

LEGISLATIVE COUNCIL

Tuesday, February 11, 1969

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

QUESTIONS

PARLIAMENT HOUSE

The Hon. A. J. SHARD: Has the Chief Secretary a reply to the question I asked last week about working conditions on the first floor of Parliament House?

The Hon. R. C. DeGARIS: The Minister of Works reports:

It is generally accepted that those areas not served at present by air-conditioning require air-conditioning. The cost of providing this in those areas would exceed \$100,000. However, in the light of current planning for additional Parliament House accommodation the whole proposal would now require to be reviewed. Approval has been given for the provision of air-conditioning in the Government Reporting Department accommodation.

EMERGENCY SERVICES

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

Leave granted.

The Hon. R. A. GEDDES: In connection with the disastrous accident in Victoria in which the Southern Aurora Express was involved, a press report states:

It was stated that Victoria's State disaster plan went into effect within two minutes of the crash.

This plan apparently uses all State and Commonwealth Government agencies to provide very quickly as much help as possible. What plan does this State have, should a similar emergency occur?

The Hon. R. C. DeGARIS: I read the report on the quickness with which help arrived at the scene of the collision. I believe the first units to arrive were those of the Emergency Fire Services. We have an excellent E.F.S. organization in this State, and we also have a civil defence organization headed by the Deputy Commissioner of Police. Although I cannot guarantee that this organization would take action within two minutes of an emergency, I can say it is geared to go into action very quickly, should such a disaster occur in South Australia.

The Hon. G. J. GILFILLAN: In view of the difficulties associated with rescue work at the scene of the Southern Aurora disaster, will the Minister take up with the Ministers

of Transport in the other States the question of providing emergency exits in railway carriages similar to those provided in aircraft?

The Hon. C. M. HILL: Perhaps it would be better for me first to obtain a report on this matter from the Railways Commissioner here. The further process of implementing, on an Australia-wide basis, anything that comes out of that report can then be considered.

EDUCATION SUBSIDIES

The Hon. L. R. HART: I ask leave to make a short statement prior to asking a question of the Minister of Local Government, representing the Minister of Education.

Leave granted.

The Hon. L. R. HART: People living in sparsely settled and remote areas of the State often find it necessary, at considerable cost to themselves, to engage a governess to educate their children. Although these people pay taxation, just as other residents do, unfortunately they cannot use the normal facilities provided by the Education Department. I understand that the Commonwealth Government subsidizes the employment of governesses in the Northern Territory, and although I am not certain of this I think the subsidy amounts to \$100 a year. Will the Minister ask his colleague to look into the question of subsidizing the employment of governesses in this State?

The Hon. C. M. HILL: I shall refer the matter to my colleague and obtain a report.

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Local Government, representing the Minister of Education.

Leave granted.

The Hon. A. M. WHYTE: Some schools are fortunate enough to be subsidized for various accessories that their committees purchase for them. On the other hand, others are denied these subsidies and, having purchased an article such as a television set, they are also denied any reimbursement or subsidy for repairs effected to that machine. It seems wrong to me that the committees, which are good enough to raise the money themselves to supply such equipment without subsidy, should then be denied a subsidy on the repairs to the machine. Will the Minister of Local Government therefore take up this matter with the Minister of Education with a view to having the position rectified?

The Hon. C. M. HILL: I shall discuss the matter with my colleague.

PETROL PRICES

The Hon. V. G. SPRINGETT: Last week I asked a question of the Chief Secretary concerning the prices of petrol and oil in this State. Has he a reply?

The Hon. R. C. DeGARIS: I have a reply from the Treasurer as follows:

The Government has asked the Prices Commissioner to convene a conference of the oil companies and the South Australian Automobile Chamber of Commerce to discuss internal problems within the oil industry. It was decided that the Commissioner be further requested to ask the oil industry to supply to him information on industrial pump installations and discounts being given and details of service stations which have changed hands. Meantime, the oil companies have submitted an application to the Prices Commissioner for increased selling prices of their products. When the Commissioner is able to report on these matters, the Government will consider any further steps that may be required.

WATER MAINS

The Hon. D. H. L. BANFIELD: Has the Minister of Agriculture, representing the Minister of Works, a reply to my recent question regarding the possibility of increasing the fee for reporting broken water mains?

The Hon. C. R. STORY: My colleague, the Minister of Works, has advised that very careful consideration has been given to the policy that should be adopted in respect of persons reporting leaking water mains. Inquiries show that in other States no payment is made to persons reporting leaks and that the public respond well in reporting them as it is regarded as a public duty which citizens generally should undertake. This is, in fact, the basis of the policy adopted in this State. A letter is forwarded suitably thanking informants for their public-spirited action and, in addition, a voucher is enclosed. The voucher can be exchanged for 25c, together with any further cost that may have been incurred on a trunk line telephone call where this was necessary. Generally speaking, the amount of 25c is not intended as, and should not be regarded as, a payment for services rendered, but is in the nature of a flat reimbursement of expenses which can be increased where additional amounts are incurred. Only about 50 per cent of persons reporting leaks claim the reimbursement and it is not considered that any increase is warranted.

PENSIONERS' CONCESSIONS

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the provision of transport services in the Barossa Valley. As honourable members know, the rail service there was recently terminated and a bus service introduced in its stead. I understand that publicity inserted in the local press at that time stated that pensioners would be given a concession by the successful tendering contractors. I understand now that old age pensioners are receiving this concession but that invalid pensioners are not. As invalid pensioners are often in a more difficult position than old age pensioners, will the Minister look into this matter and see whether the concession could be extended to invalid as well as old age pensioners?

The Hon. C. M. HILL: I shall look into this matter for the honourable member.

TRANSPORTATION STUDY

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

Leave granted.

The Hon. R. A. GEDDES: I recently received a well-documented letter from the Corporation of the City of Mitcham objecting to certain aspects of the Metropolitan Adelaide Transportation Study plan as it is scheduled to go through the corporation's area. Can the Minister say, if Cabinet approves of the M.A.T.S. plan going forward, what consideration will be given to the representations of authorities, such as the Corporation of the City of Mitcham, that have lodged complaints or suggested possible alterations to the plan to suit their needs as they see them?

The Hon. C. M. HILL: First, the honourable member mentioned a letter he received from the council objecting to certain aspects of the M.A.T.S. plan. Possibly he is referring to a letter that was sent to all ratepayers in the Mitcham area that would be affected.

The Hon. A. J. Shard: It went to all members of Parliament.

The Hon. C. M. HILL: I am talking about the letter that the Mitcham council sent to the ratepayers in the area affected by the plan at Mitcham. Possibly, as the Hon. Mr. Shard just said, it was sent to all members of Parliament as well. The letter had enclosed with it a returnable form that had to be completed and returned to the council. The council held meetings at which the M.A.T.S. plan was

discussed, and I understand that at one meeting a motion objecting to the plan was withdrawn by the people on the floor. Submissions have been made by the Corporation of the City of Mitcham to the M.A.T.S. organization, and those submissions, as well as all other submissions that have been received, are being considered by the M.A.T.S. officers.

TROUBRIDGE

The Hon. Sir NORMAN JUDE: I desire to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. Sir NORMAN JUDE: During the last few weeks I have been, if not inundated, at least worried by a large proportion of my constituents on Kangaroo Island about the possibility of the cessation of the *Troubridge* service. I understand that this matter has been considered by the Government for some time and that the company involved has not received much clarification of the Government's intention. I point out the grave importance of this matter not only to my constituents on Kangaroo Island but also to those on the west coast of Eyre Peninsula should this form of transport become limited or even removed. Will the Minister report to this Council on this matter at the earliest opportunity?

The Hon. C. M. HILL: This really concerns the Minister of Marine, not the Minister of Roads and Transport. Therefore, it is proper that I refer the matter to the Minister of Marine and obtain the report that the honourable member seeks.

SITTINGS AND BUSINESS

The Hon. A. J. SHARD: I desire to ask a question of the Chief Secretary, the Leader of the Government in this Council. In view of what we have heard about the introduction of more Bills, can he give me any idea how long this Parliament is likely to sit this session? Would we be safe in making appointments outside this Council this side of Easter?

The Hon. R. C. DeGARIS: I can assure the Leader that he will be quite safe in making appointments some time after Easter. It is hoped that the concluding part of this session will be completed by the end of February. Although there are certain matters of some urgency that need to be dealt with, we hope to be finished by the end of February.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 6. Page 3437.)

The Hon. C. M. HILL (Minister of Local Government): I thank honourable members for their keen interest in this Bill and for the suggestions they made during the course of the debate. The Bill was introduced towards the close of the 1968 sittings of the Council; it was drafted reasonably quickly so that members might have it before them for consideration during the recess. Because of the urgency of its introduction, it was realized that some amendments might be necessary at a later stage.

Several members have spoken on the Bill and have raised matters that have been given close consideration. The Hon. Mr. Bevan and the Hon. Mr. Gilfillan, in discussing clause 4, which provides for mayors in district councils, referred to the provision enabling the Government, by proclamation, to resolve any doubts that might arise in giving effect to the proposal. The provision of mayors in district councils is a departure from the structure of past and present local government bodies, and such a departure is not put forward lightly. Many approaches have been received from district councils that have suffered loss of status through not having their chief elected member known as a "mayor", a title common in most countries, whereas the title of "chairman" is not so well known and it is contended that this title does not carry the same prestige as that of "mayor".

District councils who have sought this change fall into two categories. First, there are those districts with large towns in their areas, in many cases larger than some municipal towns that have mayors. Such districts consider that the lack of a mayor results in a lack of recognition of their areas. In addition, some amalgamations of country municipalities and districts have taken place and concern has been expressed with the resultant loss of the mayor (Kapunda is one example). Such a loss is one reason for some desirable amalgamations not taking place.

It has been suggested that those amalgamated bodies be given municipal status, and this could be possible with some such bodies (and the Clare area is one such body) that desire to retain district council status with a mayor as the principal officer.

As already stated, this is a departure from present structures of councils, and drafting the

appropriate legislation is difficult. It is considered desirable that power be given for the Government to resolve, by proclamation, any unforeseen difficulties that may arise. This is not done with any intention that legislative powers be taken away from Parliament but done to resolve any administrative doubts and difficulties that may prevent the effective introduction of mayors into districts. It is considered that this proposal will be of great benefit to district councils.

The Hon. Mr. Bevan has queried whether such a mayor would have a deliberative as well as a casting vote. It is not intended that the duties of these mayors be changed from those of chairmen. This statement is made in a very general form. Chairmen at present have both votes; so, too, will the mayor of a district.

The Hon. Mr. Gilfillan and the Hon. Mr. Hart have asked how the proposal will be effected. It is not desired to force this provision on those districts that do not want it. Accordingly, to make this quite clear, an amendment will be introduced to insert the words "at the request of a district council" in the clause.

The Hon. Mr. Hart has asked how a vacancy will be filled if such a mayor should resign. This is covered by the present provisions of the Act, and a vacancy will be created and filled in the same way as vacancies for other members are created and filled. The Hon. Mr. Dawkins has asked for confirmation that such a mayor will be elected annually by all rate-payers and that he will, in fact, be a member of the council. He will be so elected. In addition, an amendment will be introduced to remove any doubt that he is not a member.

Clause 6 refers to the provisions regarding appeals by officers against dismissal and demotion. The Hon. Mr. Bevan has raised the question of the definition of "officer". It is the same definition as that which applies to the setting of salaries by the Local Government Officers Classification Board. Therefore, all officers for whom the board in the past has been able to determine salaries will be covered by these new provisions, which will cover those officers mentioned by the Hon. Mr. Bevan.

The Hon. Mr. Gilfillan and the Hon. Mr. Bevan have mentioned the appointment of a referee. No specific qualifications have been stipulated, because it is believed that the nature of the appeal—whether it is major or minor—should determine the person to be appointed. It could be a magistrate or a judge or some person with local government expertise, but

in any case it would be a person well qualified to hear the appeal. One referee would not be appointed for all cases, but a separate appointment would be made for each appeal, although one person could certainly be appointed more than once.

The Hon. Mr. Bevan has suggested that the Municipal Officers Association be consulted on the appointment of a referee. It is not considered that either the Municipal Officers Association or the Local Government Association should be consulted. The Hon. Mr. Gilfillan and the Hon. Mr. Hart have mentioned that, with these new provisions, there will be two avenues of appeal available. The existing provisions of the Act empower the clerk to appeal to the Industrial Court against dismissal.

These provisions do not apply to other officers. There is an essential difference between the two provisions. If a clerk is successful in his appeal to the Industrial Court, he must be reinstated in his position. This is essential, because the Act lays down certain responsibilities on a clerk that do not apply to any other officer. The new provisions do not remove the right of a council as an employer to hire and fire, although, if it disregards the referee's report, it will pay compensation. Only the clerk, therefore, will have two rights. This is not considered to be undesirable or unusual.

The Hon. Mr. Bevan has referred to compensation and loss of salary by an officer. The provisions do empower the referee to set an amount to cover any loss of salary. The limit on the compensation payable was recommended by the Local Government Act Revision Committee. The Hon. Mr. Hart has queried the necessity of the provision that provides for money to be recovered as a debt due. This is a common provision in such matters. It is conceivable that a body that is required to pay money will refuse to pay. Provision must be made, therefore, to enable the person to recover the money in the same way as ordinary debts are recovered.

The Hon. Mr. Rowe has doubted the necessity for these provisions. Submissions were received from the Municipal Officers Association for provisions that exist in other States to be applied to South Australia. It is contended that local government officers, by the very nature of their employment, can easily incur the displeasure of a councillor or councillors, resulting in unfair action by a council. The main principle of the provisions is to provide for a hearing, so that an officer may

clear his name, thereby enabling him to continue his profession, even if it is not in the same council. This may not have been possible otherwise.

Clause 7 grants voting rights to the wives of the owners of dwellinghouses. The Hon. Mr. Gilfillan and the Hon. Mr. Hart consider that this clause does not go far enough in that it does not cover wives of the owners of other types of ratable property. No objection is raised to such an extension, and an amendment has been prepared accordingly.

Clause 8 removes the limit on the amount that a council can contribute to organizations promoting local government and development. The Hon. Mr. Bevan and the Hon. Mr. Hart consider that a restriction on the amount to be spent should remain. This amendment followed an approach from the Local Government Association, which would be restricted by the operation of the existing provisions. Following amalgamation of the then existing two associations, the Local Government Association found that the total fees to be paid by certain councils exceeded the restriction.

A suggestion has been made that a limit be placed on the amounts to be contributed to development organizations but that no restriction be imposed on the contributions to the local government associations. It is not considered desirable that one type of organization should be better treated than another, particularly where both types have a somewhat similar aim. If a restriction is to remain, it is considered that it should be a total restriction as applies at present, but with an increased amount. However, it is considered that councils are generally comprised of sound men who can be relied on not to make unreasonable expenditures.

It is considered that the time has come when councils should have the independence to decide their own destinies in the expenditure of their incomes. If councils are inclined to spend unwisely in any direction they will have to face the ire of the ratepayers—and watchdogs of council expenditure do exist. Clause 9 will empower country municipalities to subsidize the establishment of doctors and dentists, a power which at present is available only to district councils.

The Hon. Mr. Dawkins said he could not see that this was quite so necessary in a municipality, as these bodies usually comprise larger towns than towns situated in a district. There are many towns in district councils that are larger than some municipal towns. However, the request for this amendment came

from a very large country municipality, that at Whyalla, which had experienced difficulty in attracting dentists to the area. The proposal is considered to be reasonable.

Clause 10 empowers a council, with the consent of the Minister, to set aside moneys in reserve funds. The Hon. Mr. Bevan, the Hon. Mr. Gilfillan and the Hon. Mr. Dawkins have said that the provision goes too far in permitting councils to create reserves for any purpose. The Hon. Mr. Dawkins is also interested in whether there are special cases where this power is needed. The amendment arose from a request from a metropolitan council to be empowered to set aside revenue to finance the future purchase of land for recreation areas.

Many councils in South Australia, particularly those on the fringe of the metropolitan area, are deficient in open spaces and are spending considerable sums of money in purchasing desirable areas. Councils find that suitable land becomes available suddenly and, if it is not to be forever lost to recreation uses, the council must purchase immediately. Many desirable areas have been lost because councils have not had the necessary finance available at the time. They have found that loan funds are not available at the time—either through difficulty in obtaining funds from lenders or because they have already been committed to borrowing for other functions. Creation of reserve funds will assist councils to obtain these very desirable areas.

One purpose has been mentioned, but there are other local government functions where the creation of reserves would assist. The Hon. Mr. Bevan queries the desirability of the Minister's having a discretionary power to impose conditions. It is considered that the words "may specify" are more appropriate than "shall specify" in these provisions. It is necessary that the Minister be empowered to lay down requirements if it is felt that any are necessary, but it is quite conceivable that none will be necessary.

The Hon. Mr. Bevan fears an increase in rates resulting from this power. This could be possible, or alternatively it may mean a reduction in another sphere. Any item of expenditure included in a council's budget (and this will be one such item) will have an effect on the amount of revenue required to cover that expenditure. It is not considered that increases in rates, if any, will be great.

The Hon. Mr. Hart states that these provisions set out to legalize certain practices now

in operation. This is not so. Existing provisions permit certain reserve funds to be held, but the possibility that some councils may now be creating illegal reserves is not behind the provisions: they are introduced to meet practical difficulties. The Hon. Mr. Hart also fears that a council may use these powers to avoid ratepayers' polls. This is not intended, and action would be taken to ensure that this did not happen.

Clause 12 refers to underground cables. The Hon. Mr. Gilfillan and the Hon. Mr. Hart suggested that section 365 could have been amended instead of a new section being enacted. Consideration was given to amending section 366 rather than section 365. Section 366 would have been more appropriate, and possibly these honourable members were referring to this section. However, the Assistant Parliamentary Draftsman states that, for drafting reasons, a new section is desirable.

In recent years the practice of placing underground the cables from the Electricity Trust pole to a house rather than erecting overhead connections (that is, connections from the pole to the house) has been followed. These are private connections, but no authority has existed to enable councils to permit the opening of the road or footway for this purpose.

Clause 13 refers to the borrowing of money by councils. Many banks have followed a practice of lending money to councils on a specified period of years but with repayment in one year of the balance owing half-way through the period. This is to enable the loan to be re-negotiated half-way through on the then ruling rate of interest. Alternatively, banks have lent money on a condition that the interest rate is adjusted during the period of the loan to the rate then applying.

At present, councils are restricted in the amount they can repay each year on borrowings, and they are required, in their notice of intention to borrow, to state the rate of interest applicable to the whole period of the loan. Therefore, the councils are prevented from entering such loan arrangements, although the practices are common. The Hon. Mr. Hart has suggested that the words "by a party or" in paragraph (b) be deleted to avoid a single party varying the interest. The intention is that the council can accept a loan that has a condition that the interest be varied by the lender during the term of the loan. The Assistant Parliamentary Draftsman states that, to achieve this, the wording as drafted is necessary.

Clause 18 defines a ratepayer for postal voting purposes as including a company nominee. The Hon. Mr. Hart has suggested that the definition should also include an attorney for a ratepayer. No objection is raised, and an amendment has been prepared.

Clause 20 concerns the reproduction of postal vote application forms. The Hon. Mr. Bevan has expressed concern regarding the reproduction of forms being permitted only with the consent of the council and has cited the possible case of a voter leaving the State after the last council meeting for the year and thus being unable to secure a form. This situation is appreciated, and an amendment is being considered by the Assistant Parliamentary Draftsman.

The Hon. Mr. Hart has stated that the returning officer and not the council should authorize the reproduction of forms. It is considered that this is not desirable, as the council is the responsible authority.

Clause 21 concerns section 834 regarding the duties of witnesses. The Hon. Mr. Hart points out that because section 840 will include a ratepayer as a witness a consequential amendment should be made to section 834. This will be done. Clause 22 concerns the use of plain envelopes for sending out postal voting papers. The Hon. Mr. Hart questions the necessity for this. The provision is necessary to prevent the malpractices that have occurred. The Local Government Act Revision Committee, in its inquiries, was disturbed by evidence that ballot-papers forwarded to a voter had been extracted from letter boxes.

Clause 23 makes a drafting amendment to section 836 (1). The Hon. Mr. Hart points out that a similar amendment is necessary to subsection (2). An amendment will be introduced. Clause 24 refers to the list of authorized witnesses, and it is proposed that it be extended. The Hon. Mr. Gilfillan considers that an elector on the Assembly roll could be included. The extensions proposed have been recommended by the Local Government Act Revision Committee and are considered to be wide enough for the purposes of local government voting.

The Hon. Mr. Hart expresses doubt about including "council clerk" as an authorized witness. The purpose of this amendment is to include local government officers in other States. The term "council clerk" is used in other States to describe the town or shire clerk. The Assistant Parliamentary Draftsman

considers that the expression "holding office as council clerk" would not include any clerk in a council.

Clause 25 refers to the actions of candidates, canvassers, etc., being present while a postal voter is marking his paper. The Hon. Mr. Hart considers that the provision is very restrictive and unnecessary. Further consideration has been given to this, and an amendment will be introduced to remove the clause.

Clause 26 concerns the disqualification of a candidate who commits breaches of the provisions. The Hon. Mr. Hart and the Hon. Mr. Dawkins consider that the penalty is too severe. The Local Government Act Revision Committee considers that any candidate who personally and wilfully commits breaches of the provisions is unfit to be a member of a council. However, after considering existing penalties in the Act (which could be too lenient), the Government will introduce an amendment to reduce the penalty. Provision will be made for disqualification for two years, which is the period prescribed under the Electoral Act.

Clause 27 empowers the city of Adelaide to embark on schemes of development. The Hon. Mr. Bevan considers that this power should be vested in all metropolitan councils.

Since this amendment was introduced, approaches have been made by metropolitan councils (Walkerville and St. Peters) for the powers to be extended to other councils. In view of the comments of the Hon. Mr. Bevan and the approaches from councils, further consideration has been given and a motion will be moved seeking an instruction for the Committee to consider a new clause relating to development schemes for councils other than the city of Adelaide.

Clause 27 also refers to construction of buildings over roads. This is a desirable development in a capital city. The overway constructions would be used for various purposes, including retail trading, as well as for a connection between buildings. The Hon. Mr. Bevan referred to existing powers for such constructions. Two such proposals have been carried out in Adelaide under the existing provisions of the Act referred to by Mr. Bevan. However, some doubt has been raised that the existing provisions cover such proposals.

The Hon. Mr. Hart referred to the desirability of giving rights of appeal to other adjacent owners who might be affected. These cases will occur where both sides of the road are owned by the same owner, and even if another

owner was close to such works it is not thought that he would be affected.

Clause 30 involves alterations to the Nineteenth Schedule as a result of some of the amendments in the Bill. The schedule has been amended from time to time, and in view of this a new revised schedule has been prepared and will be submitted as an amendment.

The Hon. Mr. Hart has suggested that company nominees and ratepayers in other States be included in the schedule as authorized witnesses. This is not considered necessary, first because persons enrolled on the voters' roll pursuant to section 100 (company nominees) would not be so enrolled in other States and, secondly, because it is considered that the list of witnesses adequately caters for requirements of postal voters in other States.

This has been a lengthy reply, but I hope honourable members will agree that a very close examination has been made of the points raised by members. The Bill was introduced before Christmas because, although we were short of time then, I wanted to enable honourable members interested in local government to have adequate time to peruse and consider it. The alternative would have been to wait until now to introduce it in a better form than that in which it was introduced. Weighing up the two approaches, however, I think the approach adopted was the better, and I trust that other honourable members will consider all the amendments that have now been placed before them. I think the original Bill with these amendments is urgently needed by local government. To explain the position further and to assist honourable members, comments have been added on the sheet containing the amendments, and I trust that honourable members will find them helpful.

Bill read a second time.

The Hon. C. M. HILL (Minister of Local Government) moved:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause relating to development schemes.

Motion carried.

In Committee.

Clause 1—"Short titles."

The Hon. C. M. HILL: Honourable members have indicated that they would like further time to peruse these amendments and consider some of the matters I raised in my reply to the second reading. As the Chief Secretary indicated earlier today, the Government is not anxious to continue this session for a great

length of time and, consequently, it is restricting itself to trying to finalize matters on the Notice Paper and to completing other urgent measures still to be introduced. For these reasons, I ask honourable members to devote as much time as they can to these amendments so that we can make further progress as soon as possible. I ask that progress be reported.

The Hon. SIR NORMAN JUDE: I appreciate the need for speed, but this afternoon the Minister said that he intended to introduce another Bill relating to the Director of Local Government. I cannot help feeling that a further contingent Notice of Motion should be moved to deal with this matter rather than that it should be dealt with in a separate Bill.

The CHAIRMAN: A debate now is out of order. There can be no debate on the question, which is that the Committee report progress and have leave to sit again.

The Hon. L. R. HART: In view of the urgency of the Bill, is it necessary—

The CHAIRMAN: The honourable member is out of order. I have already pointed out that there can be no debate on the question.

Progress reported; Committee to sit again.

**DA COSTA SAMARITAN FUND
(INCORPORATION OF TRUSTEES)
ACT AMENDMENT BILL**

The Hon. R. C. DeGARIS (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Da Costa Samaritan Fund (Incorporation of Trustees) Act, 1953. Read a first time.

The Hon. R. C. DeGARIS: I move:

That this Bill be now read a second time.

It is designed to extend the powers of the Da Costa Samaritan Fund Trust beyond that of providing benefits to convalescent patients of the Royal Adelaide Hospital. Section 19 of the Act provides:

The trust shall stand possessed of the trust property upon trust:

(a) to pay out of the income thereof or out of any money being part of the trust property and representing income, the expense of management and other expenditure lawfully incurred by the trust on or in connection with the trust property;

(b) to apply the balance of the income and such money as the trust thinks fit for the benefit of the convalescent patients of the Royal Adelaide Hospital.

Over a number of years the trust has assisted a great number of convalescent patients of the Royal Adelaide Hospital mainly through the provision of surgical appliances, spectacles, wheel chairs, etc. About three years ago the

Government of the day decided that convalescent pensioner patients would be provided with such aids by the hospital itself, and this decision has resulted in a considerable reduction in the demands made upon the income of the trust. Accordingly, during 1967 the trustees provided assistance to the extent of \$479 to St. Margaret's Convalescent Hospital Incorporated at Semaphore, where the majority of the patients are convalescent patients of Royal Adelaide Hospital, and to the Queen Elizabeth Hospital, but mostly to those from the former hospital. Also, after obtaining the concurrence of the Board of Management of the Royal Adelaide Hospital, the trust donated \$3,000 to Bedford Industries Building Fund on the basis that many convalescent patients of Royal Adelaide Hospital are rehabilitated through that organization.

The accounts of the trust are submitted annually to the Deputy Master of the Supreme Court, who questioned the validity of the assistance given to St. Margaret's Convalescent Hospital and to Bedford Industries Building Fund on the ground that there was the gravest doubt whether, as a question of law, it could be said that the donations in issue constituted the application of funds "for the benefit of the convalescent patients of the Royal Adelaide Hospital" strictly speaking within the terms of the trust, the suggestion being that some few persons who might not have been convalescent patients of the Royal Adelaide Hospital could also have benefited from those donations.

The Royal Adelaide Hospital was originally the only general public hospital in the metropolitan area. In 1958 the Queen Elizabeth Hospital was established at Woodville and there are proposals to build other general public hospitals elsewhere in the metropolitan area. The position now is that only a proportion of the convalescent patients originally intended to be assisted by the trust will be related to the Royal Adelaide Hospital. In view of the decision of the Government earlier referred to, the trustees are of the opinion that it is now appropriate to extend the benefits of the trust to convalescent patients of other hospitals besides the Royal Adelaide Hospital. The trustees also have sought legislation validating payments made by them the validity of which has been questioned by the Deputy Master. The Government agrees with the submissions of the trustees.

Clause 2 of the Bill brings an obsolete provision of section 14 up to date. Clause 3 repeals section 19, which deals with the

obligations of the trust, and enacts in its place a new section, which widens the scope of the trust to require the trustees to apply the balance of income of the trust for the benefit of the convalescent patients of the Royal Adelaide Hospital, the Queen Elizabeth Hospital and any other hospital which for the time being is declared by proclamation to be a hospital to which section 19 applies.

Clause 4 enacts a new section 19a, which validates any past or future application of moneys by the trust which, in the opinion of the trustees, was or is substantially for the benefit of convalescent patients of the Royal Adelaide Hospital or of any of the other prescribed hospitals, notwithstanding that a benefit might or may also have been thereby conferred on patients who were or are not necessarily convalescent patients of the Royal Adelaide Hospital or of any of the prescribed hospitals, as the case may be. Clause 5 makes a consequential amendment to section 26 of the principal Act. This Bill, being a hybrid Bill, is required to be referred to a Select Committee.

I should like to thank the members of the Council for their co-operation in enabling me to suspend Standing Orders to get this matter before the Council today. As has been pointed out, it is a hybrid Bill, which will need to be referred to a Select Committee. Its provisions are perfectly clear. In the original specifications of the trust there was some doubt whether it could assist any patients other than those who were convalescent patients of the Royal Adelaide Hospital. The trustees believe we have gone past this stage in South Australia.

The PRESIDENT: This being a hybrid Bill, it must, under Standing Order 268, be referred to a Select Committee.

Bill read a second time and referred to a Select Committee consisting of the Hons. D. H. L. Banfield, Jessie Cooper, R. C. DeGaris, F. J. Potter, and A. J. Shard; the committee to have power to send for persons, papers and records, and to report on Tuesday, February 18.

ABORIGINAL CHILDREN

The Hon. A. F. KNEEBONE (Central No. 1): The Chairman of the Select Committee is not, unfortunately, here this afternoon because he has been called away to attend the funeral of a close relative. He has asked me to handle this matter for him. The Select Committee was required earlier to make its report to this Council on this day but, as so many people desire to present evidence to the committee and in view of the number of places it

is required to attend, I have been asked, on behalf of the committee, to move the following motion, which I do:

That the time for bringing up the report of the Select Committee on the Welfare of Aboriginal Children be extended and that the committee have leave to sit during the recess.

Motion carried.

ELECTORAL DISTRICTS (REDIVISION) BILL

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 Legislative Council granted a conference, to be held in the Legislative Council conference room at 4.15 p.m., at which it would be represented by the Hons. D. H. L. Banfield, R. C. DeGaris, G. J. Gilfillan, F. J. Potter and A. J. Shard.

[Sitting suspended from 3.17 to 4.14 p.m.]

At 4.15 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 9.52 p.m.

The Hon. R. C. DeGARIS (Chief Secretary): I have to report to the Council that the managers of the two Houses conferred together, but no agreement was reached.

The PRESIDENT: As no agreement was reached at the conference, the Council, pursuant to Standing Order 338, must either not insist on its amendments or order that the Bill be laid aside.

The Hon. R. C. DeGARIS: I move:

That the Council do not further insist on its amendments Nos. 1 to 15.

I move this motion with some regret; I have spoken previously on this matter. The conference was managed for this Council by five honourable members, and I pay my compliments to them on the manner in which they managed matters on behalf of this Council. The conference explored many avenues of possible compromise on this question of redistribution, or redrawing the Legislative Council boundaries, but each compromise put forward and examined was unacceptable to the managers of one House or to the managers of the other House.

The managers of the Legislative Council stuck rigidly to the concept that the Council should not go beyond equal representation in the Legislative Council for the metropolitan area and the country. I point out that the House of Assembly redistribution gives the metropolitan area a representation of, I think, something more than 50 per cent above the representation it gives to the country. The only

compromise put forward, as far as the House of Assembly was concerned, did not follow this concept, and I believe that the opinion of this Council is, at this stage anyway, that any redistribution in relation to the Legislative Council should follow this concept. In relation to this matter I have previously mentioned the comparisons with the Commonwealth situation and with the situation in other States.

Although I regret having to move this motion, I believe it is better to achieve electoral reform in one House than in no House, because everyone agrees that electoral reform is overdue. There may be arguments in relation to the correctness of the redistribution in the House of Assembly, and I have already expressed my personal views on this matter. It is better that this Council should see that electoral reform is achieved in the House of Assembly rather than that the Council should stand in the way of electoral reform in the Assembly. I repeat that I believe in all justice that redistribution on the basis of equal representation in this Council for the country and the metropolitan areas is a perfectly just concept. However, in the hope that at least one of the anomalies may be overcome, to the liking of the members in another place, I am moving the motion.

The Hon. G. J. GILFILLAN (Northern): I believe that we face a very serious situation in the constitutional make-up of our whole Parliamentary institution. Many honourable members of this Council accepted the Bill that came from another place, which provided approximately for three metropolitan members to two country members. In doing this, honourable members well knew that amendments were on file that would give some protection to the country districts by ensuring that the representation in this Council would not go beyond that of equal representation for the country and for the metropolitan areas. If these amendments are not insisted on, we will have this very large imbalance of three metropolitan members to two country members perpetuated in another place, and this Council will not have its boundaries changed. I am quite sure that, hereon, it will be attacked regarding its present boundaries and that there will be a cry for electoral reform for this place.

I firmly believe that the two issues of reform for both Houses do go together and should be contained in the one Bill. True, as the Hon. Mr. DeGaris said, all avenues were explored at the conference, and it was conducted on both sides in an effort to find some compromise.

We discussed two compromises suggested by the managers of another place; it was not known whether these were firm suggestions but they were put forward for our consideration. They did go a long way beyond the principle we had accepted in this Council—equal representation for the country and metropolitan areas. We adopted this principle in order to have some country voice within Parliament, in view of the redistribution in another place on the basis of three metropolitan members to two country members. Therefore, in fairness to a very large area of the State, I cannot support the motion.

The Hon. A. J. SHARD (Leader of the Opposition): I support the motion, and I agree with the previous speakers that the conference was conducted in quite a good manner. However, never before have I been at a conference when one side was so determined that nothing should succeed. It did not matter what was put forward by the managers of another place, it was immediately unsuitable or unacceptable to the managers of this place.

On numerous occasions the Premier pointed out that it was agreed in another place between the Parties and in Cabinet that the redistribution of the House of Assembly electoral boundaries would be dealt with in isolation. That is to say, the House of Assembly redistribution would be dealt with, and then the Legislative Council redistribution would be dealt with in another Bill. The Premier gave his word on behalf of the Government today that, if this Council did not insist on its amendments, he would facilitate the introduction of a separate Bill with the very amendments moved by this Council. He assured the conference that he was keeping his word not only to the members of the House of Assembly and to his own Cabinet but also to the public, to which he had said that the House of Assembly redistribution would be dealt with by itself and that whatever redistribution was necessary for the Legislative Council would be dealt with in a separate measure.

Personally, whilst we were there to support the Legislative Council's viewpoint, I could not see anything wrong with that suggestion. Why it was not accepted was beyond my comprehension. I concluded that the decision of this Council was brought about with nothing else in view but the defeat of the Bill. I am not the only one who thinks this.

A subeditorial in this morning's *Advertiser* points out quite plainly this Council's responsibility in this connection. The feeling between the two Houses has deteriorated over the last

12 months, and it will further deteriorate if this motion is not carried. We can say what we wish and think what we like, but this Council must take full responsibility if this Bill is laid aside. I said this last week and let me repeat it: never at the height of all the discussions on redistribution was the Legislative Council mentioned. Neither was it mentioned by any member of Parliament (I asked last week to be corrected if I was wrong) that the Bill would be amended in this Chamber to increase the members of this Council. The whole debate, the whole demonstration, the whole propaganda on redistribution centred on the House of Assembly.

If the Chief Secretary's motion is not carried tonight, this Council will have to face the public odium arising from its action—and I assure honourable members that that odium will not be too easy to bear. I hope that at this late hour this Council will have some thought for the vast majority of the people of this State and not further insist upon its amendments.

The Hon. D. H. L. BANFIELD (Central No. 1): I support the motion. This Council has already accepted the Bill. True, it amended it, but the fact remains that it was in full agreement with the redistribution of the House of Assembly boundaries, and accordingly it passed that part of the Bill. To go back on the passing of that Bill at this stage would stink to high heaven. Not only the Premier but also the Leader of the Opposition in another place and the public at the time of the last elections realized that there would be a redistribution of House of Assembly districts. The Premier came out and said, "We will re-form the districts." The Opposition, too, said it intended to do that. It is true to say that the number of seats was discussed at the time of the election, and subsequently a compromise was reached which was acceptable to both Parties in another place and to the general public. On no occasion did the Government or any member of the Government during the election campaign say that Parliament was going to do anything about the Legislative Council districts. Time and time again we have heard it said by members of this Council (and it was said in a leaflet that was put out) that they would stand in the way of any Bill that did not conform to election promises. Redistribution of Legislative Council boundaries was not even mentioned at the time of the election.

The Hon. R. C. DeGaris: And the 47 seats were not mentioned, either.

The Hon. D. H. L. BANFIELD: At least, it was said that there would be a redistribution of House of Assembly boundaries. There was no doubt in people's minds that there would be a redistribution for the House of Assembly but there was never a thought in people's minds that there would be an increase in the size of the Legislative Council. Tonight, the Premier has said (and we have to take his word on this occasion, although it is true he has gone back on certain election promises; he has put hardly any into operation and that may be one reason why the Council should be concerned about the position) but he has said that he is prepared to introduce a separate Bill to deal with the amendments inserted in the Bill by this Council. So what does this Council stand to lose if it has the opportunity of another Bill to discuss the matter? This Council knows very well that, if it does not accept this motion, the Bill will lapse.

Is it prepared to do that rather than trust the Premier to bring in a Bill to deal with the matters raised by the Council? Some members do not care two hoots what the public will do. They do not care about the possibility that this gerrymander will continue as a result of their actions. This Council considered and agreed to the whole Bill. It made no attempt to alter it in respect of the 47 House of Assembly seats; it was happy about that. What has changed members' minds? It is the fact that they think this is their only opportunity to sew up the Council for another 100 years in favour of Liberal and Country League members.

Ministers and many backbenchers in this Chamber all know that there was a tacit agreement between the two Parties in the other place and members in this place. Some members here knew that this constitutional Bill was to be considered in isolation so far as the House of Assembly was concerned, and all accepted that position. But what do we find today? It seems that there is a possibility that they will not favour this motion. One leading backbencher here said that he would not vote for the motion, and I direct my remarks to him. He, as a member of this Council, agreed to pass this Bill, which redistributed boundaries for the House of Assembly, but tonight he will go back on his word, in the same way as the Government has done on many issues.

Obviously, the masters from this place are again taking control of the Government and will not allow this Bill to pass, because of the possibility that they will not be able to control

the Council for another 100 years in their own interests, and they are prepared to sacrifice the redistribution of House of Assembly districts for the sake of their own self-interest. It has been stated in the *Advertiser*, which is not wellknown as a Labor paper, that this Council will be doing the wrong thing if it allows this Bill to lapse. Usually, the *Advertiser* tries to mould public opinion, but it did not have to do that concerning this matter. It has stated what is public opinion without attempting to influence it. The *Advertiser*, in accepting the position, knows that the people of this State expect this Council to carry out the election promises made by both sides to have a redistribution of boundaries, even if it were necessary to compromise. We have had a gerrymander in this State for many years and the position has been grave, but since 1962 attempts have been made to improve the situation, and now the stage has been reached where a compromise has been obtained between the two main political Parties, although this did not occur easily. This Bill was not entirely satisfactory to either the Liberal and Country Party or the Australian Labor Party, but it was realized that it would give some satisfaction to the people of this State, the people whom we represent, whoever they vote for.

The general public accepted this compromise, which was agreed between the two Parties, but we now find there is a possibility that this Council will not agree with what has been done. The matter has nothing to do with this Council. In the main, the purpose of this Bill is to alter the districts in the House of Assembly, and that can only affect members of that House. It is a compromise accepted by the people and which the people were expecting, because the people of this State have protested about the electoral set-up for many years. This Council has no right to interfere with the Bill which, in the main, affects members of the House of Assembly. If the Bill were to affect members of the Legislative Council to some degree, those members might have a perfect right to throw out the measure if they so desired, but the Government promised that members, if they wished, would have an opportunity to consider a Bill to alter the districts of this Council. Obviously, from the remarks made by the Hon. Mr. Gilfillan, Government members are not prepared to accept the Bill or the Premier's promise. Therefore, neither will the people outside accept the Premier's promise in regard to any matter whatsoever if the Council throws out the Bill.

How can any Government expect to have the confidence of the people in these circumstances? This Council is not a House of Review: it is dominated by members of the L.C.L. When an election is held, probably next year, we shall find that it will be A.L.P. versus L.C.L. and not the Legislative Council versus the House of Assembly. In fact, the Government must be brought down; it must resign if it does not have this Bill passed because, along with its promise regarding the Chowilla dam, the Government promised that there would be a redistribution of electoral boundaries. Chowilla is gone, and the redistribution is now on the skids unless members of this Council do the right thing. I urge them to support the motion.

The Hon. F. J. POTTER (Central No. 2): The Hon. Mr. Banfield makes many wild assertions.

The Hon. M. B. Dawkins: He said nothing.

The Hon. F. J. POTTER: He suggests absolutely nothing in respect of this Bill.

The Hon. D. H. L. Banfield: That's what you're going to do about this Bill—absolutely nothing!

The PRESIDENT: Order!

The Hon. F. J. POTTER: The purpose of introducing these amendments in the first place was to ensure, at the same time as House of Assembly districts were referred to an electoral commission, that the situation concerning the districts of this Council was also referred to that commission. I completely refute the suggestion made by the Leader of the Opposition that the sole purpose of moving these amendments was to defeat the House of Assembly's Bill. I made it clear on another occasion that I believed (and I still believe) that the ambit of that Bill was sufficient to allow an amendment to be moved when the measure was considered in this Chamber to provide for a redistribution of Council districts. It seemed to me to be quite wrong in principle that we should accept a redistribution of House of Assembly seats which would totally alter the electoral position in this State yet do nothing about the Council boundaries. I agree that the conference was conducted in a forthright but well-mannered way. However, I think it has clearly revealed just how widely members of the Liberal Party and members of the Labor Party differ in regard to electoral reform for this Council.

The Leader of the Opposition said that no suggestion that was made at the conference was accepted, but the Hon. Mr. Gilfillan has referred to the real reason for that: every

suggestion made did not conform to the principle that was inherent in my amendments, namely, that there should be equal representation in this Council for city and country interests, in view of the disparity of those interests on a 3:2 basis in the House of Assembly distribution. It seems to me that Labor Party members in this and the other place have not even started at the moment to think about the problems involved in the two electoral systems that we will now have imposed, one on the other, if the original Bill, without the amendments, is passed: they have not started to think about what is to be done for the Council. I believe the reason for this is that, at some future time, they want to have the question of the Council boundaries considered in isolation. The Leader of the Opposition said that it would be dealt with in isolation and this means that, at some time in the future, the Council will be out on a limb on this matter.

The Premier said that he intended to introduce a Bill to deal with the Council at some later stage. That is all right, and I trust that it will be done. However, in the light of the conference this evening, I very much doubt whether that Bill, whether it is introduced here or in another place, will ever pass the second reading stage, let alone reach the third reading stage or the stage of a conference between the Houses.

The Hon. S. C. Bevan: Why wouldn't it pass the second reading stage if it were introduced in this place? You have the numbers; what would stop it?

The Hon. F. J. POTTER: I meant that it would not reach that stage if it were introduced in another place.

The Hon. S. C. Bevan: You said it wouldn't, irrespective of where it was introduced.

The Hon. F. J. POTTER: If it were introduced in another place, I doubt whether it would ever pass the second reading stage. If it were introduced in this place, I certainly doubt that the position would ever be reached where there would be a conference between the two Houses, as there was on the present Bill. However, having said all that, when dealing with the Chief Secretary's motion I think we are faced with a very different question from the question we faced at the conference (namely, consideration of the Council amendments), because the Chief Secretary has now moved that we no longer insist on our amendments. I think all members are aware of the grave decision that the Council must now make and of the very difficult issues

involved, as members decide whether they will vote for or against this motion. When all is said and done (despite the accusation that we moved the amendments deliberately to wreck the Bill, which was untrue), I think that at least we have got across to members of another place the fact that we want electoral reform in this House.

When the new boundaries are determined by the commission (and if this Council no longer insists on its amendments, that will be the position), I believe that the need for electoral reform for this Council will be self-evident not only to people who vote only for members of the House of Assembly but also to all the people of the State. We have got across clearly the message that we believe firmly that there should be equal representation for city and country interests in the Upper House. Because of that, I hope that in future we shall get a Bill either in this place or in another place that will be seriously considered by the members of all Parties, particularly by members of the Labor Party. As I believe that the decision the Council now faces is very different from the earlier decision at the conference, and as I believe it is my duty to see that the Bill for redistribution of the Assembly districts should not be lost, I intend to support the Chief Secretary's motion.

The Hon. R. C. DeGARIS (Chief Secretary): I have already spoken on the motion and have said why I ask the Council not to insist on its amendments. I could refer to many matters that have been raised by honourable members who have supported my motion. However, I want to make only one comment, and that is that I hope that the members of this Council will take no notice of the tirade delivered by the Hon. Mr. Banfield. Although he supported my motion, Mr. President, I consider that his outbursts were designed to inflame members against the motion. I ask honourable members to consider the motion in the usual capable manner in which they assess any situation that comes before them and assess the facts as they see them. I hope that members will not be influenced in any way by the Hon. Mr. Banfield's statements. As I have said, I believe very strongly in the principle of equal metropolitan and country representation, but I believe that the Hon. Mr. Banfield's remarks may have inflamed some members against my motion.

Motion carried.

ADJOURNMENT

At 10.39 p.m. the Council adjourned until Wednesday, February 12, at 2.15 p.m.