prescribed. Surely the elected members of the council are people who can judge whether the case warrants assistance or not. Surely they will not be coerced into giving assistance. Who is going to do the coercing—the old couple on the pension; or will it be the rest of the ratepayers in the district who have elected their representatives to the council? If coercion were used surely the ratepayers in the district would do something about it. I believe that the Minister's suggestion to replace the word "shall" with "may" would meet the objections that have been put forward and that the amendment should be accepted.

The Hon. G. O'H. GILES: I am afraid that, with great reluctance in some ways, I must disagree with the Hon. Mr. Bevan. I have various reasons for doing this; many of them have already been given and I shall not repeat them. The Hon. Mr. Bevan is the only member on his side of the Chamber who has supported this amendment today. He stuck to his guns and I give him full credit for fighting a losing battle valiantly. However, he is on dangerous ground when he asks for independent views from members on a local government issue. I do not know whether the honourable member has had any local government experience, but I suspect that he has had about as much as I have, which is none at all. However, this Chamber is full of people who have had years of local government experience and they are taking the point of view of local government bodies on this issue. Already we have had a telephone call from a local government source, within the Southern District, asking us to make sure that such stupid legislation as this is not passed, because that body considers that this problem of rates is not one for local government at all, and that if any councils consider it is, that is too bad.

I consider that this merely supports the principle that we have put before the Committee on several occasions tonight; namely, that this sort of legislation is not properly the responsibility of local government at all. If one council desires it, it is totally unfair to ratepayers in another district council area who do not have the chance to come under the same scheme. This legislation discriminates all the way down the line against local government: it discriminates against certain types of ratepayers; it discriminates against certain people within a council area; and it discriminates against the same type of person under the same degree of hardship in another council area where he does not enjoy the benefits of such a provision. Despite the Minister's most valiant attempts to compromise—and he argued his case capably—I must join forces with those who wish to reject this amendment.

The Hon. F. J. POTTER: Concerning the compromise suggested by the Minister it seems to me that, if we did agree to it, it would be more appropriate to do it by amending section 267a of the principal Act. Under that section power is given to postpone the payment of rates and the section is worded much better than is this amendment which, in many respects, only repeats the existing section to a different end. Further, it is not as well drafted as section 267a. It seems to me that if we ever got around to agreeing to the compromise, which apparently most honourable members who have spoken, anyway, are not prepared to support, the easiest way would be to amend section 267a so as to give a council power to postpone or remit by altering the word "shall" to "may". We would have the whole situation tidily dealt with.

The Hon. Sir Arthur Rymill: It might be tidy but it is giving the whole thing away.

The Hon. F. J. POTTER. I agree; I am not suggesting that I favour the compromise in any way, but by compromising we would really be adding to this section. Read in conjunction with the existing section, this seems an awful mouthful and is taking two steps over one issue. I agree with other honourable members; I do not think this is a happy compromise at all because of the very important principle involved.

The Hon. C. D. ROWE: I have a rather peculiar brief in this matter and that is to look after the situation until my colleague is able to get some instructions on it. Here, it seems to me that, as legislation is largely a matter of compromise, we might well accept the insertion of "may" instead of "shall". I agree that, in the case of those who say this right should not be granted to local government at all, it does not satisfy their particular desires. I think, altogether, we are expressing our confidence in local government and it seems to me that it is something that we should be able to consider seriously. It does not concern me whether these councils want it or not. If they are appointed to do a particular job it is their responsibility to carry it out.

The Hon. L. R. HART: If we substitute the word "may" for "shall" when will a council decide when the debt may cease to be a charge upon the property? On this question of necessitous cases the decision of a council in recognizing such a case will, to some extent, be based on this last sentence we are considering. If the rates shall cease to be a charge upon ratable property, then I should think that a council would be far less generous in recognizing a necessitous case. If the rates may remain a charge upon a ratable property, the council could quite easily be generous in recognizing a necessitous case, because it knows it will recover the rates eventually by their being a charge on the ratable property.

The Hon. A. J. Shard: If they so desire.

The Hon. L. R. HART: I would not be in favour of substituting the word "may" for the word "shall". I thought there could be a compromise on this, but I realize now that it is practically impossible to compromise. This Act was introduced many years ago and has stood the test of time; I do not think we should try to disturb something that has been accepted by the majority of the people over a long period. After all, it is the minority of the people that is concerned in this, and I think there is a fair amount of politics mixed up in the issue.

The Hon. F. J. POTTER: Much has been said about substituting "may" for "shall" and *vice versa*. I think the Committee has overlooked one problem. The Minister of Local Government has suggested that if we use the expression "may" it will be a satisfactory compromise. However, the principal Act specifically provides that rates "shall" be a charge on the property. We cannot in this provision interfere with that well-established and completely legal position, so what we are now discussing is an ineffective and impossible compromise and we should not prolong this debate further.

The Hon. M. B. DAWKINS: I am unable to accept the suggested compromise. This afternoon I said that this provision was, in effect, a present to a beneficiary. I stand by that. The Hon. Mr. Bevan related an extremely sad story and, of course, these things happen, but there are two ways of looking at it. It is true that a husband may die intestate, but if he does leave a will the house duly passes to his beneficiaries who would not have to pay any of the charges that had been remitted under this provision. It would not help the people who were in necessitous circumstances one iota. This afternoon the Hons. Mr. Hart and Sir Arthur Rymill referred to land tax and water rates. Councils have nowhere near the revenue of the State Government, so why should they be expected to carry this baby? Immediately a provision says that a council "may" do something the news gets around and ultimately the council is "expected" to do it. If a council with limited revenue is to be expected to remit rates, then the Government should naturally be expected to remit land tax and water rates. We know how far such a proposition would get. I cannot support the provision.

The Hon. C. D. ROWE: Mr. Dawkins said that this represents a present to the beneficiary and does not benefit the people who are presently liable to pay rates. I cannot see that that is a logical argument because if the people presently expected to pay rates are absolved from so doing they must receive some benefit.

The Hon. Sir ARTHUR RYMILL: I think we have two alternatives. One is to disagree to the amendment altogether, which I want to do, and the other is to get back to the suggestion I made earlier, namely, to send it back to the House of Assembly accepting the amendment with the omission of the words "cease to" in new section 267b, and then see what happens. I am prepared to do it either way, but in no other way.

The Hon. G. O'H. GILES: Can the Attorney-General say whether Mr. Potter has put before us the correct position? I do not have the Act in front of me, but I believe, from what Mr. Potter said, that the previous section in the Act contains the word "shall".

The Hon. F. J. Potter: The general law contained in the Act is that rates "shall" be a charge on the property.

The Hon. G. O'H. GILES: Then is there any point in considering the suggested compromise of the Minister of Local Government?

The Hon. C. D. ROWE: I should think that we may have to examine the drafting and insert in this clause words such as "notwithstanding the provisions of section 267a".

The Hon. Sir ARTHUR RYMILL: Mr. Chairman, is there a motion before the Chair?

The CHAIRMAN: Yes. The Minister of Local Government has moved that the amendment made by the House of Assembly in lieu of the Legislative Council's amendment be agreed to.

The Hon. Sir ARTHUR RYMILL: Can I move to amend that?

The CHAIRMAN: Yes.

The Hon. Sir ARTHUR RYMILL: I move:

That this Committee accept the House of Assembly's amendment but strike out from new section 267b the words "cease to".

It is obvious what this simple amendment would accomplish. The section would be consistent with the previous section that the Hon. Mr. Potter has mentioned and would get over the difficulties in principle upon which we are foundering.

The Hon. F. J. POTTER: Although I sympathize with the motives of Sir Arthur Rymill in his moving this amendment, I think it would be much better for the Committee to vote out altogether this clause and the acceptance of the amendments of another place because, if we accepted the amendment moved by the honourable member, we should then have a repetition of the original section 267a: in other words, the Statute would be cluttered up with two sections—267a and the new 267b (as it would be amended by this suggested amendment)—both in slightly different words but meaning the same thing. It would be far better just to deal with the thing straight out. I suggest that the more appropriate method would be not to agree to the suggested amendment.

The Hon. Sir ARTHUR RYMILL: I suggested this because it is worthwhile trying to see whether another place is prepared to accept it. I do not deny what the honourable member says; perhaps this is a question of compromise but I thought it might be the best way to approach it as we seem to have reached a deadlock. However, I am certainly with the Hon. Mr. Potter in his views and, if this amendment is not accepted, I shall vote against the acceptance of the House of Assembly's amendment altogether.

The Hon. N. L. JUDE: Before the vote is taken I want to make this very clear. I have not adopted this attitude previously because I have tried to keep strictly to the immediate point of the debate, but we have now reached a position affecting the whole Bill of some 46 clauses, many of which greatly affect honourable members and their districts. I refer to clauses dealing with drainage schemes in the river areas.

The Hon. Sir Arthur Rymill: The same applies to members in another place.

The Hon. N. L. JUDE: Maybe, but I am talking about this Committee. These drainage schemes are regarded as being of the greatest importance, and many of them have already been drawn up. They would go by the board if this Bill were rejected. Furthermore, clauses affecting the adjustment of assessments are involved. I suggested a compromise and I am getting none. We shall lose the lot if we are not careful. Occasionally we have to concede a point that we do not like conceding. Honourable members should consider where they stand on this matter.

The Hon. Sir ARTHUR RYMILL: I think the Minister is wrong in one thing: it is not our amendment that the Bill is hanging upon, but the amendment of the other place. It has insisted upon that amendment and, if the Bill does not pass, it is not our fault.

The Hon. A. J. SHARD: The position is exactly the opposite. If the other place wants to insert an amendment and this Committee is not prepared to accept it, we must take our share of the responsibility for the Bill being defeated, if it is defeated.

The Hon. Sir Arthur Rymill: You think that is the truth?

The Hon. A. J. SHARD: It is the truth. What has gone on in this Chamber this week will be looked at in the future. It is no use anybody getting up here who opposes everything that the Opposition suggests in local government and saying that the blame is all ours. If honourable members are not prepared to compromise and accept an amendment from the other place, let it be clearly understood that this Chamber must take its share of the responsibility for the defeat of the Bill.

The Hon. Sir Arthur Rymill's amendment negatived.

The Committee divided on the motion "That the House of Assembly's amendment be agreed to":

Ayes (6).—The Hons. K. E. J. Bardolph, S. C. Bevan, N. L. Jude (teller), Sir Lyell McEwin, C. D. Rowe, and A. J. Shard.

Noes (12).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, Sir Frank Perry, F. J. Potter, W. W. Robinson, Sir Arthur Rymill, C. R. Story (teller), and R. R. Wilson.

Majority of 6 for the Noes.

Motion thus negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the

Hons. N. L. Jude, G. J. Gilfillan, Sir Arthur Rymill, A. J. Shard and C. R. Story.

The Hon. N. L. JUDE (Minister of Local Government) moved:

That with respect to the managers for the Legislative Council the Hon. C. R. Story be discharged and the Hon. R. C. DeGaris act in his place.

The Hon. K. E. J. BARDOLPH: On a point of order, Mr. President. Has the Hon. Mr. Story, after having been by motion of this Chamber appointed as a manager, indicated that he does not wish to act?

The Hon. C. R. STORY: I rise to make a personal explanation, Mr. President. I have been appointed, as the person responsible for the Road Traffic Act Amendment Bill in this Chamber, to another conference, and I ask members to permit me to be discharged from responsibility under the Local Government Act Amendment Bill, for if I remain as a manager of both conferences, the conferences will probably continue until dawn.

Motion carried.

A message was received from the House of Assembly agreeing to the conference to be held in the Premier's room at 10.45 p.m.

At 10.45 p.m. the managers proceeded to the conference, the sitting of the Legislative Council being suspended. They returned at 1.35 a.m. on Friday, November 22. The recommendations were:

(1) That the House of Assembly do not insist on its amendment but amend it so as to read:

Page 3—Insert new clause as follows:

10a. The following section is inserted in the principal Act after section 267a thereof:

267b. The council may, upon the application of any person who is liable for the payment of any rates in any financial year in respect of any property and who in the opinion of the council is in necessitous circumstances, by resolution passed by an absolute majority of the council, remit the payment of such rates or any part thereof or the interest or any part of the interest thereon. The council shall require the applicant for any remission under this section to support his application by evidence on oath or by statutory declaration, in such manner and with such particulars as may be prescribed or the council may require.

(2) That the Legislative Council agree to the amendment as so amended.

Consideration in Committee.

The Hon. N. L. JUDE (Minister of Local Government) moved:

That the recommendations of the conference be agreed to.

The Hon. Sir ARTHUR RYMILL: I support the Minister in this matter. However, I should like to explain exactly what we have altered. The Minister has explained how it reads when it is altered, but I should like to explain to the Committee that after the word "resolution" we have inserted the words "passed by an absolute majority of the council", which is a defined phrase under the Local Government Act which means "an absolute majority of all the members of the council". Then the words "The council may require a declaration" have been altered to "The council shall require", and the word "claim" was altered, which was purely a drafting amendment. The final paragraph starting with the words "any rates or part thereof" was deleted altogether.

These amendments may look rather vast on the face of it, but they are not very great in their effect. However, I think they tighten up the Bill in the sort of way this House wished, because we felt that there was too much latitude previously. Now that an absolute majority of all the members of the council is necessary, it means that it has to be a very deliberate act on the part of the council, and requiring a declaration or an oath in support of it as a matter of "shall" rather than "may" may again mean that it is a very deliberate and important act. It is subject to penalties if there is a false declaration.

The omission of the last part of it, I think, does have quite a bit of meaning in its way, although possibly it does not quite mean that what we have omitted will not altogether apply. I do not want to enlarge on that because I do not think it is necessary to go into details. All in all, I feel that we have reached quite a good compromise; we sat for quite a long time as managers, and I think we reached a reasonable compromise on the arrangement. I really feel that although we have given the House of Assembly the major part of what it wanted, we in turn have had inserted in the Bill the major part of the protections that we wanted, which surely would be the essence of any reasonable compromise. Although we may not have got everything we wished, I think we have improved the Bill to an extent, and thus I wholeheartedly support the recommendation which I think in all the circumstances is a very good compromise.

The Hon. K. E. J. BARDOLPH: Regarding the last five lines of the new section, who is going to prescribe the particulars?

The Hon. Sir Arthur Rymill: That was in the Bill.

The Hon. K. E. J. BARDOLPH: Never mind about that; this was a meeting of managers.

The Hon. Sir Arthur Rymill: We did not alter that.

The Hon. K. E. J. BARDOLPH: I submit that the words "or the council may require" reflect an atmosphere of tautology, because if it is going to be "as the council may require", who is going to prescribe the other matters in connection therewith? It does not say that it shall be the council. If the council is going to require something, there is no need to prescribe something. Can the Minister tell me who is going to be the authority to do the prescribing?

The Hon. N. L. JUDE: I point out that the council will be the authority to do the prescribing. This was the amendment put into the Bill by the honourable member's Party in another place. I think he is entirely out of order in discussing another part of the phraseology that has been there all the time.

The Hon. K. E. J. BARDOLPH: I object to that.

The Hon. N. L. Jude: You can object as much as you like.

The Hon. K. E. J. BARDOLPH: Either it means something or it does not mean anything. I shall not delay the debate on this point, but I have every right to be satisfied about what we are voting on. It is no good the Minister being so verbose and energetic in his desire to get this Bill through in such a hurry. I am saying that the phraseology of that is contradictory, and it is tautology.

The Hon. L. R. Hart: Do you want it struck out?

The Hon. K. E. J. BARDOLPH: It could be struck out because the wording is "the council may require". Who is going to prescribe? The wording is "as the council may require". I want to know definitely and exactly what we are voting on. You can't rebut the whole issue.

The Hon. Sir LYELL McEWIN: That wording was there all the time. Perhaps Sir Arthur Rymill can put me wise on this. I have been reading what the Council has been discussing and everything that was suggested here this afternoon.

The Hon. K. E. J. Bardolph: It is still there.

The Hon. Sir LYELL McEWIN: It seems to be all here.

The Hon. K. E. J. Bardolph: That may be so.

The Hon. Sir LYELL McEWIN: We have baulked at "the financial year" and this compromise seems to be identical with what we had this afternoon. The only difference is that we have inserted "may" at the beginning instead of at the end. All the rest seems to be the same, and the interpretation will be the same. I do not know whether or not I am reading this recommendation properly. Maybe there is a complication in the drafting, or the drafting is not very good.

The Hon. K. E. J. Bardolph: I quite agree.

The Hon. Sir LYELL McEWIN: It seems to be a difference without a distinction. Sir Arthur Rymill says that we have achieved some victory as a result of this.

The Hon. Sir Arthur Rymill: I did not say that; I never used the word "victory".

The Hon. Sir LYELL McEWIN: If "may" was offered, it still seems to be left to the council and I think we should be informed properly before we are asked to vote on it. As to any difference between this and what I had written down here after a lengthy debate this afternoon, what is the difference? I was supporting it before but I want to know what is different now from what was here this afternoon. Will somebody tell me? After all, we are supposed to be very jealous of proposals that we put up. I think we should know what is the real difference between what was suggested this afternoon and what we now have, other than the fact that "may" was inserted in the first line instead of somewhat lower down, which was debated this afternoon.

The Hon. Sir ARTHUR RYMILL: To use the honourable member's own phrase, I cannot "put him wise" but I can better inform him. First of all I should like to repeat that the following words, as a result of this meeting of the managers, will be omitted altogether, assuming that the Council approves of what we have done:

> Any rates or part thereof or interest or any part of the interest thereon payment of which is remitted by the council pursuant to this section shall cease to be a charge upon the ratable property concerned.

The Minister said there was nothing done that was not offered this afternoon. I do not quite know what he means by that, but those words I have quoted are to be omitted.

The Hon. Sir Lyell McEwin: Why is the information kept from this Council? We want to know why it was done.

The Hon. Sir ARTHUR RYMILL: I entirely agree. That may appear to be a gain in the loss of words, as one may put it, but it does not mean much in my opinion and in the opinion of the other managers. That partial compromise, which is not a great one, was offered by the other place to us in the management committee; it was not offered to us this afternoon by the Minister in charge of the Bill. Those words were recommended to be struck out by arrangement with the other place. Whether or not that is a gain I should not care to say because it is a matter of interpretation, but I should not think it was a great gain.

During the meeting of the managers (since the Chief Secretary wants full information on this matter) the Premier worked upwards, so to speak, from our amendments to the Bill and we suggested that the word "claim" be altered to "application". This was a drafting amendment recommended by the Assistant Parliamentary Draftsman and it was meant merely to tidy up the clause. The Premier immediately agreed. He said first of all, "I will agree to that amendment", which we thought was very big of him.

The Hon. Sir Lyell McEwin: Did you say "claim"?

The Hon. Sir ARTHUR RYMILL: Yes. "Claim" was amended to "application". What the real difference is I do not know, but the Assistant Parliamentary Draftsman thought that that should be done. As the Chief Secretary wants the full information, I am giving it to him. That amendment was readily accepted. The Premier worked upwards on these amendments and subjected them to the closest scrutiny.

The Hon. C. D. Rowe: We do not want to know what he did; we want to know what these things mean.

The Hon. Sir ARTHUR RYMILL: I thought the Chief Secretary wanted the fullest information.

The Hon. C. D. Rowe: We want to know what they mean.

The Hon. Sir ARTHUR RYMILL: Then there is a difference amongst the Ministers. The Premier scrutinized these things and was unvocal for at least five minutes, which I regard as being very close scrutiny. The word "may" has been altered to "shall". Then we went upwards, and we all know that the Premier is a wonderful brain and a wonderful man. Obviously, he was thinking about these things clearly, and we got up to the crux of it when we argued that after the word "resolution" the words "passed by an absolute majority of the council" should be inserted. (That means, of course, the local government authority.) This is the theme that we feel has gained some advancement for the ideas of this Chamber, because the words "absolute majority of the council" are defined in the Local Government Act as meaning an absolute majority of the whole of the numbers in the council. Thus, if there is a council of, say, 20 members, 11 people have to vote in favour of something for it to be carried by an absolute majority.

The Hon. K. E. J. Bardolph: It is the last three lines I am concerned about; I am not denying the other part of the section.

The Hon. Sir ARTHUR RYMILL: I shall deal with that in a moment. If there is a council of six only, as is the case in various country centres, four out of the six are needed to agree to a remission of rates. This means that one or two people just cannot agree to this matter, which is of great importance to councils. I think this particular part of the amendment is of great importance, although I say freely that the House of Assembly has had its way, in the main, with this amendment. After all, that is part of the bicameral system—that one House gets its way. I think we have in turn been able to put into this Bill some protection for the sort of things honourable members thought needed protection.

The Hon. K. E. J. Bardolph: Who will do the prescribing?

The Hon. Sir ARTHUR RYMILL: That was in the amendment as originally drafted. I think the honourable member would be better able to explain precisely what it means. As I understand it, it means that where someone is applying for total remission of rates the council must get either evidence on oath or a declaration. Then the council concerned can say what that evidence or declaration must contain. It is entirely in the hands of the council of the particular district council or city concerned. The protective feature is that there has to be an absolute majority of the whole of the members of the council, and in those circumstances obviously the elected representatives of the ratepayers will see that fair play is done.

The Hon. G. J. GILFILLAN: I should like to make one or two points clear in view of the queries made about the gains we have made through this conference. First, I shall deal with the absolute majority of a council. I

think this will ensure a very considered decision by a council and that the ratepayers of the district (who were among our chief concerns) will be better represented by the necessity to have the absolute majority of the council. We suggested that the word "shall" should be included, as that would place an obligation on the applicant to make a full declaration on his appeal. That should exclude many of the frivolous applications likely to occur when people think they may get something for nothing. Taken in conjunction with the rest of the Act, this does not alter the present situation very much, as section 267a gives councils power not to remit rates but to defer them as a charge on the property. However, section 298 gives the council power, by resolution passed by an absolute majority of the council, to write off any rates or other amount due to the council by any person. It also provides that no such resolution shall be passed unless the auditor certifies in writing that in his opinion all reasonable efforts to recover the said rates or amount have been made, and that the said rates are or the amount is not reasonably recoverable. The only difference that this new section makes is that, instead of the council having to get a certificate from the auditor, it can by an absolute majority of the council remit these rates itself. That is practically the only difference in the amendment.

The Hon. Sir LYELL McEWIN: I do not wish to hold up the Committee other than to indicate that my question was not facetious. I thought the Committee was entitled to a full explanation of the difference, and I am satisfied that the insertion of the words "absolute majority" means something. A question was raised about what a council required, but nobody took objection to that. The matter was before us early this afternoon, and the only new thing I can read into it is the addition of the words "absolute majority". The Council had before it this afternoon the matter relating to the application being supported by evidence. I am happy, and I am sure honourable members appreciate the work the managers have done. I do not think honourable members can accuse me of withholding anything; on this occasion I am asking only for information. I have no apology to offer, and I thank members for the information they have given.

The Hon. K. E. J. BARDOLPH: I thank the managers for what they have done, but if a person submits a statutory declaration there is no need for a council to require further information. The resolution has been drawn loosely.

The Hon. Sir Arthur Rymill: It was drawn by the Labor Party.

The Hon. K. E. J. BARDOLPH: I am not bringing politics into the matter, but the honourable member always does. I do not want to provide increased income for lawyers to interpret what we mean. We suggest that the last three or four words should be eliminated. If a person submits a statutory declaration for any claim, that should be sufficient for any council.

The Hon. Sir Arthur Rymill: You should have had that out in Caucus!

The Hon. K. E. J. BARDOLPH: I am sorry the honourable member was not present in our Caucus; he would have found what it does illuminating! Instead of being the odd man out in his Party, as he usually is, he would have known what our Party was doing. We know what our Party is doing and it is by a unanimous decision. Without making this a comic opera, I say that it is loosely drawn and is ambiguous. If a person makes a statutory declaration that should be the end of it. The words "in such manner . . . council may require" at the end of the sentence should be deleted. I am not disagreeing with the managers, but if the words were deleted it would remove the ambiguity.

The Hon. C. R. STORY: We have had much discussion this afternoon from people who have not been managers on these conferences. The position, as I understand it, is that a compromise was reached agreeable to both Houses. I believe that the managers who went on behalf of this Chamber did their best. Surely it is either acceptable to this Chamber or not, so why keep harping on what has been reported upon. Either we take a vote now and get it over, or we go on until morning (or daylight) discussing it. It is easy for people, who do not join in a managers' conference, to snipe at other people who have done their best to report on the matter.

The Hon. K. E. J. BARDOLPH: I am not sniping at all. On a point of order, Mr. Chairman, I resent the remark about sniping. I merely want a discussion about what was mentioned.

The CHAIRMAN: I did not notice the honourable member mention your name.

The Hon. C. R. STORY: I was mentioning honourable members who snipe. If the cap fits let the gentleman wear it. At no stage did I mention the honourable member's name but

apparently he considers that he has the right size head to wear the cap. The managers returned with a solution which, I believe, is acceptable to this Chamber.

The Hon. K. E. J. Bardolph: Not necessarily.

The Hon. C. R. STORY: Why not get on with it instead of being difficult, and dispose of it. We are going to agree to it, so we should stop harping about it..

The Hon. K. E. J. Bardolph: You are the one that is harping.

The Hon. C. R. STORY: Let us get on with the business and stop this nonsense.

The Hon. A. J. SHARD: I have listened to a lot of rot this week.

The Hon. Sir Arthur Rymill: All the week?

The Hon. A. J. SHARD: Nearly all the week, and I have just about had it!

The Hon. G. O'H. Giles: We agree with that.

The CHAIRMAN: Order! I must point out that the honourable member should not reflect on the Chamber.

The Hon. A. J. SHARD: If it is a reflection, it is one that the Chamber has brought upon itself. I consider that the managers have done a good job.

The Hon. K. E. J. Bardolph: I do not deny that.

The Hon. A. J. SHARD: The managers returned with a solution that I did not think was possible. The real essence and value of the managers' report is the insertion of the words "by resolution passed by an absolute majority of the council", which means that the council cannot act without a majority. It must be an absolute majority of those who want to help people and who have the right to help them. It has put some stiffening into the Bill and is a good point. The application has to be supported by a statutory declaration of whatever form the council may decide. What is wrong with that? I am not a solicitor but I am an ordinary layman, a boy about town, with some common sense. I agree with the Chief Secretary's remarks that the only difference in this amendment, which we have argued for six or seven hours, is the addition of the words, "by an absolute majority of the council". This Chamber should be able to agree and accept the managers' report, because in effect it is the amendment that certain people put in another place that we want. It has been made tighter and more definite, and it has improved the Act to the advantage and benefit of the people we wish to assist.

Motion carried.

Later, the House of Assembly intimated that it had agreed to the recommendations of the conference.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL (MEMBERS).

(Second reading debate adjourned on November 20. Page 1838.)

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Amendment of Payment of Members of Parliament Act, section 5."

The Hon. K. E. J. BARDOLPH: There appear to be some doubts about the position of Leader of the Opposition in this Council. The other night one member said that this Council was a House of Review. I point out, and I am fortified by the Constitution Act, that this place has exactly the same rights and privileges as another place. In the Industries Development Act of 1941, there is a reference to the Leader of the Opposition. Section 4 sets out who shall be members of that committee and says:

> Two members of the Legislative Council, one of whom shall be selected by those members of the Legislative Council who belong to the group led by the Leader of the Opposition in the Council.

I had the honour to be appointed to that committee at its inception, and I am still a member. I say this because it may be considered by the general public that there is no recognition by Statute of a Leader of the Opposition in this place. The Constitution Act, in Part II dealing with the Legislature, states:

> There shall be a Legislative Council and House of Assembly which shall be called the Parliament of South Australia, and shall be constituted in the manner provided by this Act. The Legislative Council and House of Assembly shall have and exercise all the powers and functions formerly exercised by the Legislative Council constituted pursuant to section 7 of the Act of the Imperial Parliament, 13 and 14 Victoria, Chapter 59, entitled "An Act for the better Government of Her Majesty's Australian Colonies."

Section 10 of the Constitution Act states:

> Except as provided in the sections of this Act relating to money Bills the Legislative Council shall have equal power with the House of Assembly in respect of all Bills.

It is useless for honourable members to try to create a position that does not exist. As the Constitution Act states in the two sections I have quoted, the Leader of the Opposition is recognized because this Council has the same powers as the House of Assembly except in relation to money Bills. Members' salaries have always been a thorny problem and the question of increasing them has been an anathema to members. Most members have chosen

Parliamentary life as a career right through the ages. Since representative Parliament was introduced in South Australia men of notable calibre have entered it. These men laid the foundation of the success we enjoy today and entered Parliament at a low salary. In 1887 members received £200 a year; in 1921, £400; in 1944, £600; in 1948, £900; in 1951, £1,150; in 1953, £1,425; in 1955, £1,900; and in 1960, £2,000. Although there has been adverse criticism outside Parliament as to the amenities and privileges extended to members of Parliament, it should be noted that many members of Parliament are professional men. Had they not entered Parliament they could have retired 10 or 15 years ago, after having made a lot of money from their professions. The Chief Secretary entered Parliament at £200 a year and had he remained in his avocation as a farmer he would have been better off financially. That is true of other members also. Unless we maintain the Parliamentary institution we shall be heading for a dictatorship similar to that which obtains behind the iron curtains of other countries. I am sure that no member would desire to see that happen. For these reasons, I support the clause.

The Hon. G. O'H. GILES: I also wish to support clause 6. It seems a great shame to me that the Hon. Mr. Bardolph entered Parliament so many years ago at £400 a year. If he had continued as an architect probably the skyline of Adelaide would be adorned by some really beautiful buildings. We are pleased he adopted the course he did because he has contributed much to the Parliament of South Australia. No matter what stage of history we consider, Parliamentary salaries must be sufficient to attract people of the right calibre and training to this job. I congratulate the Government on appointing a two-man committee to report on members' salaries because it provided an impartial authority and we were able to place our ideas before it. I do not make any bones about the fact that I gave evidence to the committee. An aspect that I mentioned was that on one occasion I had to drive my car 600 miles to Mount Gambier and back and on the return journey had to drive from midnight until 4 a.m. to meet my commitments the next day. On the other hand, Commonwealth members living in my area were able to enjoy the luxury of going to bed at midnight and then flying home. My ideas were not accepted by the committee; though other ideas were.

The Leader of the Opposition has been granted a £300 expense allowance. I have no complaint regarding the Hon. Mr. Shard personally, but I point out that he must feel grateful for the endeavours of his predecessor, because the Hon. Mr. Frank Condon lifted the office to great heights. With his puckish sense of humour and his ability at interjecting he set a wonderful standard of leadership of the Australian Labor Party in this Chamber. I do not wish to say anything of a derogatory nature about the present Leader. I believe the Hon. Mr. Shard will recognize the great work done by Mr. Condon. The Hon. Mr. Bardolph suggested that there was a lack of independence in this House.

The Hon. K. E. J. Bardolph: That is right, too.

The Hon. G. O'H. GILES: I am glad the honourable member has interjected because I remind him that time and time again there are divisions in this Chamber and honourable members can observe the various way in which members of my Party vote. They retain their independence and always vote according to their experience of life and with complete honesty of purpose. I am still waiting to see one member of the Opposition split on a vote. I take offence at the Hon. Mr. Bardolph's implication on the matter of independence of voting. I remind him that on one occasion I alone supported the four members of his Party in a division, and I tell him that if he returns this compliment I shall be delighted. Caucus rule or rule from another quarter has reacted violently against every second Chamber in Australia. The various States were purposely given equal representation in the Senate, but because of Party allegiances it is not the independent type of House that represents State viewpoints.

I hope that, on issues that affect the individual conscience, members will see the wisdom of honestly upholding their intentions and purposes, because in this way this Chamber will go from strength to strength. I congratulate the Government on appointing the joint committee. Its report is a good one, but from what I read of it, it appears that the committee was in difficulty and had to carefully word its references to the expense allowance for the Leader of the Opposition in this Chamber. I remind honourable members that the increase was for expenses and not salary. It is difficult to decide whether a Leader of a Party should have recognition in this Chamber, because we do not admit that this is a Party Chamber. If it were, it would not function in the excellent way in which it does at present.

The Hon. K. E. J. BARDOLPH: Under Standing Order No. 173 I desire to make a personal explanation. I am surprised at the effusion of the honourable member who has just resumed his seat.

The CHAIRMAN: Is the honourable member making a personal explanation?

The Hon. K. E. J. BARDOLPH: Yes, I am. This member is young in his political life and like a young tree—

The CHAIRMAN: Order! I cannot permit the honourable member to make an attack on another honourable member.

The Hon. K. E. J. BARDOLPH: I am not making an attack. My name has been mentioned by him. I have been attacked by my honourable friend with regard to the skyline of Adelaide, and I want to tell him what has been done.

The Hon. G. O'H. Giles: I flattered the honourable member.

The Hon. C. D. Rowe: This recommendation of the joint committee will be out of date soon because it has taken us so long to deal with it!

The Hon. A. J. Shard: Whose fault is that?

The Hon. K. E. J. BARDOLPH: Because of my long experience here I know what I can say and I know how I can say it without being offensive. I have never been offensive in this Chamber. I claim the right to have my say in accordance with Standing Orders. I say to my young friend that during the period he has been in this Chamber—and I am not making an attack on him, I am giving him advice—

The CHAIRMAN: I point out to the honourable member that he must not refer to other honourable members in that way.

The Hon. K. E. J. BARDOLPH: Why did you not stop the other honourable member when he referred to me? We cannot have one-way traffic.

The CHAIRMAN: Order. If the honourable member refers to another honourable member he must refer to that other member as "the honourable member".

The Hon. K. E. J. BARDOLPH: When I referred to him I said "My honourable colleague".

The Hon. Sir Lyell McEwin: You said "young friend".

The Hon. K. E. J. BARDOLPH: The Hon. Mr. O'Halloran Giles is a young member in this place, and after he has been here for a few years—

The Hon. Arthur Rymill: This is not a personal explanation at all.

The CHAIRMAN: It appears to have gone beyond a personal explanation. If the honourable member has one we should be pleased to hear it.

The Hon. K. E. J. BARDOLPH: Are you going to rule me out from making my statement? I want to say that my honourable friend Mr. O'Halloran Giles said that this was a House of Review. I want to debunk that idea. I have quoted the Constitution of the State of South Australia wherein it states—

The CHAIRMAN: You are getting on to matters of opinion rather than a personal explanation.

The Hon. K. E. J. BARDOLPH: I am explaining why I said it. I can do that after the attack on me by Mr. O'Halloran Giles.

The CHAIRMAN: If it is of a personal nature then you may continue.

The Hon. K. E. J. BARDOLPH: I am explaining why I said this was not a House of Review, because the Constitution provides that we have an equal right with another place.

The CHAIRMAN: We are not debating the Constitution.

The Hon. K. E. J. BARDOLPH: I am not suggesting that we are. I am explaining to the Hon. Mr. Giles that he does not know the Constitution with regard to what is happening in this place.

The Hon. G. O'H. Giles: What is equal rights?

The Hon. K. E. J. BARDOLPH: The Chairman is in the Chair, not you.

The Hon. Sir Lyell McEwin: I thought you were debating with the Chair.

The Hon. K. E. J. BARDOLPH: I am not. I am pointing out my rights.

The CHAIRMAN: I shall read Standing Orders so that there will be no doubt about it.

The Hon. K. E. J. BARDOLPH: I am claiming my rights under Standing Order No. 173.

The CHAIRMAN: I quote, "By the indulgence of the Council, a member may explain matters of a personal nature although there be no question before the Council; but such matters may not be debated."

The Hon. K. E. J. BARDOLPH: I am not debating it at all. With great respect, you are debating it with me.

The Hon. Sir ARTHUR RYMILL: On a point of order, Mr. Chairman. Would you inform me what "the indulgence of the Council" means or how we can cease to allow such indulgence in this Chamber?

The CHAIRMAN: Honourable members have that indulgence when they have unanimous leave of the Council. If there is not unanimous leave, the honourable member may not continue.

The Hon. K. E. J. BARDOLPH: Excuse me, Mr. Chairman, are you ruling me out of order?

The CHAIRMAN: No, I invite you to speak on a personal explanation.

The Hon. K. E. J. BARDOLPH: The explanation I have to make is that I have been dealing with the remarks of the Hon. Mr. O'Halloran Giles regarding a statement he made that this is a House of Review. I said that we had the same rights as another place except with money Bills; consequently this place has a Leader of the Opposition whose emolument is mentioned in the report submitted to Parliament. My remarks were attacked by the honourable member.

The Hon. Sir Lyell McEwin: You are debating an opinion.

The Hon. K. E. J. BARDOLPH: I am expressing an opinion now. I do not belong to the major Party in this Parliament but I have the same rights as a member of that Party. I was explaining that under the Constitution Act of South Australia we have the same rights as another place with regard to the introduction of Bills and measures and the appointment of a Leader of the Opposition, and a Chairman of Committees if we so desire. My honourable friend, Mr. O'Halloran Giles, implied that this was a House of Review and not a Party House, and that is all I wish to say.

Clause passed.

Remaining clauses (7 to 10) and title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS).

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Hon. C. R. STORY (Midland) moved:

That a message be sent to the House of Assembly granting a conference as requested by that House; that the time and the place for holding the same be the Legislative Council conference room at the hour of 10.45 p.m.; and that the Hons. C. D. Rowe, F. J. Potter, G. O'H. Giles, S. C. Bevan and the mover be the managers on behalf of this Council.

A division on the motion was called for.

While the division bells were ringing:

The Hon. Sir ARTHUR RYMILL. The Hon. Mr. Shard, having called for a division, will now vote under Standing Order—

The Hon. K. E. J. BARDOLPH: On a point of order, can the honourable member speak without having his head covered?

The Hon. Sir ARTHUR RYMILL: The call having been declared in favour of the Ayes, the honourable member, under Standing Orders —and I am asking for your direction, Mr. President—having called for a division, must vote in the opposite direction.

The Hon. A. J. SHARD: I voted for the Ayes and I understood you, Mr. President, to declare for the Noes. I thereupon called for a division.

The PRESIDENT: I think the point should be decided by the division that has been called for. I declared the vote for the Ayes.

The Hon. Sir ARTHUR RYMILL: I refer you, Mr. President, to Standing Order No. 220, which provides that the member calling for a division shall vote for the declared minority.

The PRESIDENT: Indeed, he will do that.

The Hon. A. J. SHARD: I called for a division because I understood—and other members near me understood—you, Mr. President, to declare for the Noes. If you declared for the Ayes I am wrong, but nothing on God's earth will make me vote against having a conference: I want it.

The PRESIDENT: I declared for the Ayes.

The Hon. A. J. SHARD: I ask then to withdraw my call for a division and I apologize, but I understood you to declare for the Noes, and I was not the only one.

The PRESIDENT: We shall call the division off.

The Hon. Sir ARTHUR RYMILL: I think I am entitled to call for a division in these changed circumstances.

The Council divided on the motion:

Ayes (14).—The Hons. K. E. J. Bardolph, S. C. Bevan, Jessie Cooper, R. C. DeGaris, G. O'H. Giles, G. J. Gilfillan, N. L. Jude, Sir Lyell McEwin, F. J. Potter, W. W. Robinson, C. D. Rowe, A. J. Shard, C. R. Story (teller), and R. R. Wilson.

Noes (3).—The Hons. M. B. Dawkins, L. R. Hart (teller), and Sir Arthur Rymill.

Majority of 11 for the Ayes.

Motion thus carried.

At 10.45 p.m. the managers proceeded to the conference, the sitting of the Legislative Council being suspended. They returned at 1.35 a.m. on Friday, November 22. The recommendation was:

That the Legislative Council insist on its amendments Nos. 2, 3 and 4 and do not further insist on its amendments Nos. 1, 5, 6, 7, 8 and 9, but make the following amendments in addition thereto, and that the House of Assembly agree thereto:

No. 1. Page 1, line 21 (clause 3)—Leave out "31st December," and insert "thirtieth day of June,".

No. 2. Page 2, line 14 (clause 3)—Insert the following new paragraph:

"(*c*) A seat belt suitably placed for use by the driver and at least one other seat belt placed for use by another person sitting on the same seat as the driver or on a separate seat by the side of the driver's seat.

Provided that the requirements of paragraph (*c*) of this subsection shall not apply or take effect until after a date to be specified by the Governor by proclamation."

No. 3. Page 2, after line 25 (clause 3)—Insert the following new subsection:

"(5a) A person shall not after the thirtieth day of June, 1964, sell or offer for sale a seat belt or fitting to or part of a seat belt which does not comply in any respect with any specification prescribed pursuant to subsection (5) of this section.

Penalty: Fifty pounds."

Consideration in Committee.

The Hon. C. R. STORY: I shall put the recommendation to honourable members in layman's terms. Three points are involved. The first point is that anchorages are to be installed in all new vehicles after July 1, 1964; secondly, regulations prescribing standards for seat belts are to be made by July 1, 1964; and, thirdly, seat belts are to be compulsory on a date to be proclaimed. That is exactly what it all means. I move:

That the recommendation of the conference be agreed to.

Motion carried.

Later, the House of Assembly intimated that it had agreed to the recommendation of the conference.

ADJOURNMENT.

At 2.31 a.m. on Friday, November 22, 1963, the Council adjourned until Tuesday, February 18, 1964, at 2.15 p.m.