LEGISLATIVE COUNCIL

Thursday, February 6, 1969

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

RECEIPTS TAX

The Hon. R. A. GEDDES: I desire to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. R. A. GEDDES: There have been many critics of the Government about the new receipts tax. One of the many questions I have been asked is: how many extra people will be employed by the State Taxes Department to administer this legislation?

The Hon. R. C. DeGARIS: I will refer that question to the Treasurer to get an accurate answer, but one reason why the Government decided to move into this field of taxation was that experience in other States indicated that the increase in public servants necessary for the collection of the tax was minimal.

WATER MAINS

The Hon. D. H. L. BANFIELD: I seek leave to make a brief explanation before asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. D. H. L. BANFIELD: For many years it has been the custom of the Engineering and Water Supply Department to make a payment of 25c to any person reporting a broken water main. In view of South Australia's water position and the fact that this amount has remained the same for many years, will the Minister of Agriculture ask his colleague to consider amending the regulations under the Waterworks Act to provide for an increased payment?

The Hon. C. R. STORY: I have always been under the impression that honesty has its own reward. I do not think that raising the 25c to, say, 30c will provide a better inducement for anybody to report a broken water main to the department. However, as the matter is one for my colleague, I shall certainly raise it with him.

TRANSCONTINENTAL EXPRESS

The Hon. A. F. KNEEBONE: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. A. F. KNEEBONE: I have been informed that during the recent rail strike people returning from Western Australia to Adelaide on January 30 were told by Commonwealth employees on the transcontinental express, before it reached Port Pirie, that buses would be available for them to continue their journey to Adelaide, but that it would be necessary for them to pay the bus operator the fare between Port Pirie and Adelaide, which fare would be refunded to them by the South Australian Railways Department. I am further informed that, when an application was made, not all of the bus fare was refunded: some portion of it was withheld. Will the Minister obtain a report on this matter? Also, will he state the department's policy in regard to supplying accommodation or alternative travel facilities in similar circumstances where passengers are unable to complete their journey?

The Hon. C. M. HILL: I shall obtain a report for the honourable member on the two matters he has raised. The first of the two matters is being investigated at present because a Senator who was affected wrote to me, and yesterday I sent the docket to the Railways Commissioner to obtain a report. So, progress is already being made on this matter and, as soon as I have the report, I shall bring it down.

ABALONE FISHERMEN

The Hon. R. A. GEDDES: I ask leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: When I was at Port Lincoln recently I heard complaints that the new regulations that apply to abalone fishermen will bring further difficulties to them. They claim that having to bring their catch in the shell to the processing plant not only will reduce the catch per unit (because of the added weight in their boats) but also will jeopardize the freshness of the catch. Will the Minister review these regulations to see whether it is possible to make them more suitable to the fishermen's needs?

The Hon. C. R. STORY: I am well aware of the situation. The regulations were in operation before I came to office. The Commonwealth Department of Primary Industry is really responsible for looking after the export of abalone, and it is the export that makes these regulations necessary—the abalone must

pass the required test. I have examined the position very carefully and I believe that this matter has not been looked into sufficiently. In December, 1967, a conference was held in Melbourne of the Directors of Fisheries, the Commonwealth Scientific and Industrial Research Organization and the Commonwealth Department of Primary Industry. I now intend to invite these people to a meeting in Adelaide on February 26.

The purpose of the meeting will be to reconsider the whole question of abalone fishing, particularly in regard to South Australia. The regulation is stringently policed in Tasmania, where all abalone is brought in in the shell. Victoria has not yet enforced its regulations to any degree, nor has South Australia. The Director of Fisheries in South Australia has been attempting to provide a phasing-in period during which the fishermen can become adapted to the regulations, which period will commence on March 1. The conference on February 26 will undoubtedly carefully consider the whole policy, and the Abalone Divers Association and the abalone processors will be present and will take a full part in it. I cannot do more than that at present. I am aware of the problem, particularly where it affects the long coastline of the far West Coast.

INDUSTRIAL CODE

The Hon. A. F. KNEEBONE: Has the Minister of Agriculture received from the Minister of Labour and Industry a reply to the question I asked on Tuesday regarding the Industrial Code?

The Hon. C. R. STORY: The Minister of Labour and Industry reports that a copy of the Ministerial statement to which the honourable member referred announcing that the Government proposed to introduce legislation in February, 1969, to amend the Industrial Code to enable a Deputy President of the Industrial Court and Industrial Commission to be appointed was sent to the South Australian Chamber of Manufactures, the South Australian Employers Federation and the United Trades and Labour Council of South Australia shortly after the Minister had made his announcement on December 12 last. No discussions have since been held with the organizations concerned. As soon as printed copies of the amending Bill are available the Minister of Labour and Industry proposes to send a copy of it to the presidents of each of these organizations and will be happy to discuss it with them should they so desire.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 5. Page 3391.)

The Hon. L. R. HART (Midland): It is not my intention to engage in a long preamble as this is essentially a Committee Bill. However, one or two aspects of it need the closest attention of the members of this Council. At first sight the Bill appears to be innocuous, but on further examination one can see that one or two matters are not fully explained in the Minister's second reading speech. That is not unusual, because it is the usual practice of Ministers not to explain a Bill fully when giving such explanations. Of course, this makes it difficult for members to give considered judgment to a Bill, particularly one of this nature. If a fuller Ministerial explanation could be given, much of the debate that takes place in this Council could be avoided.

I wish to deal particularly with one or two clauses, the first being clause 4, which deals with the provision for a Minister to proclaim a "declared council". This could happen if two councils decided to amalgamate, in which case they could be proclaimed as a declared council. The main virtue of this would seem to be that it could then appoint a mayor instead of a chairman of the council.

On looking through the local government bodies in this State one can see that a number of municipalities are situated in country areas. A provision in the principal Act lays down the conditions under which a municipality may be proclaimed, and I suggest that a number of the municipalities that exist at present would hardly comply with these conditions. However, it is possible that these municipalities came into being before the 1934 Local Government Act was assented to. I do not know whether there have been any applications for country municipalities since that time, for I have not done research on that matter. However, on the question of a council becoming a declared council, for which this Bill provides, it was suggested, I believe by the Minister, that the fact that they can now have a mayor instead of a chairman may encourage certain district councils to amalgamate.

Under this new provision, all the ratepayers of a district are entitled to vote for the election of a mayor. I believe this could have some disadvantages in that an amalgamation in most cases will mostly be of a corporation amalgamating with a surrounding district council area,

and because of the concentration of population in the corporation area I would imagine that invariably the mayor would come from the larger town. This may or may not be a disadvantage. In the case of a district council the chairman is appointed by the council. I consider that there is some advantage in having a chairman of a district council rather than a mayor, because he is the man who has to work with the council, and I consider that if he is appointed by the council the relationship between the two is more amicable than what it may be in the case of a mayor being elected by the whole district.

There is no provision in the Bill as to how a council becomes a declared council, other than that it is proclaimed by the Minister. The question as to who makes the first approach has already been referred to. Does the council itself or do the ratepayers make the first approach? I consider that there should be a further provision stating that if the council itself does not make this approach the ratepayers of the districts could themselves petition for the area to become a declared council.

There does not appear to me to be any provision in the Bill as to how the vacancy would be filled if a mayor should resign or leave the district or perhaps die. There may be provisions in the Act as to how this vacancy could be filled, but there is nothing in this Bill to cover that. Also, I assume that the appointment would be for only 12 months, because provision is made that there shall be an election annually.

I wonder whether the provision in this Bill for a council to become a declared council and to have the right to appoint a mayor instead of a chairman is one that is greatly sought after. I have not heard of any councils asking for this provision, although perhaps they have done so. On the face of it, it would seem to be very attractive to councils, but of course this may not be so. If a number of district councils preferred to have a mayor instead of a chairman, I assume that there would have been a number of requests for country district councils to be proclaimed municipalities.

The next clause to which I wish to refer is clause 6, which sets up a further authority to which district council officers may appeal in the case of dismissal or reduction in status. Under Part IXa of the principal Act, the machinery is provided for a clerk to appeal if he is aggrieved by reason of being dismissed or reduced in status. Now a further authority is to be set up to which the clerk may appeal. If the authority to which he appeals brings down a judgment unfavourable to him, apparently he may make a further appeal to the other authority, because the Bill does not set out the authority to which he may appeal. Nor does the Bill provide, if the clerk receives an unfavourable reply to his appeal to one authority, that he may not make a further appeal. I believe this is an undesirable situation and it seems superfluous to have two such bodies. Either Part IXa of the original Act should be amended to include a wider category of officers or it should be repealed; or, if it can be established that this Part is necessary, then it should be made clear in the Bill to which body the clerk may appeal. Proposed new section 163 jh (2) reads:

> Any amount of money ordered to be paid under subsection (1) of this section by the referee may be sued for and recovered as a debt due to the council, officer or Minister to whom it was stated in the report to be payable.

The referee in this case may bring down a judgment. Is that judgment to be binding on the council to make the payment suggested in the report, or is it binding on the officer who has received the judgment requiring him to make a payment of money? Subparagraph jh (2) of section 163 states that there may be court action to recover such money, and I assume once a referee has delivered a judgment there should not be a further court action necessary for recovery. I would like to be given an explanation by the Minister on this aspect.

The Hon. S. C. Bevan: What if the council does not pay out the money? What rights, then, has the officer got, and where does he go to get the money?

The Hon. L. R. HART: He has to take the matter to court.

The Hon. S. C. Bevan: That is what that clause says.

The Hon. L. R. HART: This is, in effect, an appeal to another authority. If the matter has to be taken to court in order to recover the amount of the debt, then it will mean there will be three authorities and not two. I do not believe the clause is necessary, and I think the principal Act could have been amended to provide for such eventualities. The only problem in appealing under Part IXa is that there may be a fairly long delay before a case is dealt with, but, as the Honourable Mr. Bevan pointed out yesterday, there was also a risk of some delay in dealing with a case under the provisions of this Bill.

I support the principle of clause 7, which provides for the spouse vote. As the Honourable Mr. Gilfillan pointed out yesterday, the Bill as it now stands provides only for the spouse vote in the case of the spouse of an inhabitant occupier; he also pointed out that a farmer's wife could well be excluded. There may also be the case of a man and his sister who have lived together all their lives. The man may have been entitled to a vote; he may have been a ratepayer on the ratepayers' roll but, under the spouse vote, his sister, who has been the housekeeper all of her life, would not be able to get the vote. I accept that it would be difficult to provide for such a case, but I believe that aspect should be considered.

I am not too happy about clause 8, which deletes the limit on the amount of money to be expended on certain projects. I should like the Minister to explain why there should not be some specified limit. There is a danger here of giving councils unlimited power to spend revenue on undefined projects. This clause could perhaps be altered to the effect that the project for which the money is given should have as its principal object the furtherance of local government. If that was the object, of course there would be some justification for the expenditure of this money. This provision is a little loose and should be tightened up. Clause 9 adds a new section to the principal Act giving councils power to expend moneys in providing a salary or subsidy for any legally qualified medical practitioner or dentist practising within the area of the council. Again, I agree with this principle. In some cases district councils give guarantees to a medical officer. I think that is so at Karoonda.

Clause 10 deals with councils having power to set up special reserve funds. There has been some criticism of this clause. In some respects, I agree with it. At present some councils do have special reserve funds. Undoubtedly, this clause sets out to legalize certain practices now in operation but here again the explanation is not specific enough to allow judgment to be passed on this clause. The problem here is that a council may use these powers to bypass a poll of ratepayers. This has been mentioned by other speakers. I realize that some district councils with only a fairly small rate revenue may require to find money for a specific purpose not provided for in the Act: for instance, making financial provision to replace radios in Emergency Fire Service units. Many such units will be faced with the need to replace their present radios at a fairly high cost, and the local council may see fit to set up a special reserve fund for this specific purpose. I do not know whether this is provided for in the Act (I have my doubts) and this may be the reason why this clause is needed. However, I think the Minister could have given more explanation of the need for this clause.

Clause 12 deals with underground electric cables. I think that section 365 of the principal Act could well have been amended to cater for this problem. There may be a reason why that section cannot be amended, but we notice all through the Bill that present sections of the principal Act are not being amended but new sections are being included. The Local Government Act is at the moment unwieldy, and we are not doing anything to improve things by inserting further sections, which will make reference to the Act still more difficult. However, the Minister may explain later why section 365 could not be amended to achieve this purpose. It seems to me that some words in clause 13 should not be there. Paragraph (*b*) reads:

> The rate of interest payable under the loan may, after the expiration of a particular period, be varied by a party or by agreement of the parties to the loan or that such rate of interest shall be fixed by reference to some future event.

It would appear from reading that that one party to a loan could make a variation in the interest payable on the loan, or an agreement by the parties to the loan could make a variation in the interest payable. I agree that an agreement by the parties should be provided for but I do not believe that a single party should be able to vary the interest payable. Therefore, I suggest that the words "by a party or" be struck out. If we leave them in, it will appear that a single party can vary this interest payable without reference to the other party. This is a serious matter, which the Minister should examine closely. Again, in clause 14, there appears to be a superfluous word. Paragraph (*b*) of new subsection (3) reads:

> Where the proposal provides for the variation of the interest rate during the period of the loan or for the fixing of that rate by reference to some future event the notice shall state the substance of provision under which the interest may be varied or fixed, as the case may be.

It would be better to delete "the" immediately before "interest".

Clause 18 deals with the ratepayer and the matter of a witness. My point is that, if a ratepayer is overseas and there is a council

election, his attorney should have power to act in his stead. It is quite impossible on some occasions when a person is overseas for him to observe the machinery requirements for recording a vote. I believe that here we could make provision for his attorney to vote for him.

The Hon. F. J. Potter: But how would he know whether the attorney voted as he actually wanted to vote?

The Hon. L. R. HART: That may be a point. There may be some means of making an arrangement. If one had doubts one would not give him the power. There should be provision so that the power can be used if a person so desires. Clause 20 inserts new section 833a, which provides:

> (1) A person shall not write, print, produce or reproduce in any manner any application for a postal vote certificate or a postal voting paper except by and with the written authority of a council.

I believe that a returning officer should have this power and, to provide for this, I believe the clause should be amended by adding "other than a returning officer" after "A person". I ask the Minister to consider this provision carefully. There is an obvious spelling error in clause 21 that will undoubtedly be corrected. I believe that section 834 of the principal Act should be amended by striking out "a ratepayer within the area or", because the list of authorized witnesses in section 840 has now been enlarged to include a ratepayer.

I agree to the enlargement of the categories of witness. When this Bill was before the Council in 1963 I spoke about this matter, and further categories of witness were then added. Regarding clause 22, I find it hard to understand why a plain envelope should be used when a council is sending out postal vote certificates. There is undoubtedly a reason for this provision because, otherwise, the Minister would not have included it, but I should like him to state the reason. If criminal offences are occurring in relation to postal voting, we should deal with the persons concerned rather than make this provision. Surely, when a council sends out a postal voting application form, it should not have to put it in a plain envelope.

Clause 23 amends section 836. If an amendment to subsection (1) is necessary, then we should amend subsection (2), as the wording is identical in each case. I think the Minister will agree to this if he studies the provision closely. Regarding clause 24, I should like the Minister to explain who a council clerk is. Several categories are mentioned, but I believe that the term "council clerk" should be explained.

The Hon. M. B. Dawkins: It could mean any clerk in the office.

The Hon. L. R. HART: He may be a junior clerk. Clause 25 inserts new section 841 (2), which is very restrictive and virtually unnecessary. Clause 26 provides for a penalty for a person who commits certain breaches in relation to an election, and I believe the penalty is completely unreasonable. Provision already exists in section 132 for penalties for breaches in respect of council elections. I cannot see why a person should be disqualified for life. He may unwittingly commit some offence and, having done so, he will be disqualified for life from standing for office as a councillor. He may be tricked into committing an offence, so the provision should not be so severe. If a person moves to some other area, who is to know whether he has been disqualified for life whilst living in another area?

Clause 27 relates to a council's power to provide for the making of roads in certain circumstances. I have no objection to this provision, but the adjoining property owners should be given the right of appeal and the right to lodge an objection. A particular ratepayer should not be allowed to do these things to the detriment of the adjoining property owner.

Clause 30 amends the Nineteenth Schedule, and I believe that paragraph (*g*) (*l*) could be amended by inserting after "Act" the words "in any State". The provision would then refer to a person enrolled on a voters' roll pursuant to section 100 in any State. In other words, a person enrolled in any State could then act as a witness. The same point would apply to paragraph (*g*) (*n*) of this clause. The list of categories of witness provides for witnesses in other States: it provides for a justice of the peace in any State, a legally qualified medical practitioner in any State, a member of the police force in any State, a postmaster in any State, a bank manager in any State and a minister of religion in any State. Therefore, I believe that a ratepayer in any State should be an approved witness. This is largely a Committee Bill, and I make these submissions in the hope that the Minister will clarify the position when he replies to the second reading debate, in which case the Bill may go through Committee much more quickly. I support the second reading.

The Hon. M. B. DAWKINS (Midland): I, too, support the second reading. As my colleague has said, this is largely a Committee Bill. Honourable members who have spoken have dealt with many of its clauses, so I do not intend to go through the Bill clause by clause, although I intend to make observations on some of them. The Hon. Mr. Hart has dealt with a large number of clauses, and the Hon. Mr. Bevan and the Hon. Mr. Gilfillan have thrown some light on and posed some queries about the Bill that I do not wish to repeat. However, I think the Bill is unnecessarily long and cumbersome and probably includes some matters that are not so vital that they could not have waited to be included in the new Act. I believe the Minister expects a report from the Local Government Act Revision Committee during the first half of this year, so perhaps some of these matters could have been included in the new Act, as most certainly they will have to be.

I am aware that we will not have a new Act overnight. Indeed, I remember the Hon. Mr. Bevan, who was the relevant Minister at the time, saying (probably even before the Hon. Mr. Hill arrived in this place), that he did not intend to re-open the Act until that report was available. Of course, the honourable gentleman had to withdraw that statement, because some things had to be done in three or four years during which the committee was taking evidence and sorting out its ideas.

I believe that the matters that have to be included in this Bill should be kept to a minimum. I refer specifically to clauses 2 and 3, which provide for the inclusion of Part IXaa. I strongly support the Minister's move in clause 4 to include new section 65a in this Bill. Although there have been one or two notable exceptions where areas with a considerable rural content have been able to remain a corporate town or city, I believe that towns which have lost their mayors because of an amalgamation have lost some status. This has, in turn, considerably retarded the progress of amalgamation which, in many cases, is desirable from the point of view of the council's being a proper economic unit and being able to plan adequately and to have adequate plant.

This clause does not refer only to amalgamation, as I think someone suggested it might. Clause 4 (2) provides that the Governor may by proclamation declare any district council to be a district council to which this section applies and may by proclamation revoke such declaration. With other honourable members, I believe that that provision could be made more specific. The Hon. Mr. Bevan said he would not like to be the Minister who had to reject such a plea from a district council. If it were made a little more specific, it might not be necessary for something like that to happen.

I think the Government's intention is clear: it obviously means that towns of a reasonable size (and not districts with small townships or villages as their main centre) should be able to have a mayor if they so desire and also include rural areas within their boundaries. The town of Kapunda had to give up its status of having a mayor when some little time ago it amalgamated with another council. The same can apply to Maitland, Clare and other towns, whereas Renmark still retains its mayor although it has taken over the area formerly controlled by the Renmark Irrigation Trust. Salisbury is a city, although it contains almost all the rural area within the previous district council of Salisbury.

New section 65a will enable a number of country towns contemplating favourably and to their mutual advantage an amalgamation with a surrounding district council to retain the status they already have. When I consider that the Bill does not refer to amalgamation only, I can think of the towns of Berri, Barmera, Loxton, and, possibly, Waikerie, which I know feel that they have some lack of status when compared with the corporate town of Renmark. Of course, in many respects some of these towns have tended to catch up with Renmark, which has had a mayor for a long time. The people of these towns feel that they would have more status if they had a mayor, especially with tourists coming into their areas, and I think this is a reasonable attitude for them to take. I support this provision. I take it that it would be used for towns that obviously could have a mayor because of their approach in size to the towns which are already corporate towns. It is undesirable, as I see it, for towns which have amalgamated to lose the status of having a mayor.

I notice that the mayor is to be elected in the same way as if the council were a municipality and that the vacancy in the office of mayor will be covered in the same way as if the town were a municipality, and that is fair enough. I take it this also means that the mayor will be elected annually by all ratepayers, although that is not stated in so many words. I should therefore like the Minister to confirm that aspect when he replies: that the mayor will, in fact, be a member of the council. That could be spelt out more plainly.

I do not wish to deal in detail with clause 6, which inserts Part IXaa into the principal Act. I do not see why we need do this at present, as local government organizations have got along without this since 1934, when the present Local Government Act came into force. It could be included in the new Act if necessary. It is a matter that should be debated in Committee and, therefore, I do not wish to say any more about that clause, except that I think considerable protection already exists.

Clause 7 seeks (to put it in a nutshell) to do very much the same thing for the local government franchise as the Hon. Mr. Rowe wishes to do for the Legislative Council franchise, and I believe this is a step in the right direction. I cannot see anything wrong about this. It broadens the roll of voters of the district council or corporation, and it means that people who are ratepayers have the two votes for the one entitlement as a ratepayer. I cannot see that there is anything really wrong with this clause.

With regard to clause 9, the present section 288 gives the power for district councils to make some subsidy or salary provision for legally qualified medical practitioners and dentists. I would think that this should cover the situation fairly well, because these councils sometimes comprise districts where the towns are not so large that a resident doctor or dentist will readily go there, and these places do need to have this provision. I cannot see that it is quite so necessary in a municipality, for which this clause is inserted, as a municipality usually includes a larger town. Even with the suggested enactment of new section 65a of the principal Act, those places, even though they may have a mayor, still remain a district council, and the present provision for district councils having the opportunity to make some contribution to secure a dentist or a medical practitioner would still obtain in their particular case.

Clause 10 inserts a new section 290ca dealing with special reserve funds, as follows:

In addition to the powers elsewhere conferred upon it by this or any other Act a council may, with the prior written approval of the Minister and in accordance with this section, expend its moneys in providing for a special reserve fund out of which payments may be made for any purpose.

This may have some merit in special cases, and of course it does need the prior written approval of the Minister; but nevertheless I would doubt the wisdom or the necessity for this clause, because provisions for this requirement are already made in the preceding sections, I think from 287 on to 290, from memory, and I think the existing section 290c (*b*) covers the situation with regard to a machinery replacement fund to which my colleague, the Hon. Mr. Hart, referred. I doubt very much whether this clause is really necessary. I shall be interested to hear what the Minister has to say in reply as to whether there are special cases where it is needed.

Clauses 11 and 12 relate to safety islands and the placement of underground electric cables. I have no particular objection to these provisions. Clause 13 provides for additional borrowing powers, and as these powers give a council further manoeuvrability, I do not see anything there to which to object.

Clause 18 widens the definition of "ratepayer". Clauses 20 to 26 deal with voting and the duties of witnesses, and provide an increase in penalties. I do not see anything to object to in the increase in penalty from $100 to $200, because this is only a matter of dealing with what we might call the diminishing value of money. Regarding disqualification for offences, dealt with in clause 26, I agree with other speakers that this is an unreasonable penalty. It provides:

A person who is a candidate at any election who commits a breach of any of the provisions of this Part shall, in addition to any other penalty under this Act, be and remain disqualified from being elected as mayor, alderman or councillor of any council.

This, to my mind, is pointing the bone. It is quite an unreasonable penalty for what may have been an offence which was quite unintentional, and I oppose that clause.

I have had a look at several parts of this Bill. As I said earlier, I think it is very long, and some of the provisions in it may be unnecessary at present. There are other clauses here that have been referred to by my colleagues, and I do not wish to go over what they have said. I agree with a number of the remarks that have been made. At the present stage I will reserve the right to make further comments on some of the other clauses in Committee. I support the second reading.

The Hon. C. D. ROWE (Midland): I support the second reading. It is not necessary for me to speak at the length that originally I had intended, because other speakers, including particularly my own colleagues in Midland, have canvassed the various clauses of the Bill in great detail. However, I do wish to say some things about it. First, I agree

with clause 4 of the Bill, which introduces a new section 65a and which provides that a district council may, in fact, have a mayor. I do not quite understand why it is necessary to provide that a council shall be declared before it is competent for it to go ahead and elect a mayor, but apparently there are procedural reasons for it.

Clause 6 deals with inquiries into dismissals or reductions in status of officers. It seems that if we are going to get to the stage where we have special provisions applying to the dismissal and reduction in status of officers in every category of employment we shall have to write many new sections into various Acts. I doubt whether this is necessary. I also doubt whether in a circumstance like this it is wise to provide that the parties may be represented by counsel. This may tend on occasions to make the inquiry more lengthy and involve greater costs and perhaps still not achieve the object desired.

With regard to the broadening of the franchise for voting in council elections, this is in line with a Bill I introduced into this Council some time ago relating to the franchise for this Council. I agree with this in its entirety, and I do not imagine there will be any difficulty in regard to it.

The provisions with regard to setting up a reserve fund cause me some anxiety, and I shall be asking some more questions relating to that when the Bill gets into Committee. Clause 12 introduces a new section 366aa, which states:

Subject to any regulation made by the Governor, in that behalf, the council may grant an approval subject to such conditions as it deems necessary or desirable for the laying of pipes, conduits, cables or wires under the surface of any public street within the area for the purposes of conveying electricity.

I agree with that clause, although I do not agree with a good many of the things that have been said about adopting the policy of placing electricity wires underground. From inquiries, I have found that in some circumstances the requirement that an electricity wire shall be placed underground, particularly in the case of the supply of large quantities of electricity, can result in an increase in cost, compared with overhead wires, of anything from five to 16 times. Industry in this State is not in a position to stand that kind of expense, so before we make announcements about the more or less wholesale placing of wires underground I think we should have some regard to the economic consequences.

The Hon. R. A. Geddes: There is a future for the Stobie poles still?

The Hon. C. D. ROWE: In my opinion, unless we are prepared to pay much more for electricity than we do at present and unless we are prepared to saddle industry with greatly increased rates above existing charges, we certainly have a good deal of thinking to do before underground wiring can be introduced with all its other problems. Not the least of these problems is servicing if a fault or a short circuit should occur in the wiring. In an overhead wiring system such a fault can be found easily and remedied, thus ensuring proper protection of refrigerated foods. However, if electric wires were placed underground, it could sometimes be several hours (so I am informed by responsible people) before the fault could be located, and the damage to foodstuffs during such a delay could be extensive.

The Hon. M. B. Dawkins: It could be beneficial in some instances to have underground wiring but, generally speaking, the Stobie poles do a wonderful job.

The Hon. C. D. ROWE: I think the Stobie pole has served us very well and it has been a contributing factor in providing electricity in country areas, which has been one of the biggest boons, apart from water, this State has had for many years.

The Hon. A. F. Kneebone: The only trouble is that Stobie poles jump out on the road and hit the cars.

The Hon. C. D. ROWE: That is a problem, but I am interested to know whether the same procedure will be adopted with the proposed freeways.

The Hon. C. M. Hill: They will not be on those freeways.

The Hon. C. D. ROWE: I am indebted to the Minister for bringing this matter of electricity wires to Parliament; that is greatly appreciated after having been told that $500,000,000 will be spent on freeways without Parliament being asked to discuss it.

The Hon. C. M. Hill: The amount is $436,000,000.

The Hon. C. D. ROWE: I would think my guess of $500,000,000 would be much nearer the mark. Incidentally, if an experimental place is needed to put these wires underground, I suggest the North Adelaide connector; it would be a good place when they got it going.

The Hon. C. M. Hill: The whole road is going underground there, so I suppose the wires will be underground also.

The Hon. C. D. ROWE: The reason I suggested the North Adelaide connector was that it will be many years before it can be constructed and I will not be here to see it.

The Hon. M. B. Dawkins: It often takes 24 hours to locate an electric fault underground.

The Hon. C. D. ROWE: That may be so. I now turn to clause 28, dealing with the granting of additional powers to councils to spend money, and one is for the construction and establishment of areas for the parking of vehicles, while the other is:

For the construction, purchase and establishment of terminal depots and other facilities for motor omnibuses used for the transport of passengers and motor vehicles used for the transport of goods.

I am interested in both matters. There is a shortage of parking space for vehicles in this State, but I also believe if there is to be an increase in motor vehicles serving passengers for country areas it is necessary for them to have adequate terminal points properly provided with toilets and other facilities, as well as reasonably good conditions under which people can wait to embark or disembark. This can be undertaken at council level, and it would be a good service to the community.

I do not wish to delay the matter any further at this stage. I think the time is overdue when we should be considering a consolidation of all local government legislation. I know the committee appointed to inquire into such a legislative review is pushing on with the work as quickly as possible, but I would like to see the Local Government Act brought up to date and, if possible, shortened with regard to the number of clauses. These are difficult but important matters, and we will be rendering a service to people in local government if we get on with the job, not in a piecemeal fashion but rather by making a serious attack upon it.

The Hon. R. A. GEDDES secured the adjournment of the debate.

ELECTORAL DISTRICTS (REDIVISION) BILL

Returned from the House of Assembly with the following amendments:

No. 1. Page 2 (clause 3)—After line 10 insert—

"'Council elector' means a person whose name appears as an elector on the electoral roll for a Council district:".

No. 2. Page 2 (clause 3)—After line 13 insert—

"'proposed council district' means proposed electoral district for the return of members of the Legislative Council:".

No. 3. Page 5, line 20 (clause 8)—After "equal" insert "and into two proposed Council districts (each to return six members of the Legislative Council) that are approximately equal".

No. 4. Page 5, line 23 (clause 8)—After "equal" insert "and into two proposed Council districts (each to return six members of the Legislative Council) that are approximately equal".

No. 5. Page 5, lines 28 and 29 (clause 8)—Leave out "subject to subsection (8) of this section, adjust and re-define" and insert "define".

No. 6. Page 5, line 29 (clause 8)—Leave out "five existing" and insert "four proposed".

No. 7. Page 6, line 6 (clause 8)—Leave out "re-defining" and insert "defining".

No. 8. Page 6, line 6 (clause 8)—After "each" insert "proposed".

No. 9. Page 6, lines 18 and 19 (clause 8)—Leave out "the re-definition of the areas of the existing" and insert "four proposed".

No. 10. Page 6, line 21 (clause 8)—After "report," insert "and as would be necessary or desirable for making provision for the increase in the number of members of the Legislative Council."

No. 11. Page 6, line 22 (clause 8)—Leave out "thereon" and insert "on any such recommendation".

No. 12. Page 7, line 22 (clause 8)—Leave out "and".

No. 13. Page 7 (clause 8)—After line 28 insert new paragraphs as follows:—

"(*c*) the two proposed Council districts into which the metropolitan area is divided by the Commission shall be regarded as approximately equal if no such proposed Council district contains a number of Council electors that is more than ten per centum above or below one-half of the number of Council electors within the metropolitan area:

and

(*d*) the two proposed Council districts into which the country area is divided by the Commission shall be regarded as approximately equal if no such proposed Council district contains a number of Council electors that is more than fifteen per centum above or below one-half of the number of Council electors within the country area."

No. 14. Page 7, lines 29 to 44 (clause 8)—Leave out subclause (8).

No. 15. Page 8 (clause 9)—After line 37 insert new subclause as follows:

"(3) For the purpose of determining the boundaries of a proposed Council district, the Commission may have regard to—

(*a*) any physical features within the proposed Council district;

and

(*b*) the existing boundaries of existing Council districts, subdivisions of existing Council districts and local governing, or other defined areas."

Consideration in Committee.

The Hon. R. C. DeGARIS (Chief Secretary) I move:

That this Council do not further insist on its amendments.

I have moved the motion with some degree of disappointment with the attitude adopted by another place, and that attitude is extremely difficult to understand. For a moment I would like to recapitulate the situation regarding this Bill. After debate in another place it was agreed upon, virtually unanimously, and was then presented to the Legislative Council. A commission was to be established to draw up boundaries for a redistribution of districts in the House of Assembly, which was to have 47 members. Also included in the Bill was a new definition for the metropolitan area, a realistic definition based upon the present size of the metropolitan area.

It is ridiculous to set up a commission to redraw the boundaries of the House of Assembly, taking into consideration a realistic definition of the metropolitan area, and at the same time leave the Legislative Council boundaries untouched. There has been a lot of talk in the newspapers concerning an amendment introduced by a member of this Council to the effect that his amendment amounted to a further gerrymander of the Legislative Council. I deny this inference completely. With the Bill containing this new realistic definition of the metropolitan area, to continue with the present boundaries of the Legislative Council is quite nonsensical.

I would compare the situation in other States, even at Commonwealth level, where it is accepted that the Upper House should be as near as practicable to half the size of the Lower House. That has always been the situation in this State, if one goes back through its history. That is also the situation or thereabouts in other States of the Commonwealth. Also, in this context with the new metropolitan area, the amendments introduced in this Council gave equal city and country representation in the Legislative Council, and with that no-one could have any argument. It is a perfectly just concept for the constitution of this Council. Therefore, I have great difficulty in understanding the attitude of another place in this matter. The redistribution of boundaries is just as important to this Council as it is to the House of Assembly, so it is with some diffidence that I move this motion. If we do not insist on our amendments, at least one of the anomalies that have existed through no fault of any particular Government, one that has grown with us over the last 10 to 13 years, will be corrected.

I have no great love for the 47-seat House, but it is a difficult situation. We have two Parties equally divided in another place, and a constitutional majority is necessary for a Bill dealing with redistribution of boundaries to pass. The only reason I am moving this motion is that I believe that one anomaly will be corrected, but another one will be left —the serious anomaly of the redefinition of the metropolitan area, on the one hand, and the present Legislative Council boundaries not being redrawn on this realistic basis, on the other hand.

When the Premier introduced the Bill in another place, he stated that it would deal only with the redistribution of House of Assembly boundaries. I believe he contemplated introducing a further Bill to deal with Legislative Council redistribution at a later date. This was the Government's original intention. However, I compliment the Hon. Mr. Potter on the amendments he moved in this Chamber and I believe they are perfectly just and reasonable amendments to this Bill. As I have already said, it appears to me quite nonsensical that we should appoint a commission to redraw boundaries in one House, which are seriously out of balance (everyone admits that), and that the boundaries for this Council should be left untouched and seriously out of balance with the definition of the new metropolitan area.

I now wish to comment on the editorial appearing in the *News*. I do not want to be caustic in any way, but I point out how very few people understand the difficulty of the situation. I quote from the editorial:

Now all is confusion. Liberal leaders in the Legislative Council have held a gun at the head of their fellows in the House of Assembly. But for a dissenting vote by Mr. Stott, the Speaker, they would have succeeded in tagging on to the tail of electoral reform an additional four Council seats. What was formerly straightforward and widely agreed upon has suddenly been log-jammed.

Then it goes on to deal with the question of the abolition of the Legislative Council. There is no confusion in this matter. It is a perfectly straightforward and clear issue, the issue being, of course, the fact that a commission will sit to redraw the boundaries for the House of Assembly, and it is nonsensical to me that it will not at the same time consider the Legislative Council boundaries.

The Hon. F. J. POTTER: I rise to oppose the motion. I understand that the official explanation given for the rejection in another place of the Legislative

Council's amendments was that they were alleged to be extraneous to the subject matter of the Bill. I cannot agree with that for one minute. The substance of this Council's amendments was fully and squarely within the provisions of the Bill. I call attention to the title of the Bill, as it came to us:

An Act to provide for the appointment of a commission to make, and report upon, a division of the State into proposed electoral districts—

not "proposed Assembly electoral districts" but "a division of the State into electoral districts". It provided in its substance, when it first came to us, for setting up this electoral commission and referring to that commission two matters. The first was to redraw the electoral boundaries for the House of Assembly into 47 districts, in accordance with the terms of reference in the Bill; the second was to readjust the Legislative Council boundaries of the existing five districts following that new House of Assembly determination by the commission.

It was suggested that these adjustments would be minor. They may be minor but, on the other hand, they may not. These adjustments could be of extreme importance to members of this Council. I have said before that the 47 seats proposed in the Bill for the House of Assembly would totally alter the South Australian electoral map, and I do not think anybody has denied that for one minute. The Chief Secretary has said that he is not over-happy with the 47 seats. I think that would go for many members of Parliament, both in this Chamber and in another place, in spite of the vote that was taken.

That redistribution will totally alter the South Australian electoral map, yet nothing is to be done (so we are told now) at this stage and perhaps at no stage in the future for the Legislative Council boundaries. In other words, there is to be superimposed on a new House of Assembly map substantially the old Legislative Council districts. I agree with the Chief Secretary that this is quite nonsensical. In addition to being nonsensical, it is wrong in principle. It is being done deliberately and blatantly for future political purposes by some members of Parliament. This is an opportunity which should and must be taken by the commission to consider what is to be done about the Legislative Council boundaries. It is no good asking the commission to determine a redistribution for the House of Assembly on the basis of a newly defined metropolitan area unless at the same time we require the commission to do more than simply adjust Legislative Council boundaries: it should be required to consider what the Legislative Council boundaries should be in the light of the new country and city areas.

The House of Assembly has rejected the amendments of this place with no indication at all of what it has in mind in respect of electoral boundary changes for this Council. I thought that the proposition that was sent to another place for two country and two metropolitan electoral districts was anything but a gerrymander. This is the pith and substance of our amendments—that at the same time as the commission considers the House of Assembly electoral boundaries it should consider the Council boundaries and base them on the fair division between city and country that I have referred to. This is what this Council at this time ought to insist on. Consequently, I will vote against the motion.

The Hon. C. D. ROWE: From time to time it becomes necessary to alter electoral boundaries because of changes in population that have occurred through development in various parts of the State, and because of other factors, too. The position in South Australia has become unsatisfactory in respect of House of Assembly electoral districts—this has been recognized by all Parties for some time—but the truth is that the position has become unsatisfactory in respect of Legislative Council electoral boundaries, too. When I was first elected to this Council about 20 years ago there was no post office at Elizabeth—there was only vacant land. Through the activities and enthusiasm of the Playford Government the whole of the Elizabeth area has been transformed, and we now have a rapidly developing commercial and industrial community there.

So, over this period the character of my own area has changed considerably. At first, what is now the Chaffey electoral district was part of the Midland District, but some years ago it was included in the Northern District. Apart from that, over all those years there has been no change in the Midland District to coincide with the changes in population and industrial development. So, considering only the Midland District, it is clear that there is now room for alterations to electoral boundaries.

There has been tremendous development over that period in the Northern District at Whyalla, Port Lincoln, Port Pirie and other places. So, the Northern District presents a

very different picture today from what it presented 20 years ago. If the commission is to up-date the House of Assembly electoral boundaries, it is only logical that the same commission should up-date the Legislative Council boundaries. I do not know what the objection of the House of Assembly is. I do not know whether it does not like the idea of two metropolitan and two country electoral districts (which idea seems close to the idea of one vote one value) or whether the proposed increase in the number of members of the Legislative Council is the trouble; but, whatever the views of the House of Assembly, neither of those contentions is valid. First, if we do have two country and two metropolitan electoral districts, we will be getting near to a reasonable representation of everyone, having regard to distance and the problems involved therein. Secondly, in many bicameral systems the rule is that the number of members of the Upper House should be about half that of the Lower House. That is what this Bill provides for.

I am quite satisfied that the standing and prestige of this Council in the minds of the public has increased tremendously in the last three or four years. Many people, irrespective of their political persuasion, have said to me that they hope the day will never come when there will be no Legislative Council and when there will be no check on the hasty and ill-considered legislation that sometimes comes to us from the other place. Most people are satisfied that a second opinion is very valuable.

Not only the present Government but also the Labor Government, if it is honest, would have to admit that many of its most serious mistakes have been corrected by this place. If it acknowledged the truth of the matter it would express its appreciation to us for the second thoughts we have brought to legislation. I am concerned that this place be maintained, not because of any personal interest I may have but in the interests of the people of this State and for the future development of the State. Bicameral systems of Parliament have existed in many countries and are being adopted by all the developing nations as they establish Parliaments. Indeed, the bicameral system has never been surpassed.

I am very impressed with these words of the late Sir Winston Churchill: "Democracy is the worst form of Government—until you look at all the others." I believe that these words apply in respect of our bicameral system: it does not work perfectly and it is subject to criticism, but it is still the best that mankind has ever devised. So, I deprecate the attempts to use the Legislative Council for Party political purposes. People who do this would serve the State better if they paid a tribute to the contribution that this Council has made. One way to give effect to their desire for the abolition of this Council and one way to give effect to their desire to depreciate our image in the eyes of the community is to see that we are not brought up to date in regard to electoral boundaries. This is the basis of the objection to the proposals that we made, which proposals we made honestly. Whilst I regret the necessity to do so, I must support the argument of the Hon. Mr. Potter that we insist on our amendments.

The Hon. S. C. BEVAN: We had a lengthy debate on this Bill when it was before us previously. I opposed the second reading, having given my reasons for so doing. What is the purpose of the principal amendment moved by the Hon. Mr. Potter? We have had various opinions about this. Although some members may not accept this, I am not trying to play politics in this matter. However, I think politics came into it when the amendment was moved by Mr. Potter in the first place.

I listened with interest to Mr. Potter's reasons why this Council should insist on its amendments, and I think some of the comments that have been made in relation to the amendments have been justified. The Bill proposes to divide the State into 47 House of Assembly districts, in which case the definition of the metropolitan area would be vastly different from what it is today. At present there are five Legislative Council districts, each returning four of the 20 members that comprise this Council. The Hon. Mr. Potter's proposition is not what it is claimed to be: a more realistic distribution for this House by reducing the number of districts therein. To be consistent with the present-day trend I should have thought we should increase the number of Legislative Council districts, not decrease them to two metropolitan and two country districts, which is the purpose of the amendments.

The Hon. Mr. Rowe has touched on a point which I think (and I say this quite advisedly, as I did on the second reading) leads to a fear psychology, and the remarks that have been made this afternoon also lead me to that conclusion. Mr. Rowe mentioned Elizabeth and the vast growth that has taken place there. Indeed, the vast number of residents at Elizabeth is continuing to grow.

Each day more houses are being built at Elizabeth and more people are going there. I would not like to guess what size it will be eventually, but I can foresee the day when one will travel in a completely built-up area from Adelaide to Gawler.

The occupations of these people are such that one would believe the majority of them to be Labor supporters. Therefore, the Midland District is in danger for the Liberal Party. The same would also apply to Southern District, with the development that is taking place there. One can examine the figures of the last State election to see that, here again, there is another fear complex.

It has been reiterated this afternoon that if a redistribution of Legislative Council boundaries is not carried out soon there is a danger of the Liberal Party losing its majority here and its grip on this Chamber. Assuming the Hon. Mr. Potter's amendments were adopted and the commission were instructed accordingly, it could mean that Central No. 1 would be enlarged to take in, I assume, Elizabeth, Modbury, Tea Tree Gully and other areas where much development is taking place.

The Hon. R. C. DeGaris: Who is drawing the boundaries, by the way?

The Hon. S. C. BEVAN: I am at the moment.

The Hon. R. C. DeGaris: That is a bit of a gerrymander.

The Hon. S. C. BEVAN: The Chief Secretary would agree that those districts would be brought into Central No. 1. The two additional representatives in Central No. 1 would certainly go to the Labor Party, and Central No. 2 would be extended to the area that is developing to the south of Adelaide. However, that development would not be of sufficient impetus to offset the present Liberal vote in Central No. 2, so the Liberal Party would hold that district. Some of the fast-developing areas now in Midland and Southern would be taken out of those districts and brought into the metropolitan area, thereby making those districts safe for all time for the L.C.L. At present they are vulnerable. In my opinion, that is the purport of Mr. Potter's amendment, and I cannot get that out of my mind, despite what other honourable members say in relation to the Legislative Council boundaries.

This Council could finish up with 24 members, 18 of whom would be Liberal members, and the remaining six, Labor members. That would mean that we would tie up this Chamber for all time. In the event of a recurrence of what happened at the election before last, when the Labor Party in this State came to office (as will happen at the next election), the Legislative Council could stop any legislation that came to this place from another place. That is the intention of the amendment moved by the Hon. Mr. Potter.

The Hon. F. J. Potter: These are pretty sneaky arguments that you are putting.

The Hon. A. J. Shard: But they are correct. We can read you.

The Hon. S. C. BEVAN: I hope we will not persist with the amendments and that the Bill will be returned to another place accordingly.

The Hon. A. J. SHARD (Leader of the Opposition): I do not wish to cast a silent vote on this matter, although it might be better if I did. I speak in support of the motion that has been moved because, as most members know, I did not speak on the amendments when they were before the Council prior to Christmas. Never during any part of the election campaign or the debate after the last election was there any mention of an increase in the number of members in this Chamber. When the controversy was at its height the Premier and members of the other place (I will not name them) came to some sort of agreement that there would be a redistribution of the other place providing for 47 members. The first I heard of an increase in the numbers in this Council was when the Hon. Mr. Potter introduced his amendment.

I do not want to be political, as certain other people have been, but if we as a Council want to keep faith with the public we should be big enough to accept what the Leader of the Government has agreed to in the other place. Is the Premier the Leader of the Government of this State, or is he not? A deal was made that there would be 47 seats instead of the present 39 seats, and five districts for this Council. If we want to get rid of one of the anomalies that have grown up with us, we will not insist on the amendments.

The public wants a redistribution in the other place, and everyone understands that; but, quite contrary to what the Hon. Mr. Rowe thinks, not one person in 10 understands the constitution of this Chamber. I do not say that about the public in any derogatory way. When I had lunch with some people today I was asked questions the answers to which I would have thought they knew. No-one outside clearly understands this place. If we are

to have some semblance of decency and some semblance of a redistribution, this Council should not insist on its amendments. I say in as kindly a way as I can—and this affects all of us—that, if there is not a redistribution in the terms passed in the other place, this Council has to take the full blame for it.

The Hon. R. C. DeGaris: I don't agree with you.

The Hon. A. J. SHARD: If this Bill is laid aside as a result of this Council's insisting on its amendments, the Council will have to take the full blame. It was only at a late stage that a member of this Council introduced amendments to decrease the number of districts and increase the number of members for this Council. How that action is logical, I do not know. While this Council exists, we should at least face up to what the public needs on a State basis rather than on a personal and political basis.

The Hon. R. C. DeGaris: We have always done that.

The Hon. A. J. SHARD: I do not agree. Both the Chief Secretary and I have played politics in this place on occasions. This is a bigger question, and it is a straightforward one. I think everyone will agree that the public demands this redistribution in the other place, and if we are sincere in our attempt to correct an anomaly in the other place we will not insist on our amendments. We should allow that Chamber to be upgraded at least to something like a reasonable basis. I hope the motion is carried.

The Hon. G. J. GILFILLAN: I have listened with some surprise to some of the statements made, particularly the one implying that in South Australia we have two anomalies—one in the other place and one in this Chamber—in the matter of redistribution, and that it is in the best interests of the State to clean up one of these and let the other go. I cannot follow this reasoning. I believe that the Hon. Mr. Potter's amendments were timely and perfectly justified.

The Hon. D. H. L. Banfield: Why didn't the Government introduce the amendment?

The Hon. G. J. GILFILLAN: The Government introduced the Bill in the other place and in that Bill it also made provision for some adjustment to Legislative Council boundaries.

The Hon. F. J. Potter: And the Government supported the amendment.

The Hon. G. J. GILFILLAN: Yes.

The Hon. D. H. L. Banfield: The Government could have put this provision in the original Bill if it had wanted to do so.

The Hon. G. J. GILFILLAN: As reported in the press, prominent members from the other place said, "First let us fix up these boundaries and then we will deal with the other place." If, as has been suggested, anomalies apply in both places, surely nothing is more logical than that they should be dealt with conjointly by the same commission. I believe that the criticisms that have been levelled at the Hon. Mr. Potter's amendments are completely unjustified. If statements made in the other place have been correctly reported in the press, one of the main accusations has been that of gerrymandering. We know that this is completely untrue.

The Hon. D. H. L. Banfield: We don't know that it is untrue; in fact, we believe that to be correct.

The Hon. G. J. GILFILLAN: The honourable member should know that no detailed instructions have been given to the commission as to how it should draw the boundaries. It has merely been requested to provide as nearly as possible for two country seats and two metropolitan seats and to draw the boundaries to bring this about. There has been no suggestion about where those boundaries should go: it has been left to the commission. Surely the true meaning of the word "gerrymander" is that it is an attempt to rig boundaries so that certain areas can be excluded and others brought in. There is nothing of this in these amendments.

The Hon. D. H. L. Banfield: Who are you kidding?

The Hon. G. J. GILFILLAN: I repeat that there is nothing of this in these amendments. Regarding the suggested extra members, there is to be an increased metropolitan area, and this throws the present five seats out of balance. It is impossible to divide five seats equally between metropolitan and country, so it is necessary either to increase or to decrease the number of members to give equal representation. I believe, as the Chief Secretary and others have said, that in view of the substantial increase in the other House, and also in view of the system prevailing in almost all two-House Parliaments throughout the world, to increase this House to about 50 per cent of the numbers of the other is quite justified.

We have before us a very serious position of one House of Parliament adjusting its boundaries and largely ignoring the interests of the

other House. The second House has put in what seems to me a very reasonable number of amendments, merely putting to a commission a suggestion for redistribution in that House. Whatever comes out of the commission's report is not final, for it still has to be considered by both Houses. I cannot understand the objections, particularly in view of the statements made this afternoon that anomalies exist in both places but that we should worry for the time being about only one of them. I oppose the motion.

The Committee divided on the motion:

Ayes (7)—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris (teller), C. M. Hill, A. F. Kneebone, A. J. Shard, and C. R. Story.

Noes (11)—The Hons. Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, and V. G. Springett.

Majority of 4 for the Noes.

Motion thus negatived.

SCIENTOLOGY (PROHIBITION) BILL

Returned from the House of Assembly with the following amendments:

No. 1. Page 3, line 4 (clause 3)—Leave out "subsection" and insert "section" in lieu thereof.

No. 2. Page 3, line 6 (clause 3)—Leave out "(3)" and insert "(2)" in lieu thereof.

No. 3. Page 3, line 37 (clause 6)—After "Act" add ", but any such scientological records shall not be so destroyed or otherwise disposed of before the expiration of six months from the day on which they were so delivered."

Consideration in Committee.

The Hon. R. C. DeGARIS (Chief Secretary): I move:

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

Amendments Nos. 1 and 2 are drafting amendments. Amendment No. 3 provides that certain records, which I think people appreciate are held by scientologists, must be held by the Attorney-General for six months before they are destroyed.

Amendments agreed to.

ADJOURNMENT

At 4.20 p.m. the Council adjourned until Tuesday, February 11, at 2.15 p.m.