LEGISLATIVE COUNCIL

Thursday, February 13, 1969

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

SCIENTOLOGY (PROHIBITION) BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

QUESTIONS

FRUITGROWING

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: During a recent visit to the Murray River fruitgrowing areas in South Australia, the Commonwealth Minister for Primary Industry, in discussing the problems of the dried fruit industry, stated that in the absence of a stabilization scheme the industry would lack the capacity to take up the extra dried fruit when the wine industry ceased taking its present quantities. Mr. Anthony went on to say he would be guided by the wishes of the industry, as conveyed to him through the recognized organization, the Australian Dried Fruits Association, on whether or not it desired another stabilization scheme. However, the problem from the growers' point of view is that the Australian Dried Fruits Association is largely controlled by the packers and the agents. What the growers really want, I understand, is not so much a new stabilization scheme as a single statutory marketing authority with power to control the packaging, quality, marketing and financing of the industry. They believe this will sufficiently reduce their costs to allow the industry to become economically stable. Will the Minister, when he attends the next meeting of the Agricultural Council shortly, express these views if and when the question of the dried fruits industry is raised?

The Hon. C. R. STORY: I have seen to it that the question of one single statutory board will be placed on the agenda of the Agricultural Council. At the Council's last conference I was instrumental in keeping the door open for further discussions of this question. The previous Commonwealth Minister for Primary Industry, I understand, gave an undertaking to a section of the dried fruits industry that, if it was the express wish of a large majority, they would be given an opportunity to have a poll to see whether a single statutory board would be acceptable to the industry. The questions of a stabilization scheme and of a single statutory board should not be confused, because there is no relationship whatever between the scheme and the board. The stabilization scheme has been in operation now for a number of years and in the early stages of its operation the growers contributed to it. Because the cost of production rose and the price of fruit did not rise, they have been drawing money from the scheme. It may not be the "be all and end all" of stabilization schemes but it is a scheme that gives some stability to the industry.

Regarding the question of a single statutory board as an alternative to the present marketing method controlled by the Australian Dried Fruits Association (to which practically every member of the industry belongs), this is the subject of a difference of opinion between two sections of the industry, the United Farmers and Graziers section, which desires a single statutory board, and the Australian Dried Fruits Association section, which desires to remain on the same basis of marketing as at present applies. This matter has been the subject of several deputations to the Commonwealth Minister for Primary Industry (Mr. Anthony). State Ministers have been fully apprised by both bodies of the position. I have seen to it that the matter will be raised at the next meeting of the Agricultural Council. What the Commonwealth Minister and the other State Ministers will do in these circumstances I cannot say, but the matter is on the agenda.

RAILWAY SAFETY

The Hon. R. A. GEDDES: Can the Minister of Roads and Transport say whether all locomotives used in South Australia and Victoria for hauling the Overland are fitted with driver safety controls such as the "dead man's pedal"?

The Hon. C. M. HILL: I have obtained a report on this general subject as it relates to the South Australian Railways and I hope it will satisfy the honourable member. All large power main line diesel electric locomotives on the South Australian Railways are fitted with a vigilance control device which is pneumatically operated, and unless either the engineman or fireman presses a cancelling button a hooter operates in the cab every two minutes. Should either the engineman or fireman fail to press the cancelling button, the brakes are applied in emergency application on both the locomotive and on the train and, in addition, the

locomotive power is cut. The device is so designed that, should the driver or the fireman, or both, collapse on to the buttons and maintain a permanent cancellation, the brakes would be applied and the power cut as described above. These locomotives were formerly equipped with a "dead man's pedal".

On branch line locomotives the dead man's pedal is being replaced by the vigilance device. Shunt locomotives are not equipped with either dead man or vigilance devices as they generally operate within the confines of shunt yards and at low speeds. In addition, the necessity to operate the cancelling button could be a distraction during shunting operations. On 300 and 400-class suburban rail cars and also on the Bluebird country rail cars dead man equipment is fitted. It is designed so that it is essential for the driver to maintain a downward force on the driver's brake valve handle or, alternatively, place his foot on an interconnected pedal.

The old 75-model rail cars are not equipped with vigilance equipment as are the others, for the reason that the power is controlled by an accelerator pedal similar to that of a motor car, and it has always been considered that in the event of a driver collapsing, power would be cut. At present only eight of these rail cars are in service and their elimination is imminent. In addition to the automatic equipment referred to above, train-running staff must be fully qualified in safe working rules. These rules also provide that both the engineman or fireman are responsible for verbally advising each other of the indications displayed by fixed signals, switch stands and switch indicators and hand signals that affect the movement of their train or locomotive.

The Hon. R. A. GEDDES: I thank the Minister for his answer regarding locomotives operated in South Australia. However, my original question was whether locomotives operating in South Australia and in Victoria hauling the Overland Express were equipped with suitable safety devices, and I would be glad if the Minister could supply this information regarding Victorian Railways locomotives in due course.

The Hon. C. M. HILL: The South Australian Railways engines that haul the Overland Express come under the category I mentioned in my reply of the large-power main line diesel-electric locomotives. With regard to the engines owned by the Victorian Railways, which I understand also haul the same train, I will obtain a report for the honourable member.

AGRICULTURAL EDUCATION

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

Leave granted.

The Hon. M. B. DAWKINS: For many years now a course in dairying has been maintained at the Hawkesbury Agricultural College in New South Wales and, except for a short period when South Australia had its own course at the Roseworthy Agricultural College, this State has availed itself of the facilities provided at Hawkesbury. Indeed, I believe in recent years a number of our cadets have gone through that course and that at present some young men are doing it. I am informed that the course, which for several years has been a two-year diploma course, has been extended and that in future it will be possible for men undertaking this course of study to secure a degree by staying at the college for a longer period. Will the Minister of Agriculture consider enabling our cadets now studying at that college to complete the degree course? Possibly in one or two instances it may be advisable for some young men who have just completed a diploma course to return to complete the degree course and thus be better qualified for Government service. Will the Minister consider this also?

The Hon. C. R. STORY: I shall consider the matter. However, it must be remembered that our cadetships are provided in many cases by the dairying industry, and it would be necessary for consultations to be carried out between the department and the dairying industry before I could commit my department. This seems to me to be a reasonable sort of request and I shall certainly take it up with both bodies as soon as possible.

ABATTOIRS

The Hon. V. G. SPRINGETT: A short while ago I asked a question of the Minister of Agriculture regarding premises at which private slaughtering is carried out, and I asked of the Government's intentions regarding the care and standard of those slaughterhouses. Has he a reply to that question?

The Hon. C. R. STORY: As I said before, this question has vast scope because it involves not only private slaughterhouses in country areas but also some private abattoirs in the country. I have appointed a committee comprising Mr. Jeffery (Auditor-General) as chairman, Mr. Dennis (the Public Service Board Chairman) and Mr. Dunsford (Director of

Lands and formerly Manager of the Government Produce Department) to investigate the present Acts in South Australia covering this subject, including the Metropolitan and Export Abattoirs Act and other relevant legislation, and I have asked that committee to bring down a report with recommendations. It will depend entirely on when I get that report and what the findings of the committee are as to what amendments will be necessary to include in a Bill for submission to Cabinet.

The subject raised by the honourable member is very wide, because it does not concern merely the existing slaughterhouses. There may be four, five or six such places in a town or district, and when slaughterhouses are closed and some other establishment is opened someone has to pay and someone has to be compensated. It is this type of thing that exercised my mind to a very large degree. I agree that it is necessary to have hygienic meat, but it is not just a matter of saying that we can clean up this whole matter overnight.

Also, it would be necessary to have a good look at the Local Government Act, because local government has a very great responsibility for slaughterhouses and for health and hygiene matters generally. That committee will report to me as soon as it can.

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: Some little time ago a deputation from the Loxton District Council waited on the Minister of Agriculture seeking to have the Murray River area declared an abattoirs area for the purpose of establishing a public abattoirs there. Following the Minister's reply to the Hon. Mr. Springett, can the Minister say whether we are to assume that the decision on the Loxton request will now have to wait on the presentation of the report of the committee named by the Minister?

The Hon. C. R. STORY: I pointed out to the deputation at the time that this was a very wide subject. The Local Government Act gives a district power to take certain action with regard to abattoirs. I think the councils appreciated this when they put forward their proposition, which I have considered; I think it would be better if this matter awaited the outcome of the committee's inquiry on most of the matters pertaining to meat because meat distribution in South Australia at present is such that an intimate knowledge is needed even to get a slight idea of what is involved. By that I mean that meat is brought in from outside the metropolitan area into that area, and in addition meat is sent out of the metropolitan area to certain other areas.

The Hon. A. J. Shard: And it is sold at any old time.

The Hon. C. R. STORY: The whole thing is a complicated matter, and I think it would be better to get the Acts in order before seeing what can be done.

PENSIONERS' CONCESSIONS

The Hon. M. B. DAWKINS: Has the Minister of Roads and Transport a reply to my question of Tuesday last concerning pensioners' concessions in the Barossa Valley on the new road transport services?

The Hon. C. M. HILL: When the Transport Control Board met representatives of the Barossa Valley Chamber of Commerce and councils in the Barossa Valley it was stated that concessions for pensioners offered by applicants for the road passenger service would be taken into consideration by the board.

The concession offered by Wadmore's Coach Lines for aged pensioners was more than other applicants were prepared to grant and as other matters considered by the board also favoured Wadmore's service, that company's application was successful.

Fares charged by the bus operator are lower than those which applied when the rail service was running, for example, adult single and return fares from Adelaide to Nuriootpa are 85c and $1.70 respectively whereas the comparable rail fares were $1.51 and $2.27. In view of the greatly reduced fares, the Manager of Wadmore's Coach Lines is not prepared to extend the present concession.

RAILWAY OVERWAY

The Hon. C. D. ROWE: I have been asked as one of the members of the council of Westminster School to ask the Minister of Roads and Transport about the present position relating to the erection of an overway over the railway line that passes Westminster School where there was a fatal accident some time ago. Has the Minister any information on this matter?

The Hon. C. M. HILL: The Rev. Mr. Woollacott, representing Westminster School, came to see me a few weeks ago about this matter. Previously he saw me when introduced to me by the Hon. Mr. Rowe. The report I had a few weeks ago was that the overpass was being designed by the South Australian Railways. I will obtain and bring down a report for the honourable member as to the exact position at present.

CAVAN RAILWAY CROSSING

The Hon. S. C. BEVAN: Last week I asked the Minister of Roads and Transport a question with regard to planning for the Cavan railway crossing. Has he a further reply to this question?

The Hon. C. M. HILL: It appears probable that no objections will be raised to the transportation study proposal to construct a new road west of the railway between Islington and Martin's Road. Discussions have been held between the Highways Department and the South Australian Railways regarding the widening of the level crossing at Cavan, in lieu of the former proposal for an overpass.

While an estimate of the cost of the widened crossing is still in course of preparation by the South Australian Railways, road design is proceeding for the extension of the divided section of the Port Wakefield Road over the railway to the junction of Diagonal Road. It is expected that construction of this section can be undertaken about the middle of 1970.

An investigation of the difficulties presently experienced at the crossing indicates that the increased rate of clearance that will be possible when the roadway has been widened will result in only very short delays to road traffic.

EUDUNDA TO MORGAN RAILWAY LINE

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Eudunda to Morgan Railway Line.

PUBLIC PARKS ACT AMENDMENT BILL

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Public Parks Act, 1943. Read a first time.

The Hon. C. M. HILL: I move:

That this Bill be now read a second time.

It arises out of a decision of the Government to abolish the title of Director of Local Government, which was previously borne by the Commissioner of Highways. Under section 3 of the principal Act as it stands at present, the Director of Local Government is *ex officio* head of the advisory committee constituted by that section, the function of this committee being to recommend the acquisition of land for public parks.

This Bill abolishes the advisory committee as constituted and establishes a new committee consisting of three members appointed by the Minister and at the same time sets out in some little detail certain matters relating to the committee.

The Hon. S. C. BEVAN (Central No. 1): I support the second reading of this Bill. I have looked at the Public Parks Act and can visualize what this amending Bill will do to it. Section 3 of the Act sets out the composition of the advisory committee—the Director of Local Government, the Surveyor-General and the Town Planner (now the Director of Planning). I appreciate that this change is necessary because there will no longer be a Director of Local Government.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Advisory Committee."

The Hon. R. A. GEDDES: Honourable members have not had a chance to do any homework on this Bill, so I seek information from the Minister. Clause 2 provides for a new section 3, subsection (1) of which states:

The advisory committee constituted under this Act as in force before the commencement of the Public Parks Act Amendment Act, 1969, is abolished and the members of that committee in office immediately before that commencement shall, on that commencement, cease to hold office.

There is to be a new advisory committee. Is there to be another committee that will take part in the overall discussions? When the Council debated the Public Parks Act last year (I think it was) there was appointed a committee of responsible men who had done a great deal of work in relation to public parks. Are these men displaced because of this clause?

The Hon. C. M. HILL: First, I draw the honourable member's attention to new section 3 (2), which provides that a new committee shall be appointed by the Minister. The object of this committee will be to inspect the land for which a subsidy has been sought from the Government by a local authority. In other words, if a council wishes to obtain a piece of land as a public park and wants to avail itself of some of the funds in the Public Parks Fund, that council will apply to the Government for a 50 per cent subsidy, being 50 per cent of the Land Board's valuation, which usually works out at about the price that the council wishes to pay for the subject land.

Apart from valuation, it is desirable that there be a further check by the Government before it provides its subsidy that in fact this is a worthy application by the council for the

particular reasons the council submits. So an inspection of the land is made and the application is vetted by this committee, which in the past has comprised the three gentlemen mentioned by the Hon. Mr. Bevan—the Director of Local Government, the Surveyor-General and the Director of Planning. Now, there will be no Director of Local Government. His duties in respect of local government administrative and legislative matters will now be carried out by the Secretary for Local Government, that change being in line with the practice in most other States.

So it means, first of all, that a new officer has to be found for this committee to take the place of the Director of Local Government. It would have been one approach to this matter simply to provide that the job of the Director of Local Government shall be undertaken by, for instance, the Secretary for Local Government. On the other hand, we thought, too, that at some time in the future there might be some other reason for looking at the composition of this committee.

The Hon. R. A. Geddes: These three people were named in the present legislation?

The Hon. C. M. HILL: That is true, but we thought it might be necessary to look at the composition of this committee so that it would be the best and most effective committee that could be chosen. I give the undertaking that there is no intention of removing the Director of Planning from this committee because, naturally, we would seek his views on how the reserve or park that the council in question was seeking fitted into the general pattern of reserve areas in that particular locality.

If honourable members wish me to, I am happy also to give an undertaking that the Surveyor-General will be reappointed to the committee. I think the general object will be achieved in this way. I cannot see how any harm will occur through the new provision, and I think we will obtain the best committee in the future, irrespective of the Minister in office, if the clause as drafted is carried.

The Hon. Sir NORMAN JUDE: I agree with the purpose of the Bill; its intention is possibly to name an individual as a member of the committee. Can the Minister say whether there is any arrangement within the machinery of the Bill to sack such a member, to pay him or to do anything else that the Minister may wish to do in regard to him? It seems very vague.

The Hon. C. M. HILL: It is not intended that members of this committee will be paid. The removal of any member from office would be at the discretion of the Minister.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1967. Read a first time.

The Hon. C. M. HILL: I move:

That this Bill be now read a second time.

As honourable members may be aware, the present Commissioner of Highways (Mr. J. N. Yeates) carries the additional title of Director of Local Government and his department is known as the Highways and Local Government Department. On the accession to office of his successor (Mr. A. K. Johinke) on March 3, 1969, it is proposed to discontinue the use of the title, which is confusing to local government authorities and to the public since it does not reflect the true functions of his department. Accordingly, this short Bill, which desirably should be in operation before March 3, 1969, merely replaces references to the Director of the Local Government Department with references to the Commissioner of Highways.

The Hon. S. C. BEVAN (Central No. 1): I support the second reading. I appreciate the position that has arisen following the virtual retirement of the present Commissioner of Highways, who is at present on long service leave. On the appointment of his successor the designation "Director of Local Government" will be discontinued. I do not know that I entirely agree with the Minister's statement that the title is confusing to local government authorities and to the public since it does not reflect the true functions of his department. The previous designations have been used ever since I have been a member of this Council, and perhaps for some years before I became a member.

To the best of my knowledge councils have not been confused about who the Director of Local Government is and who the Commissioner of Highways is. When councils have sought grants for roadworks and loans for machinery, they have always known to whom to go. However, I appreciate that, for

purposes of administration, the new arrangement may be better. When I was Minister I found that it would have been a better arrangement. When a query or complaint reaches the Minister, if he does not have the appropriate officer with him much time may elapse while he sends a message to another department situated in another building. After the Minister has obtained the information he must communicate with the council concerned, and much time is wasted in this way.

Inquiries regarding local government matters could be more expeditiously handled if the responsible officer was conveniently located. During my three years as Minister of Local Government I experienced difficulties in this respect, and requests were made that a local government department and Ministry be set up. It was difficult to do it at that time, so I did not proceed with it. This Bill is a step towards having a local government department located in the Minister's office. If this is done, it will be best for local government. I support the second reading.

The Hon. Sir NORMAN JUDE (Southern): I agree with the remarks made by the Hon. Mr. Bevan and reject the Minister's suggestion, as the Hon. Mr. Bevan has done, that there is confusion in this matter. I would be the first to admit that former Commissioners have told me that they have not had time to deal with some of the intricate work relating to local government. Also, often minor complaints are made and, because the Commissioner of Highways is also Director of Local Government, the council expects to see him rather than the junior clerk. I suggest that, if this is what he intends, the Minister should come straight out and say that he intends to appoint another person as Director of Local Government or even, as has been suggested in the last few days in relation to the Electoral Bill, to appoint an additional Minister. I am sure the present Minister would be relieved to have the Local Government portfolio taken off his shoulders. I do not like to suggest that there may be a nigger in the woodpile, but I think some of the reasons he put forward were too nebulous. Some of the reasons given were sufficient, and I think he should have confined himself to saying that it was intended that the Commissioner would be relieved of some of his duties.

The Hon. C. M. HILL: I hasten to assure the Hon. Sir Norman Jude that there is no nigger in the woodpile in this matter. Although he may perhaps suspect it from time to time, there is no trickery of that kind in explanations that I give of Bills. I assure honourable members that this measure is not a criticism of the Director but is an inevitable change necessitated by the passing of time and the expansion in departments, especially those that one might call operating departments, which the Highways and Local Government Department is.

All members know that strong and worthy foundations were laid in this whole area by the Hon. Sir Norman Jude during his long years of service as Minister, and we know too, from the remarks of the former Minister, the Hon. Mr. Bevan, that he began to see the need for some administrative work directly connected with councils to be taken away from the Highways and Local Government Department.

The Hon. S. C. Bevan: I did that myself, by bringing the local government officer into my office after I was appointed.

The Hon. C. M. HILL: That is so. This Bill puts the polish to the final change. There has been and still is confusion because, if a council has a query regarding its accounting procedures or about the interpretation of a clause in the Local Government Act, the Health Act, the Building Act, or any other Act directly relating to local government, it does not know whether that query should be directed to the Director of Local Government or to the Secretary for Local Government. We have, therefore, set up a new Local Government Office with a Secretary for Local Government at its head, and it is to that person and that office that such queries should be directed.

However, all queries about road allocations and roadmaking matters will still go directly to the Commissioner of Highways or the Highways Department, as it will now be known, so there is an inevitable split, which is a move towards efficiency. It is not intended to consider the appointment of a Director of Local Government; the small Local Government Office that we have is working efficiently and well, and it finishes off the general changes introduced over the previous years and, in my opinion, it is to the betterment of local government in all respects that we are doing this. I ask leave to continue my remarks.

Leave granted; debate adjourned.

Later:

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL

In Committee.

(Continued from February 12. Page 3533.)

Clause 22—"Issue of certificate and voting papers."

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

In paragraph (*a*) to strike out "words" and insert "passage".

This is a drafting amendment.

Amendment carried; clause as amended passed.

Clause 23—"Inspection of Applications."

The Hon. C. M. HILL: I move:

To insert the following new paragraph:

(aa) by inserting after the passage "certificate and" in subsection (2) the word "for";

This, too, is a drafting amendment.

Amendment carried; clause as amended passed.

Clause 24—"Authorized witnesses."

The Hon. L. R. HART: During the second reading debate I raised a query as to what was meant by a "council clerk", and the Minister assured me that this office was that of "clerk" in some of the other States. I have had further discussions with the Parliamentary Draftsman about this, and it appears that a clerk in New Guinea is known as a "council clerk". The problem that I saw was that it would be somewhat confusing in that a person may consider a junior clerk in a council office in this State to be a council clerk. I would like some further clarification from the Minister on this.

The other query I have is in relation to paragraph (*f*), which inserts a new subsection into section 840 setting out a list of persons who shall not act as authorized witnesses. When one examines this closely one comes to the conclusion that this narrows considerably the field of persons who can act as authorized witnesses. I think it is known that there have been occasions where a candidate did not get any votes at all in an election campaign, so obviously all of the people who voted at that time could have canvassed or solicited votes for the successful candidate. Under this provision, of course, there would be no person who would have been qualified to act as an authorized witness. I do not see the need for this paragraph. I think it is far too restrictive, and I cannot see why it is there. I move:

To strike out paragraph (*f*).

The Hon. C. M. HILL: The intention behind the introduction of this restrictive provision is to prevent the malpractices that have occurred. The Hon. Mr. Bevan dealt with this matter in some detail in his second reading speech. Instances occurred where a candidate employed or obtained the services of a campaign committee; that person sought people who held the qualification of witnesses, and some undue pressure was brought to bear by some of those campaigners on behalf of their candidate to induce people to sign applications for postal votes.

The main kind of malpractice was that of trying, in effect, to influence people to make false declarations, such as that they would not be in the municipality on the day of the election. It is thought that if anyone is acting in quite good faith to obtain a postal vote there is no need for canvassers of the candidate to press this question of an application for a postal vote. The initiation of the process for a person to obtain a postal vote should come from that person himself. It was because of the problems which arose a year or two ago and about which certain inquiries were held at that time that this recommendation came forward from the Local Government Act Revision Committee.

The Hon. Sir ARTHUR RYMILL: I cannot help feeling that the people who instigated this provision have overlooked the fact that hard cases make bad laws. I possibly know more about this postal voting problem than do many other members, because the election at which I was first elected to the Adelaide City Council in 1933, when I was just 26 years of age and was fortunate enough to win by 13 votes, was the first occasion, if I remember rightly, on which postal votes were available in municipal politics. Because I had won I was then the unfortunate victim of a law case, a situation not unfamiliar to my lady colleague.

It seems to me that ever since then the Legislature has been trying to discourage people from voting rather than trying to encourage them. This seems to me to be quite contrary to what one would expect in a democracy. The Minister used the terms "democracy" and "democratic" yesterday, and I think we all believe in encouraging people to vote. The particular objection I have is to placitum (*c*) of this paragraph because it seeks to disqualify from obtaining a postal vote any person who has been a member of an election committee of a candidate at any time during an election. Why on earth does a person have a committee if it is not to try

to get votes for himself? The fact that a few crooks go around improperly getting postal votes surely should not disenfranchise the thousands of decent people who honestly and honourably go around presenting their candidate's cause. I support the Hon. Mr. Hart's amendment.

The Hon. S. C. BEVAN: Earlier, I instanced cases of agents and canvassers, and even a candidate himself, getting people to make false declarations in relation to applications for postal votes. On some occasions such people persuaded an individual to sign an application and then they filled it in themselves. The very person who was entitled to vote did not go outside his back door during the hours of polling. This person would have signed a declaration that he would not be in the area during the hours of the poll. In addition, the application would be taken to the returning officer, and the postal voting papers would be posted back to the applicant. The person entitled to vote at the election would receive the voting paper and would be considerably influenced towards voting for a particular candidate. I know of a couple of instances where candidates actually did the voting for the person concerned.

The Hon. Sir Norman Jude: That is a false declaration; it has nothing to do with this matter.

The Hon. S. C. BEVAN: But this provision will stop this kind of thing from happening.

The Hon. Sir Arthur Rymill: It will stop people from getting a postal vote.

The Hon. S. C. BEVAN: I do not agree with Sir Arthur Rymill that people will be discouraged from voting. I think not enough ratepayers are interested enough to vote at present, and with this type of thing going on I believe that the faith of ratepayers in local government is not being fostered but is being broken down. Ratepayers in such an instance would say, "This is the three card trick." It has been known for many years that, on a number of occasions in a number of districts because of malpractices relating to postal voting, a certain candidate will win election after election because he is a member of a given body, a Party representative, merely on the postal votes obtained. At the ordinary voting such a candidate may be defeated, but when all postal votes are counted it is found that this candidate has won the election. I do not believe that to be in the best interests of local government. As I said during my second reading speech, I had a number of complaints when I was Minister of Local Government concerning malpractices in applications for postal votes, and in postal voting.

The Hon. Sir Norman Jude: Did you do anything about it?

The Hon. S. C. BEVAN: No, I did not, and I refrained from taking legal action because many of the people who made declarations made them in ignorance of postal voting procedure in local government elections. Had I taken action against a candidate I would have been taking action against people who were merely innocent victims. I think correspondence forwarded by defeated candidates could still be found in the files in the office of the Minister concerning what went on in a particular district in an election.

I think this is a necessary clause in order to stop such practices. If a person enrolled on a council roll desires to exercise his franchise, surely it is not asking too much of him to make personal application for a postal vote and not let somebody else do it for him, thus laying the procedure open to malpractice. If people are genuinely absent from a district, surely they could apply for a postal vote? Where something is done in ignorance then I believe the person who induces another to make a false declaration is the one who should be dealt with. I hope the Committee does not delete this clause because I believe it will stop certain malpractices now occurring. I do not think the clause is undemocratic, nor does it stop people from exercising their franchise. It encourages rather than discourages voting.

The Hon. Sir ARTHUR RYMILL: The honourable member who has just resumed his seat seems to me to be trying to stop postal voting altogether and not just penalizing people guilty of malpractice because, as he should know as the previous Minister of Local Government, the people to whom he referred may be dealt with under the provisions of section 834 (1) of the Local Government Act which reads:

No person shall witness the signature of any ratepayer to an application for a postal vote certificate and postal voting paper unless—

. . . (c) he knows that the statements contained in the application are true, or has satisfied himself by inquiry from the applicant or otherwise that the statements contained in the application are true. Any person who commits any contravention of this subsection shall be guilty of an offence and liable to a penalty not exceeding $100.

That is the offence referred to by the honourable member and anybody guilty of it may be prosecuted. However, the Hon. Mr. Bevan wants to go further and stop these people from witnessing the postal voting paper altogether.

The Hon. M. B. DAWKINS: I wish to support the arguments put forward by the Hon. Mr. Hart and the Hon. Sir Arthur Rymill. I am sorry I cannot agree with my friend the Hon. Mr. Bevan in this matter. I believe that by this subclause we are endeavouring to hinder the 95, 98 or 99 per cent of people prepared to observe the law merely for the sake of the 1 or 2 per cent prepared to indulge in malpractices. I do not believe this provision should be included, nor do I think it should be made more difficult for people to vote. They should be encouraged to vote at local government elections and I believe, as Sir Arthur Rymill has said, that the Act as it stands deals effectively with this sort of malpractice in the clause which he has quoted.

I also wish to speak about the term "council clerk", because I am still not quite satisfied that this is sufficiently clear and I do not think the Minister has made a further reference to it as he was requested to do. During the second reading debate I mentioned by way of interjection that this could be interpreted by the general public to mean any clerk in the council office. Councils have various categories, covering both junior and senior clerks. If people go to the council office and want to attend to certain matters, unless the young men at the office are familiar with, and well briefed in, the Local Government Act they could be doing things they are not entitled to do, but things which the ordinary person would be justified in assuming they had power to do. I think this is an untidy description, and if the Minister is not prepared to alter it or delete it then he may be prepared to spell it out in more detail.

The Hon. JESSIE COOPER: I merely want to say I am a great believer in postal voting, being closely associated with one group in university circles that has always gone ahead with its elections but which has failed to have postal voting. Honourable members will remember when the Flinders University Bill was before this Council the Hon. Mr. Kemp and I took positive action to try and get postal voting included in the election for that council. If we prevent postal voting, we shall find that other malpractices will grow up and it will be just as difficult to get the right person into office. It is naive to believe that by including this clause we shall do away with all malpractices. Even an innocent person like the Hon. Sir Arthur Rymill or myself could think up other methods of overcoming the slight difficulties mentioned by the Hon. Mr. Bevan.

The Hon. L. R. HART: I am moved by the impassioned appeal by the Hon. Mr. Bevan. Because there have been isolated malpractices he wishes to throw out the net and prohibit practically every person who may be interested in a candidate from acting as an authorized witness. The inference is that every person named in this category is dishonest and cannot be trusted to act as an authorized witness. There may be malpractices, and there will continue to be malpractices no matter what we do to prevent them. They will occur in other ways. We are making it doubly difficult for people, particularly those living in isolated areas, to apply for postal voting. The Committee in its wisdom should delete this provision from the Bill. It is not necessary and will not do anything effective. I ask the Committee to vote for my amendment.

The Hon. C. M. HILL: We are getting a little worked up here, with this talk of our trying to do away with postal voting altogether. That is not our intention. A candidate can still have canvassers and supporters by this amendment, and those supporters can still approach an elector on the rolls. If he is a genuine case for a postal vote, the elector can still get his application and the canvassers can still stay with the elector, but he must go to another person for a witness, which is certainly a check that no undue influence is being brought to bear upon that particular voter. That is what we are trying to achieve here: we are endeavouring to eradicate this problem of undue influence being brought to bear on a voter.

The next amendment on the file is to delete clause 25. That clause deals with the fact that we are not going to permit those canvassers to be present with the voter when the ballot-paper arrives and take any part in the actual process of the person voting on the postal ballot-paper. I am proposing that that clause be deleted, which will relax considerably the tightness brought about by all these amendments concerned with postal voting. If we delete clause 25, it seems to be not unreasonable that, at the time the application for a postal vote is made, we are trying to make sure that everything is in order in regard to that application.

I have not had time to consider the other points raised, in particular the words "council clerk", which seem to be worrying the Hon. Mr. Hart. The present wording is "Any person holding office as council clerk". I hold that this should not be interpreted by anyone to mean "anyone holding office as a clerk in a

council". If the honourable member feels he would like to put the matter beyond doubt, he may consider moving to amend the clause by having "Council Clerk, County Clerk, District Clerk, Shire Clerk, Shire Secretary or Town Clerk", that is, by using capital letters. That would put the matter beyond doubt, although I think the provision is satisfactory as it is now printed.

The CHAIRMAN: If the Hon. Mr. Hart desires to make any amendments to paragraph (*c*), it will be necessary for him temporarily to withdraw his amendment to paragraph (*f*) so that paragraph (*c*) can be considered prior to the consideration of paragraph (*f*).

The Hon. L. R. HART: I am satisfied with the Minister's explanation but, if his suggested amendment to paragraph (*c*) would put the matter beyond doubt, perhaps now is the time for us to do it. Therefore, I seek leave temporarily to withdraw my amendment with a view to moving another amendment.

Leave granted; amendment temporarily withdrawn.

The Hon. L. R. HART moved:

In paragraph (*c*) to strike out "council clerk, county clerk, district clerk, shire clerk, shire secretary or town clerk" and insert "Council Clerk, County Clerk, District Clerk, Shire Clerk, Shire Secretary or Town Clerk".

Amendment carried.

The Hon. L. R. HART moved:

After paragraph (*e*) to strike out "and" and paragraph (*f*).

Amendment carried; clause as amended passed.

Clause 25—"Directions for postal voting."

The CHAIRMAN: There is a proposed amendment that this clause be deleted. It will not be necessary to move that amendment, as the clause can be deleted merely by the Committee's voting against it.

The Hon. C. M. HILL: On further consideration, the Government thinks that this clause is unnecessary.

Clause negatived.

Clause 26—"Disqualification for offences."

The Hon. C. M. HILL: I move:

In new section 845a, after "council" to insert "for a period of two years from the election in respect of which that breach was committed."

This amendment is self-explanatory. The previous similar amendment was carried. On further consideration it is felt that the penalties previously proposed by this clause were too severe. The period of two years' disqualification for illegal electoral practice is that provided in this State under the Electoral Act.

Amendment carried.

The Hon. C. M. HILL moved:

To strike out new section 845a (2) and insert:

(2) If a candidate suffers or permits a breach of or a failure to comply with any provision of this part by any person the election of that candidate shall be void.

Amendment carried; clause as amended passed.

Clause 27—"Power of council to acquire and develop land."

The Hon. C. M. HILL: I move:

In new section 855b (1) after "and" second occurring to insert "if such scheme of development is approved of by the Minister the council".

This clause deals with the proposed redevelopment power that the city of Adelaide is seeking. On further consideration it may be wise to have the check that the city of Adelaide has to come to the Minister for approval.

Amendment carried.

The Hon. C. M. HILL moved:

In new section 855b (2) (*d*) after "any" to insert "such".

Amendment carried.

The Hon. C. M. HILL moved:

In new section 855b (3) (*a*) after "any" to insert "such".

Amendment carried.

The Hon. C. M. HILL: I move:

In new section 855c to strike out "with" first occurring and insert "but always subject to".

This is a drafting amendment.

Amendment carried.

The Hon. C. M. HILL moved:

In new section 855c (*b*) to strike out "or" first occurring and insert "and".

Amendment carried; clause as amended passed.

Clause 28—"Power to borrow."

The Hon. C. M. HILL: I move:

To strike out "(1)" and insert "(2)".

This is a drafting amendment.

Amendment carried; clause as amended passed.

Clause 29 passed.

Clause 30—"Amendment of Nineteenth Schedule to principal Act."

The Hon. C. M. HILL: I move:

To strike out "amended—" and insert "repealed and re-enacted as follows—

Section 833

THE NINETEENTH SCHEDULE

Form No. 1

Local Government Act, 1934, as amended.

Application for a postal vote certificate and postal voting paper or papers

To the returning officer for the Municipal (*or* District) Council of

.....

I (full name).....

of (address) .....

(occupation) .....

hereby apply for a postal vote certificate and postal voting paper or papers to enable me to vote by post at the election/poll to be held on the .....day of....., 19...

I solemnly and sincerely declare—

(*a*) that I am enrolled on the voters roll for the Municipality (*or* District Council District) of.....

.....

(*b*) that the ground on which I apply to vote by post is—

(i) that I genuinely believe that I will not throughout the hours of polling for the election/poll be within that municipality or district;

(ii) that I genuinely believe that I will not, throughout the hours of polling for the election/poll, be within five miles by the nearest practical route from any polling booth at which I am eligible to vote;

(iii) that I am seriously ill or infirm and that I genuinely believe that by reason of that illness or infirmity I will be precluded from attending at a polling booth to vote;

(iv) that I genuinely believe that I will be precluded by reason of my approaching maternity from attending at a polling booth to vote;

(v) that I am caring for a person who cannot be left unattended and by reason of that fact will be precluded from attending at a polling booth to vote.

(Strike out any of these grounds which do not apply).

(*c*) that I am a natural born (*or* naturalized) British subject.

I request that a postal vote and a postal voting paper or voting papers (*as the case requires*) be forwarded to me at the following address.

And I make this solemn declaration conscientiously believing the same to be true.

Declared at .....

and signed by .....

(Signature of Applicant) in his own hand writing before me .....

(Signature of authorized witness)

.....

(Qualification as an authorized witness)

Form No. 2

Local Government Act, 1934, as amended. Section 835.

Postal Vote Certificate

I hereby certify that.....

of ..... is entitled to vote by post in respect of the Municipality (*or* District Council District) of .....at the election/poll to be held on the.....day of....., 19.....

Dated this.....day of....., 19.....

.....

(Signature of Returning Officer)

Signed by the abovenamed in his own handwriting in my presence—

.....

(Signature of ratepayer, in his own handwriting)

.....

(Signature of authorized witness)

.....

(Qualifications as an authorized witness)

Date.....

Over a period much extraneous matter has been prescribed; a considerable amount of this merely repeats the appropriate provisions of the Act. Accordingly, it is thought that this could be omitted and the schedule re-enacted in its entirety.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

Bill recommitted.

Clause 4—"Mayor of district council"—reconsidered.

The Hon. C. M. HILL: I move:

That new section 65a (5), which was struck out, be reinserted.

Honourable members may recall that, when clause 4 was reached yesterday, the Committee saw fit to strike out proposed new section 65a (5). The Government appreciates the views of honourable members that the powers granted to the Executive by this clause are very extensive in implying, as they do, that an Act of Parliament may in effect be amended by proclamation. When the Government asked for these extensive powers it did so after much consideration of the peculiar problems involved in the enactment of a section of the nature of the proposed new section.

In brief, this section provides for the creation of a totally new concept in local government, a concept related in part to the district council system and in part to the municipal council system. Honourable members will be aware that the Local Government Act has always dealt with these two systems separately even though they do, of course, have many points

in common. As honourable members are aware, the Local Government Act, which has been amended extensively since it was first enacted in 1934, is a consolidation of no fewer than 54 separate Acts which dealt with local government generally and, in particular, two Acts—one dealing with district councils and one dealing with municipal corporations.

It is, therefore, not unreasonable to suggest that, by reason of this agglomeration of legislation dealing with these two systems of local government, the working out of this third (hybrid) system may give rise to difficulties that may inhibit the full attainment of all the objectives of new section 65a, the objects of which have been approved by this Council.

Following representations by members, the matter has been reconsidered to determine whether or not there is any other method of resolving these difficulties, and it appears that there is no really satisfactory or practical alternative. It may be said, "What are these difficulties likely to be?" A short answer to this, of course, is that we simply do not know, for if we did know we would make appropriate provision for them.

It may well be that it will not be necessary for the Government to request the exercise of the powers conferred by this section, and I agree that this would be highly desirable. However, I put to honourable members the necessity in the Government's view of having this provision in the Bill, if only as a protection to ensure that its objects will be fully effective, and I am prepared to give an undertaking that if a difficulty does arise in circumstances that can be remedied by legislation, appropriate legislation will be introduced, and recourse will only be had to these powers in circumstances of emergency; that is, when a situation arises which must be resolved before the matter can be considered by Parliament.

An example of a section of this type to which this Council agreed may be found in section 9 of the Decimal Currency Act, 1965-66, where again it was beyond the ability of any human being to determine what difficulties could arise with the introduction of decimal currency. In the event, it turned out that it has not been necesary to use the power in the Decimal Currency Act, but that does not detract from the fact that it may have been necessary. In the light of the foregoing, I ask honourable members again to consider this question.

The Hon. L. R. HART: As the person who moved the deletion of this subsection, I am rather disappointed that the Minister has seen fit and deemed it necessary to ask for the re-inclusion of the subsection, which gives extensive powers to the Executive. Although the Minister has given us a comparison with another Act, I do not think the two Acts are altogether analogous. I have been unable to visualize what contingencies are likely to arise. If a Bill is so hybrid that one cannot provide for the contingencies that may arise, I believe the Bill should not be introduced at all. The powers we are conferring are so wide that we do not know what their final implication will be.

I wonder whether provision could be made for the powers to be extended by regulation rather than by proclamation, in which event Parliament would be given a say. I understand that the Parliamentary Draftsman has closely examined this matter and that there are problems associated with it. Apparently some problems are anticipated, and if they arise and they prevent the application of this section, then other problems also could arise. In the circumstances I reluctantly agree to the Minister's request.

The Hon. Sir ARTHUR RYMILL: I reluctantly do not agree with the Minister's request, because this is a provision that could be attached to any clause of any Bill that comes before Parliament. It could be said, "We cannot foresee what effect it will have. Let us have power to amend it without further reference to Parliament." I find this quite absurd. Any amendment, especially a novel one, poses problems. On average, the Local Government Act is amended two or three times a year, and I cannot see why the ordinary course cannot be followed in relation to this clause.

The Hon. C. M. HILL: In reply to the Hon. Mr. Hart I make the point that the regulations must be consistent with the Act and, therefore, the question of regulations does not apply in this case because they would, in effect, be inconsistent with the existing Act; we cannot use regulations in this matter. I appreciate that the Hon. Sir Arthur Rymill is getting a litt'e worked up about the matter because it is contrary to what any of us like to see in Acts. However, I tried yesterday, and again today with a little more exactness, to point out the Government's predicament in relation to this question, and I ask honourable members to consider what we are trying to do overall: to create this new form of body to help local government.

The Government realizes that some district councils, such as those on the Murray River for example, have large towns in their areas. Judging from conversations that have taken place, they would welcome the formation of an office of mayor. The same applies in Millicent, Kapunda, Burra and so forth. If we are to help these country areas we do not want to throw overboard the concept that we are trying to introduce.

The Hon. A. J. Shard: Why can't it be done by regulation? I hate proclamation!

The Hon. Sir Arthur Rymill: Why don't you tell us what you want to do?

The Hon. C. M. HILL: The honourable member could not have listened to what I said. The Government realizes there will be problems, but at the moment they are unforeseen.

The Hon. Sir Arthur Rymill: But this applies to everything.

The Hon. C. M. HILL: The honourable member knows perhaps more than anyone else the complexities and problems with which the Government is confronted in relation to the Local Government Act. The Local Government Act Revision Committee has been sitting for three or four years now but we have not yet reached the winning post: we have not yet received its report. The Government merely wants to put the Local Government Act in order, because at the moment it is not in order. The overall objective of helping these country interests warrants members' overlooking the doubts that arise in their minds at the moment. I have given the undertaking that if these doubts come to fruition and if a problem arises which makes this change completely ineffective, if we are sitting and able to introduce legislation at that time we will do so. Surely that is going some way to allaying the doubts that some honourable members may have. However, in extreme cases it may be necessary to exercise this power in the interests of local government in the country, and that is why the Government is urgently seeking it now.

The Hon. A. J. SHARD: Although I am not an authority on local government, I think I am an authority on proclamation and regulation. I have opposed proclamation ever since I have been a member of Parliament and I will continue to do so because I do not believe in giving blank cheques to Executive Council to do things in which we cannot have a say. I asked the Minister why this could not be done by regulation, and he has seen fit not to tell me. If the word "proclamation" is used I am against it, because I do not believe in proclamation except in extreme cases. I will, therefore, vote against the provision unless the Minister can give me some good reason for it.

The Hon. C. M. HILL: I am pleased that the Leader has stipulated that condition, because it means that he has not committed himself to such an extent that he cannot turn back. I know that the Leader looks at things with very great vision, and he has been broadminded enough to give me a chance in this matter. We cannot handle this matter by regulation in the circumstances because regulations, as the Leader knows from his experience, must be consistent with the existing Act. If this was taken out and we tried to do it by regulation, what we tried to regulate for would be inconsistent with the legislation. Therefore, it cannot be done by regulation, although I agree that it would be preferable if it could.

That view is reinforced by the view of the Assistant Parliamentary Draftsman. I too, dislike proclamations, but they were provided for in legislation during the time the Leader was in charge of the Government in this Chamber for three years. They were provided for in the Planning and Development Act, for example, and I criticized them. No-one, especially honourable members in this Chamber, likes them.

The Hon. D. H. L. Banfield: How did you finish up voting on that occasion?

The Hon. C. M. HILL: I did not vote in favour of very much in the Planning and Development Act, as I have been reminded so much lately. This provision is in the best interests of local government, and it would be a great pity if this change was ruptured by some unforeseen procedural matter which, although it probably will not occur, could happen because of the present condition of the Act. This is not our fault, nor was it the fault of the previous Government. However, this may happen, and we want the door left open to allow this change to be put into effect.

The Hon. Sir ARTHUR RYMILL: The Minister may be appeasing the Hon. Mr. Shard but he does not appease me, because what he has just given as a reason why the matter should be handled by proclamation and not by regulation shows that what he is proposing to do is inconsistent with what he is asking us to pass. In other words, he wants to transfer the power from Parliament to the Executive to amend the clause that we are being asked to pass today, or something that we have previously passed, and I will

not be a party to this. The Minister has some argument to patch up his clause for matters which are not immediately apparent on the surface, but to produce matters which are inconsistent with what we are passing is an entirely different matter, and it makes me feel all the more that we should not agree to what he is asking.

The Committee divided on the amendment:

Ayes (3)—The Hons. L. R. Hart, C. M. Hill (teller), and C. R. Story.

Noes (14)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, Sir Norman Jude, H. K. Kemp, A. F. Kneebone, F. J. Potter, C. D. Rowe, Sir Arthur Rymill (teller), V. G. Springett, and A. M. Whyte.

Pair—Aye—The Hon. R. C. DeGaris. No—The Hon. A. J. Shard.

Majority of 11 for the Noes.

Amendment thus negatived; clause passed.

Clause 12—"Underground electric cables"—reconsidered.

The Hon. C. M. HILL: I move:

In proposed new section 366aa after "grant" to insert "to any person"; and after "electricity" to insert "but nothing in this section shall be construed as limiting, affecting or abrogating any right, power or privilege vested in or conferred upon the Electricity Trust of South Australia or any other supplier of electricity by or under this Act or any other Act or otherwise".

Early this morning representations were received from the Electricity Trust of South Australia to the effect that proposed new section 366aa could be construed as affecting the general powers of the trust and other suppliers of electricity to carry out street excavations and like works incidental to the supply of electricity. The amendment has been agreed to by the trust and should put the matter beyond doubt.

The Hon. Sir ARTHUR RYMILL: It gives me great pleasure to support the amendment.

The Hon. G. J. GILFILLAN: What do the words "or otherwise" mean in this context?

The Hon. C. M. HILL: As I understand it, the net is thrown very wide.

The Hon. G. J. GILFILLAN: I think we should have an explanation.

The Hon. Sir ARTHUR RYMILL: This is a piece of legal parlance in common use and, as the Miinister has said, it is to get out the dragnet to include anything the draftsman cannot think of. In this case, the Electricity Trust could well have common law as well as statutory rights, and I think this is the intention of the words.

The Hon. C. M. HILL: It is not only common law: it is common law powers of trusts.

Amendment carried; clause as amended passed.

Bill reported with a further amendment. Committee's report adopted.

PACKAGES ACT AMENDMENT BILL

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

As honourable members will recall, the purpose of the Packages Act, 1967, which was passed by this Council was, amongst other things, to ensure that there would be a uniform method of marking packages. Prior to its introduction of that measure, the Government of the day engaged in consultations with industry to ensure that the proposed methods of marking would be satisfactory to it. To ensure that the requirements of the packaging industry in this State were satisfied it was necessary for some slight departure to be made from the generally agreed approach, but, following consultations with the other States, this State's attitude in this matter has been vindicated to the extent that all States have agreed to an approach that is substantially that originally advocated by this State. However, this entails some slight modification to the South Australian approach in the interest of this uniformity and it is felt desirable that the provisions relating to marking be redrafted accordingly. In addition, an opportunity has been taken to bring our system of approvals of approved brands generally into line with the other States and to make such other modifications to the 1967 Act as experience has shown are necessary.

I will now consider the Bill in some detail. Clause 1 is quite formal. Clause 2 makes an addition to the definition of "pack" to bring in the derivatives of that word. Clause 3 slightly expands the exemption provision of the Act to enable the Minister to exempt articles from portion of the Act. Experience has suggested that this amendment would be desirable. Clause 4 recasts section 9 to provide that the Warden of Standards and not the Minister will approve brands so as to bring this provision into line with the procedure in other States.

Clause 5 is consequential on the amendment made by clause 4. Clause 6 re-enacts section 15, which deals with the marking of packs, and, while in principle it departs little from the provisions in the original Act, it represents

the agreed uniform formula. The significant feature of this amendment, which was the result of much discussion at the formal conference in New Guinea, is that the packer must be able to identify the physical location of the place where the article was packed.

Clauses 7 and 8 make amendments in the interests of clarity to sections 22 and 23, where there are references to prescribed articles. Clause 9 inserts in the Act two new sections (sections 23a and 23b) covering the question of packing at standard conditions. These provisions were recommended by a recent interstate conference on weights and measures and were not in issue when the Act was originally enacted. Their purpose is to provide for the method of determining the weight of wool and yarns and other similar articles where, because of the effect that temperature and humidity have on the actual weight of the commodity, it must be accepted that the weight marked on such articles should be correct only at certain prescribed standard conditions of temperature and humidity. Clause 10 inserts a new section 33a, which relates to selling of articles marked "net weight at standard conditions". In keeping with what has been the firm policy of this State, it is not intended to expose the seller to prosecution for an offence that he could not possibly have the means of detecting. Accordingly, the only obligation on the seller is to ensure that any article so marked is an article that is, under the Act, permitted to be marked "net weight at standard conditions".

Clause 11 provides for two evidentiary provisions, one relating to the fact that a name and address on a package will be evidence that the article was packed in the State or Territory indicated by the address, and the other providing that, where an article is found exposed for sale, that will be evidence that the article was packed for sale. This clause makes two other consequential amendments. Clause 12 gives a regulation-making power to set standard conditions in relation to any article that can be marked "net weight at standard condition". In commending the Bill to honourable members' attention, I should like to say that honourable members should hold themselves in readiness for night sittings next week, because I believe that the pressure of work will be such that it will be necessary for members to be here probably on one or two nights next week.

The Hon. A. J. SHARD secured the adjournment of the debate.

POULTRY PROCESSING BILL

The Hon. C. R. STORY (Minister of Agriculture) introduced a Bill for an Act to regulate and control the processing of poultry intended for sale. Read a first time.

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

That this Bill be now read a second time.

For some time this Government, in common with the Governments of New South Wales and Victoria, has been concerned with reports that poultry, particularly frozen poultry, is being sold containing what are clearly excessive amounts of water. It follows that, if the housewife bought a bird that contained, say, 10 per cent to 15 per cent water (and such percentages are not uncommon) she would in fact be buying less chicken meat than she thought she was buying. Also, a processor who includes an excessive amount of water in his product can sell his product at a lower price than his competitors can and still retain his acceptable margin of profit. It appears then that two classes of person are deserving of protection in this matter—the housewife and the processor who is producing a good standard of product.

When this question was first looked at, the amount of water in the product was determined by allowing the bird to thaw out under controlled conditions and then comparing the weight of water expressed with the weight of the bird after thawing. This test could be described as the "thaw test". However, it was noted that on the thaw test not all the water in the bird was recovered and that a certain significant amount was actually retained in the tissues of the bird. This fact alone renders the thaw test unsuitable for the purposes of determining the amount of water taken up.

After intensive investigations by officers of the Agriculture Department and the Chemistry Department, a suitable test has been designed. It entails weighing a representative sample of birds before they are washed after evisceration and again after they are drained prior to freezing or chilling. The difference in the weights is then expressed as a percentage of the first weight and called the "weight gain". This weight gain test is acceptable to the authorities in New South Wales and Victoria.

Of its nature, this test can be applied only in a plant since it must take place during the processing. As there is a considerable interstate movement of birds for sale, it follows that each major producer State must have legislation that is broadly similar. This State was given the task of producing a model Bill embodying the test, and this model has been

accepted in principle by New South Wales and Victoria. In fact, Victoria has already enacted legislation substantially the same as the measure now proposed. When the principal producer States have enacted appropriate legislation, a uniform commencing date will be decided upon. This measure recognizes that some take-up of water is inevitable but is intended to ensure that this take-up is kept to the acceptable figure of 8 per cent, a figure that has been accepted by the industry generally. Its enactment should result in more orderly marketing and a better product being placed on the dining table.

Let me consider the Bill in some detail. Clause 1 is formal. Clause 2 will allow for the fixing of a day of commencement after consultation with the other producer States. Clause 3 is formal. Clause 4 sets out the definitions necessary for the Bill, the most significant being the "weight gain" formula. Clause 5 makes provision for any exemptions from the Act that may be found necessary. Clause 6 provides for the appointment of inspectors, and clause 7 provides for the issuing to such inspectors of certificates of identification. Clause 8 sets out the powers of inspectors and is generally self-explanatory. Clause 9 prohibits the processing of poultry in other than registered plants. Clause 10 provides that any change of control of a registered plant shall be notified to the Minister.

Clause 11 provides for the registration of plants and for the registration of two or more plants as one plant. This is to cover the situation where part of the processing is carried out in one set of premises and part in another set of premises. Clause 12 is the key clause and, in effect, provides for a substantial penalty for processors who process birds having a weight gain of more than 8 per cent. If the penalty of $2,000 seems excessive, it must be remembered that an average of 5 per cent excess water in a day's run of 45,000 birds represents a weight of water equivalent to the weight of more than 2,000 birds each day. Clause 13 will allow a court before which an operator is convicted to suspend the registration of the plant, in respect of which the breach occurred, for up to six months.

Clause 14 is designed to prevent the application of processing methods that would cause to be retained in the tissues water that could not be detected by the application of the test—for instance, the injection of water into a bird before it was first weighed. Clause 15 empowers an inspector to give reasonable directions so as to avoid excessive water take-up, and clause 16 provides for an appeal against those directions. Clause 17 is an evidentiary provision. Clause 18 extends the liability for an offence to those members of a body corporate who permitted the offence to occur. Clause 19 provides for summary proceedings for offences—that is, for proceedings to be conducted under the Justices Act. Clause 20 provides for the necessary power to make regulations.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) introduced a Bill for an Act to amend the Wheat Industry Stabilization Act, 1968. Read a first time.

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

That this Bill be now read a second time.

In section 4 of the Wheat Industry Stabilization Act, 1968, which was passed last year, there is a reference to the Wheat Industry Stabilization Act, 1964. This reference is incorrect and the reference should be to the Wheat Industry Stabilization Act Amendment Act, 1964. This Bill, which is in the nature of a Statute revision measure, corrects that reference.

The Hon. A. F. KNEEBONE (Central No. 1): As this short, formal Bill remedies a drafting error in regard to the Wheat Industry Stabilization Act, 1968, where a reference was incorrectly made to the Wheat Industry Stabilization Act, 1964, I have no hesitation in supporting the second reading.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

PHYLLOXERA ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) introduced a Bill for an Act to amend the Phylloxera Act, 1963-1966. Read a first time.

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

That this Bill be now read a second time.

This short Bill makes two amendments to the Phylloxera Act that have been recommended by the Phylloxera Board. The first amendment is made by clause 2 of the Bill, which re-enacts the definition of "disease" in section 5 of the Act. The new definition is scientifically more correct than the existing definition. The second amendment is made

by clause 3, which amends section 38a of the principal Act to extend the board's powers in relation to research. The principal purpose of the Phylloxera Act is to safeguard the viticultural industry against invasion by the root-feeding insect, *viteus vitifoliae* (Fitch). *vitifoliae* (Fitch).

In places where this pest exists, protection of vines is dependent on the use of disease-resistant root stocks and, in order to be fully prepared for the possibility of an outbreak of the disease, it is essential that there should be in this State a reserve of root stock vine varieties that have been tested under South Australian conditions. Research into root stocks in 1948 was thwarted by the discovery of virus disease in introduced vines. It became obvious therefore that an assessment of virus infection is a prior requirement to root stock investigations and that a local virus screening service is required in South Australia to test necessary introductions of root stocks. Associated with this scheme is the improvement of grape varieties, which are called scions to differentiate them from root stock varieties. Improvement can be achieved either by selection of better performing clones from plantings within the State (vine selection) or by introducing new varieties, or clones of varieties, from other regions.

In order to avoid the risk of introducing pests and diseases, all vine introductions, both of root stock and scion varieties, must be made by a State authority. It is considered that the Phylloxera Board, acting in conjunction with the Agriculture Department, is the most appropriate authority to carry out this function. Under section 38a of the principal Act, the board is already given power to "conduct research into disease and problems connected with disease". However, there has been some doubt whether at present the board's powers extend to vine selection and incidental matters. Clause 3 brings all these functions within the board's activities.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

WEEDS ACT AMENDMENT BILL

The Hon. C. R. STORY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Weeds Act, 1956-1963. Read a first time.

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

That this Bill be now read a second time.

Its purpose is to give effect to various suggestions of the Weeds Advisory Committee that are designed to render the provisions of the Weeds Act more effective. The provisions of the Act, which deal with the destruction and control of dangerous and noxious weeds, are, of course, of vital importance to agriculture in this State. Since the Act was last amended it has been found inadequate in certain aspects of its operation, and the present Bill is designed to repair that inadequacy.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 amends the definition of "area" to include the areas under the jurisdiction of such authorities as the Whyalla City Commission and the Garden Surburb Commissioner that have not hitherto fallen within the definition. A corresponding alteration is made to the definition of "council". Clause 4 amends section 11a of the principal Act, which provides for the Government to subsidize the employment of the local authorized officers who carry out weed control. As a large annual expenditure is now involved in subsidizing the salaries of authorized officers, the Weeds Advisory Committee has recommended a greater measure of control over this expenditure. Subsection (4) is amended to provide that the employment of an authorized officer may be subsidized if he is employed for at least 50 days in the year instead of 60 days as at present. New subsections (4a), (4b) and (4c) are inserted in the section. New subsection (4a) provides that where two or more authorized officers are employed at the same time the council must obtain Ministerial approval for the employment of the additional officers in excess of one, if a subsidy is to be paid in respect of their salaries. New subsection (4b) requires the council to keep records of the time spent by authorized officers in their employment and of the nature of the duties performed by them. New subsection (4c) provides that a subsidy to a council may be withheld if a council is not exercising proper diligence in the destruction and control of proclaimed weeds.

Clause 5 makes formal amendments to section 17 of the principal Act. Clause 6 amends section 19 of the principal Act. The section is expanded to include all councils instead of being confined to district councils as at present. This should encourage better weed control in municipalities that are surrounded by agricultural lands. These areas are currently presenting some of the most difficult weed control problems in the State. The provision that the cost of weed control along public roads is to be borne by the landholders whose property abuts upon the road rateably according to the frontage of the property has

been found impracticable. The only fair and practical method of charging landowners for the destruction of weeds along the frontage of their property is to measure the amount of weed poison used in destroying the weeds. Thus, the old provisions for assessing the liability of a landowner are struck out and a new provision inserted making the owners and occupiers of land abutting upon a public road liable for the actual expense of destroying the weeds along the frontage of their property.

The Hon. Sir Norman Jude: What about a stock route?

The Hon. C. R. STORY: That is a public road. The present subsection (5), which is no longer necessary in view of the expanded definition of "council", is struck out and a new subsection (5) inserted empowering a council where it is just to do so, with the approval of the Minister, to exempt a landowner wholly or partially from his liability under the section. That would take care of the honourable member's problem. The Weeds Advisory Committee has found that in some areas (for example, areas in the vicinity of silos) the roadsides are subjected to severe weed invasion, which has become discouraging and costly to adjoining landowners. In such cases it is felt that there should be a discretion to remit the charges under the section.

Clause 7 makes a decimal currency amendment to section 24 of the principal Act. Clause 8 enacts new section 36a of the principal Act. This section makes the charges that are recoverable from the owner or occupier of land under the Act a charge on the land. This provision corresponds with provisions in Weeds Acts in other States and with provisions in our own Land Tax Act, Waterworks and Sewerage Acts and Local Government Act in relation to rates and charges imposed under those Acts.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 4.49 p.m. the Council adjourned until Tuesday, February 18, at 2.15 p.m.