# LEGISLATIVE COUNCIL

Thursday, March 11, 1971

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

## QUESTIONS

### VICTORIA SQUARE

The Hon. C. M. HILL: Has the Chief Secretary obtained from the Premier replies to my questions of March 2 concerning, first, the vacant site on the corner of Victoria Square and Grote Street and, secondly, the report of the Lord Mayor's Committee on Victoria Square?

The Hon. A. J. SHARD: The replies are as follows:

1. The Government has made no decision to abandon plans to house public servants in suitable office accommodation, but it has made a decision not to use the site at the corner of Grote Street and Victoria Square for the construction of an office building.

2. The official report of the Lord Mayor's Committee has not yet been presented, but preliminary discussions with the committee indicated that the use of the site for future tourist hotel development would not conflict with the views of the committee.

3. As indicated in the answer to the second question, the final report of the committee has not yet been presented.

### PRIMARY PRODUCERS

The Hon. A. M. WHYTE: Last Tuesday I asked a question dealing with the financial difficulties that farmers are having in buying the superphosphate necessary for sowing this season's crop. In his reply the Minister of Agriculture said he would confer with the Minister of Lands and consider amending the Primary Producers Emergency Assistance Act to assist such farmers. Has the Minister of Lands a reply?

The Hon. A. F. KNEEBONE: Yes; I have considered the situation referred to by the honourable member. As he said when he asked the question, it would be necessary for the Primary Producers Emergency Assistance Act to be widened by amending legislation before funds could be made available under the Act to farmers for the purchase of superphosphate. Farmers would have to show that they were in necessitous circumstances, that no other sources of funds were available to them and that they had reasonable prospects of being able to continue in the business of primary production. The amount of money which would be involved would be considerable, however, and the State does not have any funds available which could be allocated to the purpose of making advances to farmers for the purchase of superphosphate.

It is expected that the draft agreement between the Commonwealth and this State under the rural reconstruction scheme will be received from the Commonwealth by the end of this week and this will enable a Bill to be introduced into Parliament during the current session. This legislation will provide funds for the purpose which the honourable member has in mind. The specific purpose of the Primary Producers Emergency Assistance Act is to assist farmers in necessitous circumstances because of natural calamities such as drought, frost, etc., and it is not proposed to amend the Act to include other circumstances which do not come under the heading of natural calamities.

### FESTIVAL HALL

The Hon. C. M. HILL: A report appeared in the press as follows: (1) that rubber padding had been omitted from the construction of the festival hall; (2) that considerable money had already been expended in this regard; and (3) that if such insulation from noise were omitted there would be a threat of noise in the theatre if the proposed underground railway in the M.A.T.S. plan was proceeded with in the future. Has the Chief Secretary, representing the Premier, replies to the question I asked on March 2 in this regard?

The Hon. A. J. SHARD: The replies are as follows:

1. Yes.

2. The Adelaide City Council is endeavouring to dispose of the material at the best available commercial figure in order to avoid loss.

3. If an underground railway is proceeded with in the future, isolation of noise can be incorporated into that project.

### MOTOR RACING AT VIRGINIA

The Hon. L. R. HART: Has the Minister of Agriculture a reply from the Minister of Works to my question of March 3 regarding a water supply for the motor racing track at Virginia?

The Hon. T. M. CASEY: In reply to the first part of the question regarding the use of effluent, my colleague has advised me that the Government has had many applications for the

use of Bolivar effluent water and, as a result of this widespread interest in its use, it has decided that the water must be used to the greatest benefit of the State as a whole. For this to be achieved, a full investigation has been authorized. It will include areas for irrigation which were suggested with the proposals by the District Council of Munno Para. The request of the council is therefore not refused in the context of possible irrigation of the area suggested by its plan, but is incorporated in a total plan for the whole area.

In reference to the second part of the question, I am informed that the company's stated requirement is about 1,000,000gall. a year, which is a very modest requirement for a site of about 160 acres and would be a small fraction of the demand for water for a similar area of commercial gardening properties. The consumption of 8,000,000gall. referred to by the honourable member would be the yield of the service operating continuously at 15gall. a minute, 24 hours a day, 365 days a year. Having regard to the fact that normal rainfall would meet the requirement of watering lawns and trees for at least six months of an average year, it is highly unlikely that consumption approaching 8,000,000gall. a year could be realized from a service limited to 15gall. a minute. Such a consumption would infer prodigal waste of water during winter months or, alternatively, the construction of about 4,000,000gall. of storage to store the winter yield of the service. The construction of storage approaching this capacity would be extremely costly and would be unlikely to be financially feasible to the company, which has advised that a storage of about 20,000gall. will be constructed to meet peak demands during meetings. The managing director of the company stated, when giving evidence to the Underground Waters Appeal Board, that it was expected to hold about 37 meetings a year spread over the various forms of motor sport from grand prix motor racing to speedway and drag racing.

## KARCULTABY AREA SCHOOL

The Hon. A. M. WHYTE: Has the Minister of Agriculture, representing the Minister of Education, a reply to my recent question regarding the commencing date for the building of the Karcultaby Area School?

The Hon. T. M. CASEY: My colleague has supplied the following information:

Sketches for this school have been commenced. It is hoped that tenders can be called for the work in the middle of 1972 and that the school will be available for occupation towards the middle of 1973. Whether that time table can be adhered to will depend on how the current attitude of the Commonwealth Government develops in future. At present we have a situation in which the total value of projects that we are now designing is significantly more than the likely sum we will have available from State sources in the next two or three years. That is not assuming that there will be any decline in the money available from State sources. The honourable member will appreciate that an approach was made to the Commonwealth Government by all States that co-operated in carrying out a survey into education needs. The conclusions of that survey were presented by the States to the Commonwealth Government in May of last year, the previous Minister of Education acting on behalf of South Australia.

The Commonwealth Government indicated at Budget time that no additional funds would be available for recurrent expenditure, but it requested this State to provide additional information on priorities regarding capital projects. South Australia sent this information to the Commonwealth Government early in October last year. We are still awaiting a reply from that Government to the request made on behalf of all States.

The Hon. A. M. WHYTE: I think this school was scheduled to be completed at a much earlier date. Will the Minister ascertain from his colleague just how long this project has been delayed?

The Hon. T. M. CASEY: Yes.

## CHILD MINDING CENTRES

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Minister of Lands representing the Minister of Local Government.

Leave granted.

The Hon. C. M. HILL: A report on television earlier this week stated that at the Adelaide University two creches were being patronized to their absolute limit and that young mothers studying at that university were having great difficulty in finding child minding centres for their young children in the day-time. Also, from time to time women shoppers and working mothers have mentioned to me the need for such centres to be available. In at least one capital city in Australia the local government body runs a creche where babies and young children can be left for varying periods throughout the day. Will the Minister take up this matter with the Adelaide City Council and, indeed, with other large local government bodies in metropolitan Adelaide to see whether such facilities might be provided by local government to assist young mothers in these areas?

The Hon. A. F. KNEEBONE: I will take up the honourable member's question with my colleague and bring back a reply as soon as it is available.

## AFRICAN DAISY

The Hon. H. K. KEMP: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: My question relates to action taken under the Weeds Act. It concerns a person in the foothills who, after spending $1,000 on the control of weeds on a small patch of land, just had no further money to proceed, whereupon the council in question, as it is enabled to do under the Act, moved in and had the place contract sprayed, at a cost of $368. In that year the work was completely ineffective. The following year similar action was taken. The householder, not having any money to spare, could not do the work and the council undertook the work, this time at a cost of $860.

On a 58-acre patch of foothill land, this person is now faced with a total cost, for those two years, of $1,228 as a charge on that land, and the work is still totally ineffective. There is now more African daisy there than before the work was undertaken. Will the Minister find out what the legal position is in these circumstances where work is done on behalf of a person under the Weeds Act and proves to be totally ineffective? Is it right that the whole cost should be billed to the person concerned regardless of his or her financial circumstances?

The Hon. T. M. CASEY: I will obtain a reply for the honourable member as soon as possible.

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## FRUIT FLY (COMPENSATION) BILL

Second reading.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

*That this Bill be now read a second time.*

It is in similar form to the Acts passed in previous years, its object being to enable the payment of compensation for losses arising from the campaign for eradication of fruit fly. A proclamation relating to the fruit fly outbreak in the eastern suburbs was made in January of this year under the Vine, Fruit and Vegetable Protection Act and, as members know, the practice has been for compensation to be given for losses arising by reason of any act of officers of the Agriculture Department within a proclaimed area. Clause 2 accordingly provides for such compensation and compensation for loss arising from the prohibition of removal of fruit from land in a proclaimed area. Clause 3 fixes the time limit for lodging claims as August 31. This date, fixed as a closing date for claims in relation to the outbreak in 1968, proved satisfactory. It is estimated that approximately 500 claims will be made and that total compensation will amount to about $5,000. There will be no commercial claims.

I point out also at this stage that another Bill of a similar nature will need to be introduced to cover a recent outbreak of fruit fly at Seaton. Unfortunately, we cannot provide for these two outbreaks in the one Bill: under the Act, a separate Bill must be introduced for each separate outbreak.

The Hon. C. R. STORY (Midland): I support the Bill and say how impressed I know everybody is by the way in which the Agriculture Department has, once again, handled this most unfortunate type of outbreak that occurs in our State from time to time. We were all apprehensive when it was stated in the press that a certain gentleman holding a high position in this State was going to refuse to have certain trees on his property treated. The only thing that has saved us over the years since 1956 or 1957 has been the tremendous co-operation we have received from the public. To a large degree, the reason for that co-operation is that this compensation legislation is constantly available. It has been honoured by both types of State Government, and has played a big part in people coming forward and notifying the Agriculture Department of any suspicious circumstances.

If this infestation was to get out of hand and into commercial areas, it would be a serious matter. From memory, I think we have spent about $1,000,000 on eradication compensation since the first outbreak of fruit fly. If the fruit fly infestation should spread from the metropolitan area into commercial areas the resources of the State would hardly be sufficient to deal with it. The commercial areas would then be in the same parlous position as those in Western Australia and other places.

I support the measure and I compliment the Government on its prompt action. I believe the law as written is sufficiently strong to

ensure that people comply with it. I would be most disappointed if there were any suggestion that people who became obstructive would not be thoroughly dealt with. This is far too big a matter for one or two people to be permitted to flout the law.

The Hon. H. K. KEMP (Southern): As a representative of a fruit-growing area, I strongly support this Bill. I have been involved in the industry for a longer period than has the Hon. Mr. Story and I well know the consequences to this State if fruit fly got out of control. Surprisingly, although it would cost the fruit-growing industry many millions of dollars a year, the people who would lose most would be the ordinary backyard farmers, who produce thousands of tons of fruit yearly.

Very small areas of Adelaide gardens have been cleared of fruit at different times, but in one outbreak, not over a large area, more than 15,000 tons of fruit was disposed of between the middle of January and the end of the season. That will give members an idea of the value of fruit produced by home gardeners in Adelaide.

The difference in conditions enjoyed by people in Adelaide as compared with towns where fruit fly has become established must be experienced to be appreciated. Apart from the financial advantage, there is the simple enjoyment of being able to pick fresh fruit from the garden.

In Perth and in Sydney, except for a very limited range, most fruit is purchased at a price of 10c a pound or more. Putting that figure against the unknown total production of the Adelaide suburban area, extending from Salisbury almost to Willunga, we see that not only would the fruit-growing industry sustain a loss of several million dollars a year, but the ordinary person in Adelaide would stand to lose even more.

To see this system, which has been built up over the years and proved capable of doing the job, being capriciously endangered by the actions of one man, who cannot be ignorant of the implications of his actions, is a sad thing indeed. There is no sense in prolonging the debate on this Bill. The success of the whole system of detection of the fruit fly and the willingness with which people have co-operated have, to a large degree, rested on the fact that the community as a whole has joined in making up its losses when eradicative measures have been involved. It is very important that this Bill should pass without further delay.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Compensation".

The Hon. T. M. CASEY (Minister of Agriculture): I move:

In subclause (1) (*b*) to strike out "twenty-eighth" first occurring and insert "twenty-fifth".

The amendment rectifies an error that resulted from an incorrect assumption that the date of publication in the *Gazette* of the relevant proclamation was the date of the proclamation itself. In fact, the date of the proclamation was January 25, but it was not published until January 28. A special meeting of Executive Council had to be held to put this matter in its true perspective.

Amendment carried; clause as amended passed.

Clause 3 and title passed.

Bill read a third time and passed.

## ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 10. Page 3898.)

The Hon. R. C. DeGARIS (Leader of the Opposition): One cannot deal with this Bill without making some comments on general financial matters. I think all honourable members would agree that since 1965 we have probably seen more rapid taxation increases in South Australia than in any other period—at least, in any other period since the Second World War. This situation has been brought about by Governments following policies and making promises to outspend any previous Government. Those policies assume, of course, that Governments and Government agencies are more efficient avenues of expending the people's money than are the people themselves. I should like to place on record that I take an opposing view.

One must admit that there is a place for Government expenditure and for obligations that are purely Government obligations, but the less the Government assumes responsibility in this field and the more the community assumes responsibility the stronger the community will be and the more effective will be the use that is made of our resources. It is incumbent on all Governments, no matter where they are or what type they are, to look closely at the efficiency of their own expenditure. Secondly, I believe that people must

realize that every time they fall for promises of increased expenditure in all fields they must pay in the end. There is an old saying that most honourable members would know, "Today's promises are tomorrow's taxation." We know that in all probability the people pay very dearly for some of these promises. This, in a nutshell, is exactly what has happened in South Australia.

Since 1965 we have had Governments that have set out to spend more money than previous Governments, and we must admit that the people have voted for those policies. However, in some areas the results are now coming home. Of course, there are complications—complications that I believe are peculiar to the State of South Australia. We all must understand (and I do not think that any honourable member can deny this point) that South Australia over many years has followed a deliberate policy of maintaining the State as a low tax and low cost State. This very policy is the reason why South Australia has succeeded over the last 20 or 30 years in reaching its present stage of development. We have seen an outstanding growth, the attraction and development of industry, and we have had a hardworking community.

The Hon. T. M. Casey: Price control has helped.

The Hon. R. C. DeGARIS: There is some doubt about that. I have always voted for the continuation of price control in certain areas, but it is debatable whether it has had the effect some people think it has had. However, this has nothing to do with the general arguments I am putting. If the Minister of Agriculture would like a few examples of instances of price control keeping prices up and not down, I should be pleased to give them to him. South Australia has succeeded in its development, growth and attraction for industries against predictions to the contrary. South Australia is a large dry State and, taking into account the scarcity of its natural resources, one could not have predicted that it would have developed as it has done. However, all these things are past history, and every honourable member knows that what I am saying is true.

Since 1965, the picture has changed rather dramatically. I do not think that the people of the State will understand the detrimental effects until the damage has been done. Unless South Australia can remain a low tax, low cost State and continue to have a hardworking community that does not spend its efforts on unproductive means, the future of the State will not be as bright as it could be. I know in these statements that I am dealing with what I might call an across-the-board situation; nevertheless, I believe that what I am saying is fundamentally the truth. I think every honourable member would recognize that, if the State's cost structure is near (not up to) the cost structure of Victoria and New South Wales, we will lose industries to those States. Our tax and charges structure is reaching a stage where this competitive situation is weakening and, if our competitive situation weakens and we do not produce the climate for growth and expansion, we will have exactly the reverse effect from what the Bill is intended to do, that is, provide increased social services.

If we want to provide the best possible social services, we must maintain a strong and viable economy. I agree that the Government should supply some social services, but it is far better to produce a situation where they are unnecessary, by maintaining a dynamic and growing economy. In the whole picture that I have briefly tried to develop, one of the areas of South Australia's developmental activities that deserves the highest praise is the development of the Electricity Trust. Even though we have limited natural resources and we must rely on imported fuels or on the development of low-grade coal deposits in the North of the State and now on the exploitation of our natural gas resources for power generation, the trust has been able to supply power more cheaply than any other State on the mainland of the Commonwealth, so one can see that the trust deserves the highest possible praise.

The Bill provides for a tax on the trust's turnover which in a 12-month period will return to the State Treasury about $2,000,000, on a present turnover of about $70,000,000. Over the years, the trust has maintained its competitive position and has supplied power to industry and for domestic purposes at a cost lower than that of any other mainland State. The trust has not increased its tariffs for 19 years, and one must admit that this is a magnificent achievement. However, from the second reading explanation it seems that it will be impossible for the trust to maintain this position. The explanation did not indicate what the increases in electricity charges would be, but it mentioned two matters: first, the imposition of this tax, and secondly, the effect of increased costs on the production of electricity. So, it seems that the second reading

explanation indicates that power charges will be increased soon for two reasons: the increased cost of producing electricity and the tax charges imposed by the Bill. Although I admit that the Government, which put its policies before the people, is entitled to enter into the various tax fields to raise revenue, I think it is a shame that we are moving into a tax area which will increase production costs and which will have a detrimental effect on the overall economy of the State. I support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Payments by the trust."

The Hon. L. R. HART: The second reading explanation indicates that the trust will have to increase its charges but, as the Leader of the Opposition has said, the charges will have to be increased to cover the 3 per cent surcharge, in addition to a further increase to cover other increased costs. Over the years, the cost of electricity has increased very little, and I think this is because of the benefits gained from the economy of scale.

Through its expansion, the trust has been able to supply a greater bulk of electricity, and this has enabled it to keep its charges down. We now face an increase in cost of probably 4 per cent to 5 per cent, and this means that electricity will be less competitive with other fuels. From time to time in this Chamber we have heard of the difficulties facing certain industries, particularly the market gardening industry in the Virginia area. These people have a very high charge for electricity used for pumping purposes, and even before this present increase is being applied some of those people are considering whether to continue using electricity or to use some other source of power for pumping purposes. I know of one or two gardeners who have already installed diesel motors.

This will have an effect eventually, particularly if this policy of consumers using an alternative source of power expands to any extent. This will mean that the trust will be supplying power in a smaller bulk and will therefore lose the advantage of the ability it has had to supply electricity at a cheaper rate. I have some fears that we will reach the stage where the trust will be supplying less and less power, and so the cost to the consumer, in addition to the extra surcharge the trust is now going to put on, will be greater than it has been over recent years. I fear that the expansion of the trust will not continue to the extent that it has in the past because of this factor of increased costs, and this will be detrimental to this State.

We have seen electricity extended to very remote parts of this State over recent years, and if the trust is going to find itself with a lesser income we will see it making an even greater call on Loan funds for its expansion. The final result could well be that, instead of the State as a whole receiving increased benefits, it will find itself with lesser services than in the past.

Clause passed.

Title passed.

Bill read a third time and passed.

## LOCAL GOVERNMENT ACT AMENDMENT BILL (FRANCHISE)

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

*That this Bill be now read a second time.*

It makes several separate and unconnected amendments to the Local Government Act. Two aspects of the Bill are of considerable importance and of wide-reaching effect on local government. The first is that the Bill is designed to introduce full adult franchise into local government. It is my firm belief that Government at all levels should be based on the principles of democracy as enunciated by Abraham Lincoln many years ago and accepted throughout the free world. My Government, prior to the last election, proposed that local government elections should be brought into line with this standard. Local government elections are not in accord with the principles of democracy in that people resident in a council area are denied the right to vote, and, further, are not permitted to nominate for election. The purpose of this Bill to provide full adult franchise is completely in accord with time-honoured principles of democracy in that it provides for government of the people for the people by the people.

In our three-tier system of Government, each has its functions and responsibilities and each is answerable to the electors. In South Australia, local government has occupied a position of inferiority to the other two tiers, and it is the intention of the Bill to rectify this undesirable situation. Local government must continue to be regarded as the poor relation of society unless and until it enjoys the same franchise as those applying to the other two Governments. It is untenable that people who

are entitled to vote for Federal and State Parliaments are denied the right to vote for local government. This is a travesty of democratic right and personal dignity that should have been rectified years ago, and it is astonishing that in the 1970's, when the Government seeks to rectify this injustice in respect of State Parliament, opposition should arise. But in local government the situation is worse—not only are many people denied the right to vote but privileged people are given multiple voting rights based purely on the wealth or possessions that they have. People should be regarded for what they are, rather than for what they own. The very basis of democratic thinking revolves around the principle that people are the most important factor in society, and the poorest person in our society should have no less and no more say in the election of candidates for any form of government than the most affluent.

The Act at present permits a person to cast a number of votes depending on the property he owns. Even worse, a corporate body is entitled to have votes cast on its behalf, dependent on the value of the property owned. In respect of absent owners, a person may speculate in the land business in an area in which he has little or no interest other than waiting for the capital gain that will almost certainly accrue by holding the land for a period, yet he is given voting powers in that council area which many genuine residents are denied.

We must decide in this question of franchise whether the one man one vote principle, to which the Government is committed, should apply or whether the basis of local government franchise should continue to be wealth and privilege. Over 100 years ago in England in certain elections a person could have multiple votes according to the amount of rates he paid, and a person who was both owner and occupier of a property might in some cases double his voting rights by voting as an owner and then voting again as occupier. The arguments against a franchise that excludes a section of the public apply equally to a system that creates a privileged class by other means. This system in England was abolished in 1870 because of a belief that people should have equal electoral rights. It is a disgraceful anachronism that South Australia's local government franchise of 1970 has not caught up with England's of 1870.

This change in England was made because property ownership became unacceptable as a measure of one's stake in the community. Men and women then got a vote because they were men and women. In Government, men represent other men, not blocks of land, houses, or farms. When we relate voting rights to what we happen to own, we lower our capacity for self-government. Since the announcement of the Government's policy in respect of full franchise, there have been cries that those who do not pay rates will be able to have a say in affairs, that costs will increase, and that politics will enter local government. We are convinced that the principle of democratic government of the people by the people and for the people is the paramount decider in these matters. Local government is not something that is provided for the people who directly pay rates: it is for everyone. It affects everyone, it provides facilities for people of all ages and classes, and it binds people to local laws and requirements. Everyone may not pay direct rates, but everyone would do so in some indirect way.

If we study franchise in other places, we find it is decided by citizenship, age and residence rather than by who owns what. This is true in Queensland, New York, Britain, Holland, and Denmark, to mention just a few places. In the past few months, many councils have spent money in circularizing ratepayers regarding the Government's proposals, asking them to consider the possible effects of the policies. We have heard much of this, but what have we heard of the comments received by the councils? How many are against? Let me quote just one set of figures: of 79 replies received by the District Council of Pinnaroo, 43 were in favour of full franchise.

In September of last year the Mayor of Mount Gambier, in a news item, severely criticized the projected introduction of adult franchise and compulsory voting—to which I will refer later. In July of the same year, the same mayor had said the Government might well consider making voting compulsory because of the low voting figures from Mount Gambier. Yet, in his September pronouncement, he said that compulsory voting could not improve this situation. Just what does he want? The Government believes that the task of deciding the merits of its proposals is one for Parliament rather than for those councillors elected under the present restricted provisions of the Act.

The report of the Local Government Act Revision Committee has been studied and its recommendations of extensions to the present franchise are not far short of full franchise. The Government feels that any system

that promotes a privileged class, which disfranchises so many people and eliminates the right of so many women to vote, is archaic. The Bill is designed to remedy this. The second of the two aspects I have mentioned refers to compulsory voting in local government elections and polls. Like the Mayor of Mount Gambier's first pronouncement, but unlike his second, it is felt that compulsory voting will encourage voter interest. People must be encouraged to take an interest, and compulsory voting will promote this. What sort of a result is obtained in elections with a vote as low as 6 per cent of those entitled to vote and generally a vote of about 15 per cent?

We take strong issue with the claim that compulsory voting will lead to the introduction of Party politics into local government. Just how will this occur? Critics of Government policy have relied on rhetoric rather than reason. The proposed franchise no more lends itself to Party politics than the existing franchise does. Party politics already plays a part in certain councils; the L.C.L. has nominated candidates for years. It was said in this Parliament only last year that South Australians were first compelled to go to the polls and have their names marked off the roll for the 1925 Commonwealth election. This was introduced by Stanley Melbourne Bruce, a Government calling itself Nationalist, the South Australian wing calling itself Liberal.

In the State sphere, it was introduced at elections in 1944, under legislation introduced by the then Thomas Playford Government, calling itself L.C.L. Following the announcement of the Government policy on compulsory voting, some councils have raised objection to the proposal. The Government has considered these objections in the light of democratic principles and has decided to legislate to enable councils to adopt either compulsory or voluntary voting. In addition, so that the electors will have the right to express their wishes, provision is made for them to demand a poll on the question. This is in accordance with the recommendation of the Local Government Act Revision Committee and the system applying in Victoria.

The Bill provides for several other matters of considerable importance, which I shall explain while dealing in detail with its provisions. Clause 1 is a formal provision and clause 2 alters the arrangement of the Act. Clause 3 inserts definitions of "authorized officer" (who is to assist the returning officer in the conduct of an election or poll) "elector" and "the returning officer for the State". Clause 3 also makes other provisions, to which I shall refer later. Clauses 4, 5, 10, 16, 24, 25, 26, 27, 30, 35, 37, 39, 40, 41, 42, 43, 47, 50, 51, 52, 53, 55, 56, 58, 62, 63, 64, 76, 82, 86, 88, 90, 91, 92, 95, 96, 100, 101, 113, 116, 117, 122, 130, 132, 133, 134, 135, 137, 139, 140, 142, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 156, 157, 158, 159 and 160 make consequential alterations in the present terms "ratepayer", "voters' roll", "deputy returning officer", "poll clerk", and "owners of ratable property", and insert the terms "elector", "electoral roll", and "authorized officer".

Clauses 6, 8, 9, 11, 12, 13 and 14 amend or repeal sections 25, 27, 27a, 30, 32 and 33. These sections at present deal with petitions from ratepayers for constitution of areas and severance and annexation of areas; they provide for petitions to be signed by ratepayers, owners and occupiers, and in some cases refer to the value of property held by the signatories. These provisions are altered to provide for petitions to be signed by a majority or specified percentage of electors. Clause 15 repeals section 51 and inserts a new section providing for mayors, aldermen, and councillors to be elected by electors and from the electors. Section 52 at present provides for the qualification of council members. Clause 16 amends this to provide for the qualification to be an elector for an area.

Clause 18 repeals paragraph IX of section 54. This section provides that non-payment of rates by a member creates a vacancy in the office of that member. As monetary matters are not to be a basis for a person to be a member, this provision is no longer required. Clause 19 enacts a new section 77, which provides for electors to elect aldermen in lieu of owners and occupiers electing such members, as at present.

Clause 20 repeals subsection (2) of section 78. This is a consequential amendment caused by the repeal of section 115, mentioned later. Clause 21 repeals Part VI of the Act, being sections 88 to 101a. A new Part VI is inserted. New section 88 provides for the following:

(1) A person qualified as an elector for the House of Assembly and resident within an area shall be entitled to be enrolled as an elector for the council area in which he resides.

(2) A person who owns or occupies property in more than one area or ward may elect to enrol in respect of any one area or ward where he

has property. If he fails to so elect, he cannot be enrolled otherwise than for the area where he lives.

(3) If a partnership or corporate body owns or occupies property in an area, a member of the partnership or a person with a substantial interest in the company, which is defined, may elect to be enrolled for the area in which the partnership or company property is situated. If no such election is made, the person shall not be enrolled otherwise than for the area where he lives.

(4) Elections under section 88 must be renewed annually with the Returning Officer for the State and an election may be cancelled.

(5) A person enrolled as an elector shall be entitled to vote at all elections, meetings and polls for the area or ward for which he is enrolled.

New Section 89 requires the Returning Officer for the State to compile an electoral roll for each area. Such roll shall include the names of applicants who satisfy the Returning Officer for the State that they are entitled to be enrolled, and the names of persons on the House of Assembly Roll. The Returning Officer for the State is empowered to fix fees to be payable by councils for the rolls. New section 90 empowers the Returning Officer for the State to declare a date for closing of the rolls. New Section 91 provides for rolls to be available by councils for public inspection, and for supply of copies on payment of a reasonable fee. Clause 22 repeals section 102 and inserts a new section 102 which provides that the returning officer for any council election shall be the Returning Officer for the State or a person nominated by him. Provision is made for councils to pay fees to returning officers. Clause 23 repeals section 103, which is unnecessary in view of the provisions of new section 102.

Clause 24 amends section 105 regarding nominations for council office, as follows:

(1) The use of the present form 2a of the 5th Schedule—nomination of company nominees for office—is deleted. Other amendments make this form unnecessary.

(2) Paragraphs VI, concerning non-payment of rates as a prevention to nomination, VII concerning the list of persons who have not paid rates and VIIa concerning the period for which a name has appeared in the Assessment Book, are repealed. The adult franchise makes these provisions unnecessary.

(3) Provision is made for candidates to lodge deposits of $20. The present provision applying only to the City of Adelaide is repealed and the new provision applies to all councils.

(4) A new subsection (3) is inserted providing for any disputes in nominations to be settled by the returning officer.

Clause 28 repeals existing section 109 and inserts a new section requiring the Returning Officer for the State to provide a roll for the area or ward at each polling place. Clause 29 repeals section 111 and inserts a new section empowering the returning officer to appoint officers to assist, and to fix fees to be paid to such officers by the council.

Clause 31 repeals section 114 and redrafts it to include the new terminology. Clause 32 repeals sections 115 to 117 and inserts new sections 115 to 117. New section 115 provides that every elector shall be entitled to one vote at an election. New section 116 provides that voting at elections shall be compulsory or voluntary, as determined by the council. Provision is made requiring councils to make such a determination within three months of the commencement of the Amendment Act and to give public notice thereof. Within one month of such notice, 100 or more electors may demand a poll to determine whether the council's determination is supported by a majority of electors voting. The poll may be voluntary or compulsory. A determination once made cannot be altered within five years.

New section 117 refers only to elections where voting is compulsory and provides as follows:

(1) The returning officer shall prepare a list of persons who did not vote and within three months send to such persons notices calling upon them to give valid, truthful and sufficient explanation of their failure to vote.

(2) No such notice need be sent if the returning officer is satisfied that a person is dead, ineligible to vote, or had good reason not to vote.

(3) Within not less than 21 days, the person is to return a form stating the true reason for not voting. Any person not able to complete the form may have the form completed by some other person on his behalf.

(4) The returning officer shall endorse on the list of non-voters his opinion as to whether an explanation is a valid one. Endorsement shall be made in respect of forms not returned. Such list shall be *prima facie* evidence in proceedings.

(5) Failure to vote without valid reason or failure to return the form referred to or the giving of a false explanation shall be an offence and subject to a penalty between $2 and $8.

(6) Proceedings for an offence shall be instituted by the Returning Officer for the State, or person authorized by him.

Clause 33 repeals section 118, which refers to payment of rent by an occupier. This section is unnecessary in view of the new franchise provisions. Clause 34 repeals section 119 and inserts a new section requiring the returning officer or authorized officer to remove all votes from each ballot box at the close of voting and exhibit the box empty. Clause 35 makes consequential amendments to section 120. Paragraph I is repealed and a new paragraph provides for the conduct of elections to be under the control of the returning officer or authorized officer. Paragraph IV is repealed and a new paragraph provides for an elector to present himself to an authorized officer and state his name, residence and occupation. Paragraph V is repealed and a new paragraph provides for an authorized officer to place a mark against the elector's name on the roll.

Clause 36 makes consequential amendments to section 122 to the questions which may be asked of an elector by an authorized officer. Subsection (4) of the same section is rendered unnecessary and is repealed. Clause 38 repeals section 124 and inserts a new section empowering the returning officer to adjourn an election, if for any reason it becomes impracticable to proceed with the election. In such a case, any votes cast prior to the adjournment are disregarded. Section 141 at present provides that a justice or special magistrate may arrange an election if a council fails to do so or if there are no members of the council. Clause 45 amends this provision to give such power to the Returning Officer for the State. Section 142a at present refers to the deposits lodged by candidates for office with the City of Adelaide. Clause 46 amends the section to make it applicable to all councils.

Section 190 at present refers to a poll of owners to decide whether a council can introduce land values assessing and provides that a certain proportion of owners must vote in favour. Clause 49 amends this provision and provides for a poll of electors and requires a majority to be in favour of the change in the method of assessment. Clause 50 repeals subsection (2) of section 193, which refers to the voting entitlements for owners in a poll to change to land value assessment. These provisions are now unnecessary. Section 197 refers to a poll of owners to change back to annual values. Clause 52 amends this to provide for a poll of electors. The voting entitlements for owners at such a poll as contained in subsection (2) of section 198 are repealed. Clause 54 repeals section 200 regarding non-payment of rates by owners in connection with a poll to change the method of assessment. These provisions are now unnecessary.

Section 218 empowers a certain proportion of ratepayers representing a certain proportion of assessed value to present a memorial for specific works to be carried out. Clause 59 amends this to provide that a majority of electors in a portion of an area may present such a memorial. Clause 60 makes consequential amendments in respect of the contents of memorials to section 219. Clause 61 repeals subsection (1) of section 222 which refers to separate rates as mentioned in memorials. This is rendered unnecessary. Section 229 at present refers to ratepayers in a municipality submitting a memorial for lighting of streets. Clause 64 amends this provision so that "electors", not "ratepayers", may present such a memorial. Clauses 65, 66, and 67 make consequential amendments to sections 230, 232, and 233 regarding the contents of such a memorial and the rating powers of the council if the council agrees with the memorial. In such cases, councils will be able to declare separate rates for a limited period.

Clauses 68 and 69 repeal sections 236 and 242. These sections at present provide a scale of votes in certain polls depending on the assessed value of properties. Provisions such as this which provide for multiple voting are not, as I have previously stated, in accord with democratic principles. Section 312 at present provides for registers of public streets to be open for inspection by ratepayers. Clause 81 changes this so that such registers are open for inspection by any person. Section 336 at present provides for an owner, or a majority of owners, to apply for the provision of crossing places from the property to a street. Clause 83 amends this to provide for any person to make such a request, and for the council to recover the cost of acceding to the request from that person.

Clause 87 amends section 425 to provide that statements of loan expenditure by councils shall be open to public inspection, not just inspection of ratepayers. Section 427 provides that a poll of ratepayers to approve borrowing by a council shall be defeated if a majority of votes cast is against and the number of votes against are 10 per cent of the votes that could have been cast. These provisions are repealed by clause 88, thus requiring a poll with a majority of electors either way. Clause 89 repeals section 428, which provides for the scale of voting, previously referred to, now applying to polls on loans.

Section 710 at present provides that complaints against the title of a council member and other proceedings may be laid by a council, a ratepayer or interested person. Clause 106 amends this to provide that complaints may be laid by a council, the Returning Officer for the State, a ratepayer, an elector or an interested person. Clause 110 repeals section 754, which at present makes it an offence for a person under 21 years of age to vote or to hold office. The proposed provision for electors to be those on the House of Assembly roll (whatever age might apply there) makes this provision unnecessary. Section 763 at present refers to offences against electors or voters. The words "or voters" are now rendered unnecessary and are repealed by clause 111.

Clause 112 repeals section 767, regarding an illegal claim by a person to have his name in the assessment book or voters roll. This provision is rendered unnecessary. Clause 114 repeals section 777, regarding the inclusion or omission of names in a voters roll. This is now unnecessary. Clause 118 redrafts section 796, regarding the procedures to be followed at a meeting of ratepayers. The new section refers to similar provisions at a meeting of electors. At present if a poll is demanded it has to be held not later than 21 days after the meeting. This is altered to not later than 60 days, which accords with other types of poll, and provides for the Returning Officer of the State to be informed of the poll date.

Clause 119 amends section 799 to provide that polls shall be conducted by the Returning Officer for the State or his nominee. Provision is also made for fixing of fees by the Returning Officer. Clause 120 repeals section 800, which at present enables a returning officer to appoint a person to act in his stead when he is absent or ill. This section is now unnecessary. Clause 121 repeals section 801 to provide that the Returning Officer may appoint such staff as is necessary as authorized officers and to fix fees. Clause 123 repeals sections 807 to 810, which at present refer to the provision of a voters roll and to the non-payment of rates as a bar to voting. These sections are unnecessary and are replaced by a new section 807, which requires the Returning Officer for the State to provide rolls for use at polls.

Clause 124 repeals section 811 and inserts a new section providing for the Returning Officer or authorized officer to remove votes from a ballot box at the close of voting and exhibit the box empty. Clause 125 repeals section 812 and inserts a new section providing for only the Returning Officer, authorized officer, scrutineer or voter to be in a polling place without specific authority. Clause 126 amends section 813 to provide that the Returning Officer or authorized officer shall place marks against a voter's name on the roll and initial voting papers. Subsection (4) of the same section is amended to delete the words "or votes", as no person will have more than one vote.

Clause 127 amends section 814 to delete the reference to a voter having more than one voting paper. It also redrafts section 814 (2), regarding the deposit by a voter of his vote in the ballot box. Clause 128 repeals section 816, which refers to the archaic scale of votes, section 817, regarding joint owners' and occupiers' voting rights, and section 818, regarding voting by attorneys. These are now unnecessary. Clause 129 repeals section 819, regarding voting qualifications, and provides that new sections 115 to 117 shall apply to polls. These refer to one vote for each voter, determination by a council of compulsory or voluntary voting, and procedures which shall apply to polls conducted under compulsory voting.

Clause 130 makes consequential amendments to section 820, regarding questions which may be asked of a voter at a poll. Clause 131 amends section 821 to delete reference to a voter having more than one voting paper. Clause 136 repeals section 828 (2), which relates the term "elector" in section 130 as "a person entitled to vote at a poll". This is now unnecessary. Clause 138 repeals section 830 to empower the Returning Officer to adjourn a poll, if for any reason it becomes impracticable to continue. In such a case, all votes then cast shall be disregarded.

Section 832a refers to a demand for a poll of ratepayers. Clause 140 amends this section to provide for a poll of electors and to delete the requirement for inclusion in the demand the address of property which forms the basis of qualification for the ratepayer to vote. Clause 141 repeals section 832b which provides that, in postal voting, the term "ratepayer" shall include a company nominee. This is now unnecessary. Clause 143 repeals section 833a (2), regarding unauthorized delivery of postal vote application forms. This is now unnecessary with the conduct of elections through the Returning Officer for the State.

Clause 145 amends section 835 to delete reference to the possibility of a voter having more than one postal voting paper. It also provides for postal voting papers to be initialled by the Returning Officer or in a manner approved by the Returning Officer for the State. Clause 147 makes consequential amendments in terminology to section 838.

Clause 149 amends section 840 by providing for electors to be authorized witnesses in lieu of ratepayers. The clause also repeals section 840 (2), which prevents a candidate from being an authorized witness. This restriction is inserted in subsection (3). Clause 154 amends section 846 (2), which at present provides that the Returning Officer shall accept postal voting papers that have been received by post. The amendment provides that the papers to be accepted are those received by post up to the close of the poll. Clause 155 repeals section 847 (2), which is rendered redundant. A new subsection is inserted to provide that disputes as to postal voting shall be decided by the Returning Officer for the State. Clauses 161, 162, and 163 make consequential amendments to schedules 5, 18 and 19.

I now turn to the amendments that are not connected with franchise or voting. Clause 3 amends the definition of ratable property in section 5 as regards Government-owned dwellinghouses. At present Government buildings are ratable if occupied as dwellings. This is considered to react harshly upon councils in some instances, and the amendment provides for Government dwellings, occupied or not, to be ratable property, with the exception of dwellinghouses acquired only for the purpose of demolition.

Clause 7 makes an important amendment to section 26, which concerns the amalgamation of two or more councils. At present, to achieve amalgamation, a petition must come jointly from both or all councils concerned. The amendment alters this to provide that a petition may come from any one or more councils involved. At present desirable amalgamations can be achieved only if all councils concerned agree. This joint agreement is difficult to obtain and has prevented amalgamations that would be desirable to achieve economy and efficient operation. The amendment means that amalgamation will not be automatic, but will enable an interested council to have investigations commenced to reveal whether amalgamation is desirable or otherwise. This matter is of considerable concern, and honourable members will be aware of comments made by the Auditor-General and other responsible persons on the desirability of amalgamation in some cases. Clause 7 also provides for a poll to be demanded and held on the question. This is not altered although, if only one council petitions, that council may be responsible for the giving of the required notices. Clause 7 also amends the provision relating to the poll so that it becomes a poll of electors, not ratepayers. At present at least one-third of ratepayers on the roll must vote against the proposition in order to defeat it. The amendment provides for a simple majority.

Section 27a refers to severance of an area from one council and annexation to another and contains similar provisions to those already mentioned, in that all councils concerned must be involved in a petition. Clause 9 amends this to provide that a petition may come from either of the councils concerned. Section 54 at present provides that the resignation of a council member, with the licence of the council, shall create a vacancy. Concern has been raised in recent years that councils have refused a member's resignation so that the member, who is otherwise qualified, may contest a higher office in his council. This has meant that the council has to some extent decided who shall be mayor, and not the ratepayers (or electors in future) as the Act envisages. Accordingly, clause 18 of this Bill will alter section 54, paragraph VI, to permit a member to resign without licence. Sections 53, 139 and 752 require consequential amendments and these are achieved by clauses 17, 44 and 109.

Section 157 requires district clerks and town clerks to be 21 years of age or more and an engineer 23 years or more. Clause 48 amends both these requirements to 18 years or more. This is in accordance with the Government's policy of age of majority and responsibility. The amendments will not affect the qualifications that such officers are required to possess. Clause 57 inserts a new provision (section 215a) that would enable a council to declare a garbage collection rate of up to $10 a year. This would not prevent a council absorbing such costs within its general rates as many now do. However, some councils in the past have charged fees for removing garbage under powers available to them in other parts of the Act. These powers permit the charging of persons only from whose property garbage is actually removed. This has encouraged some persons, even though they are on the route of a service,

to refuse such a service. This has caused a rubbish problem, in that garbage in some cases is being deposited in unauthorized places. The new provisions will enable a charge to be made on all persons on the route of a service.

Clause 70 amends section 286 regarding signing of cheques. At present cheques, other than those made from an advance account, are signed by a member or members and an officer. Clause 70 provides for cheques to be signed by two officers, as well as by a member and officer. Particularly in large councils, where the numbers of cheques are considerable, it is extremely difficult to obtain a member's signature to so many cheques. The signing of cheques by officers only is in accordance with modern practices, provided adequate internal checking of procedures are installed. The approval of the Minister and the council auditor will ensure this. Clause 71 amends section 287. At present, council can spend its revenue in subscribing to an organization whose principal object is the furtherance of local government in the State. This provision is extended to the furtherance of local government in the State and in Australia. The City of Adelaide, in particular, is a member of a local government organization relating to capital cities and the extension of power is desirable. However, it is felt that such expenditure should not be unlimited and, acordingly, provision is made for obtaining the Minister's approval.

Clause 71 also inserts a new power in section 287 which will authorize the expenditure of revenue on the employment of social workers. This is an important activity to local government, but it is more particularly related to other powers relating to services to the aged and others which I will mention later. Clause 71 also amends section 287 (1) (*k*), which empowers a council to spend revenue on promoting a Bill before Parliament. It is considered that this type of expenditure should not be unlimited. Accordingly, provision is made for the Minister's approval to be obtained. Clause 71 also amends section 287 by providing a new overall provision to enable councils to pay the expenses of councillors in attending meetings of the council or committees and all expenses connected with a member undertaking special business for the council. The present separate provisions in sections 288 and 289, which are repealed by clauses 73 and 74, provide a difference between municipalities and districts. Councillors in district councils can have travelling expenses in attending meetings reimbursed, whereas councillors in municipalities cannot. There is also some doubt as to whether expenses of overnight accommodations can be reimbursed at present. This is unreasonable, for a councillor should not be out of pocket by reason of his being a councillor.

Clause 72 inserts a new section 287a of paramount importance. It will empower a council to spend money on the provision of homes, hospitals, infirmaries, nursing homes, recreation facilities, domiciliary services and other services for the aged, handicapped or infirm. The new section provides for:

(1) A council may require a one-third donation of the cost of a unit from an incoming occupier. This is available to private organizations and it is important that councils not be in an inferior position.

(2) After one such donation has been received, all further donations shall be paid into a fund to provide for infirmary or nursing home accommodation, or for other purposes approved by the Minister. A council may refund an amount not exceeding the donation if circumstances warrant it.

(3) A council may charge rentals, and shall pay one-third into a fund to provide for maintenance and improvements. The first indication that councils might enter this field came when the Commonwealth Government amended its legislation in 1967 to provide that councils shall be eligible bodies to receive subsidies.

The Local Government Act Revision Committee has thoroughly investigated this matter and is more than satisfied that there is room and a need for local government in this field. In addition, the committee is satisfied that there is a need for councils to enter the field of domiciliary care. Existing organizations such as Meals on Wheels provide a wonderful service, but more effort is required from others. The committee is satisfied that councils should enter this whole field of welfare service and not just one facet of it. Councils will not have to enter this field, but many are anxiously waiting to do so. This is an exciting field of activity and I commend these provisions particularly to honourable members. Clause 75 extends the investment power of councils by including trustee investment in section 290a. This is considered reasonable.

Sections 292, 296 and 297 refer to the preparation of statements and balance sheet

and their publication in the *Government Gazette*. Clauses 76, 77 and 78 amend these sections by deleting the requirements for gazettal, and provide instead that council may publish them in any appropriate way, and provide copies on request to electors, free of charge. Complaints have been received of the high cost to councils of gazettal. In view of the requirement of regulations for copies to be provided to certain authorities, and in view of the new provision for free supply to electors, the Government is satisfied that gazettal serves little purpose. Clauses 79 and 80 make consequential amendments to sections 301 and 305 caused by the provision of the new Land and Valuation Court.

Clause 80 also amends section 305 concerning resolutions of councils declaring streets as public roads. The amendment provides that where the Registrar-General has made an entry in a register book, or issued a title in compliance with provisions in section 305, the land concerned shall be conclusively presumed to be a public street. This is necessary to cover the situation which occurred when a council inadvertently failed to issue a notice to a person and found it could not recommence proceedings. A person who might be involved in such a situation is protected by the amendment, in that he may apply to the Land and Valuation Court for compensation. Clauses 84 and 85 make consequential amendments to sections 415 and 420 as a result of the new Land Acquisition Act, 1969.

Section 437 lays down that borrowing by councils shall not be subject to an interest rate of more than 7½ per cent. The highest current borrowing rate for councils is now 7.4 per cent and, while no-one wants to see it increased, it could conceivably do so some time in the future. Councils cannot be barred from desirable loan programmes and therefore clause 93 alters this provision to provide that the interest rate shall not exceed that set by the Australian Loan Council. Clause 94 amends section 454 to provide that park lands may be used for camping ground or caravan park purposes. In many council areas, caravan and camping areas are located in park lands, but a recent legal opinion indicates some doubt that this is legal. Such use is recreational and the use of park lands for such purposes is reasonable.

Section 459a of the Act empowers a council, with the Minister's consent, to dispose of reserves not exceeding half an acre in area, if the land is not required as a reserve. Clause 97 removes this restriction of half an acre. In disposing of reserves, size should not be a determining factor, but rather the usefulness of the reserve for the purpose of public use or enjoyment. Buildings such as kindergartens have been established on some reserves. The Government does not want to see reserves used in this way. However, councils often have surplus reserves, or portions, which could be made available for such purpose. The amendment will permit the disposal of redundant reserves where appropriate. Clauses 98 and 99 make consequential amendments to sections 471 and 483 because of the Land Acquisition Act, 1969. Clause 102 amends section 530c concerning the provision of common effluent disposal drains. When councils provide such drains, as many have successfully done, they are empowered to recover costs by means of separate rates. Because of the nature of these schemes, it is more practicable in many cases to charge a fixed annual amount rather than a rate in the dollar. Because some doubt has been raised as to whether a separate rate may include a fixed amount, clause 102 removes this doubt.

Clause 103 amends section 666 concerning removal of vehicles left on roadsides and public places. The section at present requires a council to go through certain procedures of advertising and then sell the vehicle by public auction. These provisions are cumbersome and expensive, particularly as most vehicles left on roadsides are worthless and rarely can a council recover its costs. The amendment streamlines these provisions and provides as follows:

(1) The provision shall apply to vehicles left on roadsides, public places and property owned by or cared for by the council.

(2) The council may sell the vehicle or dispose of it as it sees fit.

(3) Surplus proceeds, if any, to go to the council rather than State revenue.

(4) Owners of vehicles to be responsible for costs of removal, custody, sale and disposal of the vehicle.

(5) Councils will still have to take the required advertisement procedures.

Clause 104 amends the by-law making powers in section 667 to empower councils to make by-laws to regulate, restrict or prohibit parking of vehicles in park lands and similar places. Councils can and do permit parking for certain purposes, such as parking near kiosk and recreational activity, and they should have by-laws to control this. Clause 104 also amends

section 667, paragraph (48a). The present provision permits councils to make by-laws regarding the escape of water on to roads. Owing to a legal opinion which holds that water does not "escape" on to roads, it is necessary that more appropriate wording be used. Clause 104 does this.

Clause 105 amends the regulation-making powers in section 691. Power at present exists to make regulations, and regulations have in fact been made, in respect of qualifications for clerks, engineers, surveyors or overseers. The power is extended to permit qualification regulations to be made in respect of other council officers, if such should be desirable. It is stressed that this is a regulation-making power only and any regulations would have to be submitted to Parliament. I have received requests from general and traffic inspectors in councils that they be given an appropriate qualification. Clause 107 repeals section 715. This section provides a fee of 50c for laying complaints and issuing summonses. The Chief Magistrate has pointed out that this amount is long out of date. He has also pointed out that it is unnecessary to have this provision in the Local Government Act as other legislation prescribes fees.

Clause 108 redrafts section 743a to widen its effect. At present, the section provides that proof that a vehicle was standing or stationary in a street shall be *prima facie* evidence that the owner was the driver at the time. This is known commonly as "owner-onus". Clause 108 extends this principle to vehicles standing in other areas where parking is controlled, e.g., in park lands. Parking is permitted in park lands at such places as the Weir and Alpine restaurants. These parking places are intended for patrons of the restaurants, but today motorists tend to use the areas for full-day parking. Owner-onus provisions, which have applied for some time to parking in streets, would be beneficial in the control of parking in these other areas.

Clause 115 amends section 783 regarding depositing of rubbish on roads and public places. Paragraph (*a*) of subsection (1) refers to a person who deposits rubbish. Some years ago the wording of paragraphs (*a*) and (*a*1) was altered so that now the wording of both is very similar. Paragraph (*a*1) is not required and therefore is repealed. Section 783 provides a penalty of up to $80 for depositing rubbish. In an endeavour to help stamp out this practice, the maximum penalty is increased to $200 and a minimum penalty of $10 is introduced. I commend the Bill to honourable members.

The Hon. C. M. HILL secured the adjournment of the debate.

The PRESIDENT: The adjourned debate to be an Order of the Day for—

The Hon. A. F. KNEEBONE moved:

That the adjourned debate be made an Order of the Day for the next day of sitting.

The Hon. Sir NORMAN JUDE (Southern): Mr. President, in terms of Standing Order 196, I wish to address myself to the question of the date of resumption of this debate. I suppose, first, we should congratulate the Minister on getting rid of this very voluminous and indigestible hamburger. I think he must be unaware of the fact that honourable members do not have a copy of this Bill and, if it is not available to honourable members now, many of them will not be able to get it before next Tuesday. The Minister's second reading explanation which, as I have said, is voluminous and (I repeat) indigestible, obviously will not be available until the issue of *Hansard* arrives next week. Therefore, I suggest that the Minister, who as a general rule is very reasonable, has the debate adjourned until next Wednesday. To put things in order, I move as an amendment:

That the adjourned debate be made an Order of the Day for Wednesday next.

The Hon. A. M. WHYTE seconded the amendment.

Amendment negatived.

The PRESIDENT: I now put the motion "That the debate stand adjourned until the next day of sitting."

Motion carried.

## RIVER MURRAY WATERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 10. Page 3899.)

The Hon. C. R. STORY (Midland): I rise to support this measure, although not with any great glee. However, I believe we have reached the stage where somebody has to make a move. The Government has been in office now for about 11 months, and in that time it has acomplished nothing (in fact, we have probably gone backwards) in the matter of South Australia's right to more water. At least we then had an agreement with the States of New South Wales and Victoria and with the Commonwealth whereas today, as I see the situation, we do not have an agreement at all.

In looking at this legislation today we are looking at something that I believe is, even at this moment, completely redundant. I think about $57,000,000 was the original estimate of cost for the building of Dartmouth dam, and an increase of more than 10 per cent under the contingency provision would make it necessary for the agreement to come back again to the States. I believe that situation has already been reached, so we are probably arguing about something that is really out of court.

However, in order to get this thing moving, I believe that we have to go along with the Government, whether or not we believe that the action it is taking at this stage is right. I think we have to get this legislation passed so that it can be proved conclusively whether, on the one hand, the Government's action is legal and, on the other hand, whether it is acceptable. There seems to be much argument among fairly eminent lawyers, even Queen's Counsel. The Queen's Counsel in Cabinet have no doubt used all the knowledge of the law at their command and, with the assistance of their colleagues, have thought of all the wiles and guiles they possibly could in order to get the Government off the hook for the foolish statement it made at the election in 1970 about what could and could not be done.

The paucity of the approach is indicated by the present Bill and the Bill that was defeated in another place in the last session of Parliament. My understanding of an agreement is that people get together, hammer out the points they want as heads of agreement, and then fill in the details. That produces a complete agreement, which the contracting parties then sign, and it is binding upon each of the signatories for the whole period of its existence. Why it should be different in this case from any other I am at a complete loss to understand. The Premier and the Government are saying, "Yes; we will ratify this agreement, but we will leave out some little bits that we do not particularly like." How one can ratify anything and leave out the bits he does not like I fail to comprehend, although in certain circumstances the Premier appears to think that it is quite proper.

It is one thing for him to believe it is quite proper; it is another thing for the other Governments to agree. I do not think the Premier will get the agreement of the other Governments. It is said that they are being obstructive at present, but they are in a wonderful position. They have signed the agreement and have done their part. We are the ones who are dragging our feet. We must get alongside them. It is stated that the Minister of Works had negotiations with his opposite numbers but no progress could be made. The Hall Government knew during the whole of its period of office (it is interesting to note that the last Dunstan Government, too, knew before it went out of office) that there was no possibility of our getting the Chowilla dam at that time. My Party had to face this situation immediately it got into office. It was not disclosed by the outgoing Premier that he was in possession of information that Mr. Beaney, our representative on the River Murray Commission, had reported to him and Cabinet that Chowilla was no longer a proposition so far as the other signatories to the agreement were concerned.

In the light of all that, we are still, after a full three years of playing around with politics, trying to save face. That is all that is happening at present. We must get this legislation through and find out clearly how far the other States will go. When this Government is going to fold up we do not know (it may be in 18 months or in 18 years) but one thing we are certain of is that, if we do not ratify this agreement soon, we shall run every risk of never being able to get such an agreement again—because there is much more in it for South Australia than for the other States. To say that New South Wales and Victoria are over-committed on water licensing is just so much hogwash. New South Wales has got more water than it needs under the Snowy Mountains Agreement, with primary industry at its present level. Eminent people like Professor Davidson, an agricultural economist, have been talking strongly and sensibly about "just having dams for dams' sake and reservoirs for reservoirs' sake". When people go into this business of building dams, they must get some real return for the tremendous amount of money to be invested.

We in South Australia are in an entirely different situation from Victoria or New South Wales. In Victoria, centralization is certainly not nearly as great as it is in South Australia. Victoria has in its hills magnificent catchment areas to provide water for its industry; beautiful water is available there. New South Wales is the most wonderfully endowed State in respect of water. Certainly, much of it runs to the sea but, with the Snowy River turned back through the Murrumbidgee, New South Wales is in nothing like the predicament that we are in. South Australia is the vulnerable State, and its development and future are tied up entirely with whether or not it gets the 37

per cent more water that would be available to it for the mere ratification of the agreement. But we are still being pigheaded. The few words that are being altered in this agreement could cost South Australia its whole future, and the future of its irrigation areas as well as of its secondary industries. How futile it is that we have people, being paid by the taxpayers of South Australia, wandering around Europe and Asia trying to sell South Australia to the Europeans and the Asians! What is the use of spending that sort of money when our whole future can go down the drain because we are too pigheaded to ratify the agreement? It is a futile situation.

It appears that the Premier is going on with his own designs merely for the sake of not losing face. Surely we do not have to imitate the Orientals, to whom the loss of face is a terrible thing. Surely in this country we can say, "We have made a mistake; we are in error. We got there by false pretences, but we will ratify this agreement and we will honour it." There is much we can say on this matter; we have heard it *ad nauseam*. My injunction to the Council is to pass this legislation. The Government has its mandate —it has made that clear. A suggestion has been made that the Council should amend this Bill so that it would be the same as the Bill on which the Hall Government was defeated. However, it is obvious from remarks made earlier this week that the Government will not accept the amendments. It has demonstrated that clearly by its attitude to amendments moved by the Opposition in another place. The Government has acted in such a peculiar way in dealing with this that I would not risk trying to negotiate at a conference with it on the matter, because it is highly political. My one injunction is that we should get this legislation through. I have spoken for at least 25 minutes too long, because I have held up the passage of this legislation for that length of time. It has been hanging around for over 10 months, but what has happened? Nothing, except, as I have said, that we have gone backwards. I support the Bill.

The Hon. R. A. GEDDES (Northern): The Hon. Mr. Story has said that the development and the future of South Australia depend entirely upon the building of more adequate water storages on the Murray River system—in other words, Dartmouth. I shall now outline the need for water in South Australia. The entitlement given to this State in 1914 was 1,500,000 acre feet, and we are now using 1,470,000 acre feet, which shows that we are reaching the bottom of the barrel of our water supplies. The agreement hammered out between the States and the Commonwealth by Mr. Steele Hall relating to the original Dartmouth dam gave South Australia an additional 250,000 acre feet of water, or an increase of 37 per cent. In the metropolitan area at the moment an average of 105 gallons of water a head is used each day. This is the highest water consumption of any Australian capital city, and amongst the highest in the whole world.

In each of the periods from 1946 to 1956 and from 1956 to 1965 water consumption in the metropolitan area has doubled. In the northern areas of the State under the Northern Division of the Engineering and Water Supply Department is one of the largest water reticulation schemes in the world, with 3,600 miles of water mains stretching from Woomera in the north to Iron Baron in the west, to the foot of Yorke Peninsula, across to Clare and to Burra—all systems geared to the use of water from the River Murray as well as the reservoirs that help them. If we wish the State to develop further both in the metropolitan area and in the country, and if we wish the population to increase, deep and serious consideration must be given to the future needs of the State.

I turn now to the irrigation problem. The position along the Murray River must be getting critical, particularly when we remember that, when the salt slugs came down two years ago, the salinity level of the river increased to such proportions that the land was becoming soaked in salt and the profitability of vast areas of horticultural land was in jeopardy. With modern irrigation needs and with advanced horticultural knowledge, the output of the Murray River irrigation areas is expected to increase in future years, but this can happen only with adequate good water supplies. Because of the floods in New South Wales and Queensland, the dependence on the Murray River for clean water this year will be an entirely different situation. While the river has a good flow of water, caused by summer rains (which is the position at present), it is easy for the uninformed to forget the problems of salinity and whether there will be adequate water in the river in the years ahead.

People in this State have forgotten all about water restrictions as they applied to the family home unit. If such restrictions had been imposed in the metropolitan area in progressive

summers in the last decade or so, I am sure we would have seen a far greater awareness of the need for water conservation and a far greater understanding of the political problems faced in the election last year in the Chowilla *versus* Dartmouth argument. As the Hon. Mr. Story has said, the crux of this Bill is in clause 6 which says, in so many words, "It is O.K. for Dartmouth to go ahead, but this Government insists that the completion of the construction of the Chowilla reservoir shall be deferred until the contracting Governments agree that the work shall be proceeded with."

This is a subject on which there is complete divergence of opinion. We well know the opinion of the Liberal Party and its thinking on this matter; we well know the thinking of the Australian Labor Party on this matter. As the Hon. Mr. Story has said, "You have your mandate and here is the Bill. All we can do now is hope that you are right—not for the sake or the glory of the A.L.P., but for the sake and the benefit of the people of South Australia, who are so dependent on water and who will become more dependent as the years go by on more Murray River water." I support the second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): I shall be brief, as little more can be added in this debate. This matter was the main point in the election campaign fought 10 or 11 months ago after the previous Government had fallen on a question of the ratification of an agreement to build a dam at Dartmouth.

The Hon. T. M. Casey: And to give away Chowilla.

The Hon. R. C. DeGARIS: Perhaps we can go on to discuss this at length.

The Hon. M. B. Dawkins: That was given away in August, 1967.

The Hon. R. C. DeGARIS: All sorts of charges and counter-charges can be made. I do not want to go through the full history, but I am willing to do so if the Minister wishes. The Labor Party advocated the construction of nothing short of two dams. At that stage I think its members knew that that could no more be achieved by them than it could be achieved by the previous Government, but they used this as a lever to get rid of the Government of the day, and now they find themselves with the albatross around their necks, and they do not know what to do with it.

This issue has been exploited for Party political purposes, and 11 months after that exploitation we find this Council in a rather interesting position, it being asked to pass a Bill to ratify an agreement that is, in my opinion, not an agreement. To me, the position of this Council is perfectly clear: there can be no argument about its correct role in this case. An editorial in this morning's *Advertiser* contains the following:

If, however, Mr. Dunstan does hope to retrieve some prestige by adopting this tactic, then his hopes are sadly astray. The Chowilla project is now nothing but a dream. But the State needs more water and needs the benefits of Dartmouth. Sir Henry Bolte is rapidly cooling on the Dartmouth dam because of rising costs and "because of the plight of the rural industries". South Australia must clinch the deal on the dam soon, or it, too, may be lost for ever. By placing the current Bill in line with the Bills ratified by the other Governments concerned, the Legislative Council would be taking the most practical step towards achieving that end. In so doing, the Council could be accused of nothing but taking a positive and realistic step.

I absolutely agree with that editorial.

The Hon. T. M. Casey: Did you write it?

The Hon. R. C. DeGARIS: No. Some people have influence on newspaper writers at present, but I am afraid I am not in that category; I do not have a press secretary. Furthermore, we must bear in mind the point developed very well by the Hon. Mr. Story; let us suppose that we take a realistic, positive attitude and amend the Bill so that it is a valid agreement between the States and the Commonwealth to construct the Dartmouth dam. What is the next step? We have had no indication of the next step from the Government, except that it will have two dams or none: that is the only indication we have had.

If this Council takes a positive, realistic step, what is the next step? The Bill will go back to the other place, there may be disagreement between the two Houses (following which a conference may be held), and possibly the whole thing will be dropped. In that case the Council will be blamed if no dam is built, whereas the blame rightfully lies with the present Government. Whilst I would dearly like to take a positive, realistic step, as the *Advertiser* suggests, politically it would be a wrong step for this Council to take. On the advice I have received and as a result of negotiations in which I was involved as a member of a previous Cabinet, I believe there is no possibility of the agreement being a binding agreement if it is not exactly the same as the legislation passed by the other States and the Commonwealth. That is how I understand the position, as a layman, not a constitutional lawyer.

As the Hon. Mr. Story said, no doubt the Government, being prudent and having in Cabinet two Queen's Counsel and having available to it constitutional advice, should know the correct situation. I am only a layman, but I understand that, if this Bill is passed, since it is not identical with those of the other States and the Commonwealth, it will not be a valid agreement. The following is portion of the transcript of an interview between the Premier and David Flatman on the television programme *Today Tonight*:

Mr. Flatman: Are there any changes to which you would agree in this special session?

Mr. Dunstan: No. There are none, because the agreement would have to be renegotiated. The vote on this will have to be "Yes" or "No". We can't amend the agreement, because it is an agreement between the States.

As I said, I am only a layman and I do not understand these highly legal, technical situations, but that is as I understand it. No doubt the Government, being prudent, would have had advice available to it and it would have taken that advice; as a result, no doubt the Government thinks that this Bill will solve the problem. Therefore, who am I to argue or debate that the Government is not right? There is no doubt that the Government, being prudent, would have found out by now that, if that was not the situation, the other parties would agree to alter their legislation immediately to cater for any variation.

We have waited 11 months for this Bill, and I do not think any Government in its senses would bring in a Bill without some knowledge of its eventual outcome. From a layman's viewpoint I think I know what the outcome will be, but I may be wrong. If the Government has taken the best advice it can obtain, if the Government has renegotiated with the other States so that they will change their legislation if necessary, I believe that this Bill should pass as it is. However, I point out that the realistic and positive thing that should be done is that the agreement that has already been signed, sealed and delivered by the other parties should be ratified, and we should get water storages constructed as quickly as possible. There should be an end to efforts to save political face with a Bill that in some ways attempts to get the Government off a political hook. The future of this State is far more important than that issue. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for their consideration of this Bill. I should like to make one or two comments as a layman, too. The Hon. Mr. Story said that an agreement had been reached between the States and the Commonwealth and that it had to be ratified as such. However, I point out that, having reached that agreement, the parties concerned knew that it had to be ratified by their Parliaments. That was one of the conditions in the agreement. As a result of my years of experience I know that this is not the first time an agreement arrived at after a conference has been subject to ratification, subsequently altered, and then resubmitted to a conference. The Government has introduced this Bill sincerely, and I am glad that it appears that it will be passed by this Council, despite what some people said about getting the Labor Government off the hook. We brought this Bill forward sincerely in the belief that if the other parties to the agreement want to build the Dartmouth dam they can build it.

The Hon. R. C. DeGaris: We want it more than they do—that is the trouble.

The Hon. A. J. SHARD: I do not know that that is correct. If they want to build the Dartmouth dam it can be built, and they can reconsider the Chowilla dam later. It is incorrect to say that we want two dams or nothing.

The Hon. Sir Arthur Rymill: That is what you said during the last election campaign.

The Hon. A. J. SHARD: I am talking about the situation as it now exists. We have always said this; we have said it right through. We are prepared to find the money to start immediately. This Bill gives the other States and the Commonwealth the opportunity to build the Dartmouth dam and it will keep alive hopes of building the Chowilla dam, but there is nothing in this Bill that says that the Chowilla dam must be built—nothing.

The Hon. Sir Arthur Rymill: That was the precise position under the Hall Government.

The Hon. A. J. SHARD. It was not.

The Hon. Sir Arthur Rymill: What difference is there?

The Hon. A. J. SHARD: It gave away the right to Chowilla for ever; no-one knows that better than the honourable member does. That is true.

The Hon. Sir Norman Jude: Rubbish!

The Hon. A. J. SHARD: It is not rubbish.

The Hon. Sir Arthur Rymill: You're splitting hairs!

The Hon. A. J. SHARD: I am not. If the other States and the Commonwealth are sincere and want Dartmouth, if they accept the agreement the planning can go ahead immediately. There is nothing to say that

they must build Chowilla. It says that Chowilla is still in line and can be considered in the future.

The Hon. C. M. Hill: That's the very thing we said.

The Hon. A. J. SHARD: It is not. However, I do not want to go into the finer detail.

The Hon. C. M. Hill: That was the whole crux of the Bill.

The Hon. A. J. SHARD: My Party fought an election on that issue. Despite what the Leader of the Opposition in another place said, we are sincere in this matter. We believe this Bill is the answer to get Dartmouth built. No honourable member is more sincere than I am about the need for water in South Australia. I have spoken of this need many times. We want water, but not at the cost of the State's future. No-one needs to tell me what the Commonwealth, New South Wales and Victoria will do to this State if they get half a chance, because they have proved that too often in many different fields. I have seen them in conference after conference. In fact, one prominent Victorian said to me, "Victoria first, Victoria second, Victoria third, and, if anything is left, Victoria again." I for one am not prepared to sell out the rights of this State to Victoria and New South Wales.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Ratification of agreement."

The Hon. C. R. STORY: I listened with much interest to the Chief Secretary and, from his point of view, he made a good fighting speech; but it was not according to the facts. Let us compare this measure with the one on which the Hall Government fell. Clause 13 states:

Clause 24 of the agreement is amended—(*a*) by adding at the end of the clause the words "However, completion of the construction of the Chowilla reservoir shall be deferred until the contracting Governments agree that the work shall proceed.

Where does it say that this work will never go on? It is clearly stated that it will proceed when the contracting Governments agree. What is being attempted here (and it is a thin subterfuge) is that we should honour the agreement in most of the items in the first schedule. The second schedule contains some little bits of trickery. Clause 13 was left in by the Hall Government to ensure that Chowilla still had a place in the sun, although we could not see how we could build two dams at a time, but the present Bill provides as follows:

(*a*) Delete "completion of the construction of the Chowilla reservoir shall be deferred until the contracting Governments agree that the work shall proceed"; and after "in the case of any work" insert "approved after October 1, 1970".

The second schedule sets out the further studies of the Murray River system, including the proposed Chowilla reservoir. The marginal note states:

Increase in storage from new works to be shared equally between New South Wales, Victoria and South Australia.

Why in heaven's name that has been included in the second schedule, I do not know, but that is the crux of the whole matter. I suggest it has been put in for padding. There was never any problem regarding those few words. If that was all that was worrying the Labor Party, it did not lose much sleep over it. The deletion of those few words will not bring Chowilla one day sooner because the experts on the River Murray Commission will, as they have done since 1914, inform the State Governments and the Commonwealth when there is a need for further storage of water. That will be the day when another dam will be built, and not before. It is all right to rattle sabres, but it will not get one gallon of water for South Australia: all it will do will be to get the other States' backs up. We do not want to sell out to anyone, but when you are outvoted by three to one it is not a bad time to take your bat and ball home.

The Hon. M. B. DAWKINS: Subclause (2) is the face-saver, but the Government is taking the risk of losing everything. If that happens, it will be on the Government's head. In today's *News*, the Premier is quoted as saying:

The suggestion that I want the Legislative Council to do this is as absurd as it is fanciful. He was referring to the amendment of the Bill to its original form. The Premier is a Queen's Counsel and he has another Q.C. in the Government, and he also has access to professional advice.

The Hon. C. R. Story: And a few good bush lawyers as well.

The Hon. D. H. L. Banfield: We have heard them this afternoon.

The Hon. M. B. DAWKINS: We hear about them from time to time on the Government side of the Chamber. In my view, this clause is the risk; it is the risk that the Government is taking in order to save face, and it is risking losing the lot. The agreement as it stood last April meant a 37 per cent increase in our water supply. I have not heard anyone from the other side of the political fence say "Thank you" for that agreement, and I have never

heard anybody from the Government side commend the previous Government for securing it.

If the Bill now before us is invalidated with this extra clause and with the alteration to the schedule that the Hon. Mr. Story has referred to, it means no more water at all. Therefore, I say that if that happens it is on the head of the Government and no-one else. The Government has two Queen's Counsel, as I have said; they have access to professional advice, and we have to assume that they are right. Therefore, this Government is going to take the risk of losing the best agreement that we could possibly gain. As we are told that this is all right and that the other States want Dartmouth, I believe that the Council has to pass the legislation as it stands.

Clause passed.

Clauses 7 to 9 passed.

First schedule passed.

Second schedule.

The Hon. C. R. STORY: I draw attention to the attitude in the last few days of one signatory to the agreement. I refer to the Commonwealth Government. I cannot quite see where the actual financial machinery is being provided. When the ratifying Bill was before Parliament it was running in double harness with a second Bill that dealt with the financial provisions, setting out what the Commonwealth Government would contribute and what the States would contribute. Do I understand that we have not yet seen the end of this matter and that there will be another Bill introduced to get this thing going nicely again about next Wednesday or Thursday? I believe we will need to have some legislation to get this matter rolling. Previously we had a Bill for an Act to ratify and approve the agreement relating to financial assistance for the construction of the Dartmouth reservoir and for other purposes. If such a Bill was necessary at that time, why it is not necessary to have similar legislation now? In the Commonwealth Parliament on Tuesday last a question was asked by Mr. Turnbull, the member for Mallee, as follows:

Is it true that the Premier of South Australia is going to break the deadlock existing over the ratification of the Dartmouth dam and ratify the agreement? Also, was it not his Government that, in effect, put the Dartmouth plan into cold storage for almost 10 months to the detriment of national development?

Mr. Swartz, the Minister for National Development, replied:

As I indicated a week or so ago, my understanding is that some legislation either has, or is about to be, introduced into the Parliament of South Australia along lines which have been indicated in a recent letter sent by the Premier of South Australia to the Prime Minister. As I also pointed out at the time, the Premier of South Australia had publicly stated (I have not had the opportunity of seeing the Bill, or hearing or seeing any reference to any debate in relation to it, so I cannot confirm what he stated publicly) at the time that two clauses in the agreement, which have been ratified by this Parliament, by both Houses of this Parliament, and by the N.S.W. and Victorian Parliaments, were to be deleted from the legislation introduced into the Parliament of South Australia.

This would mean, without a careful study of the submission by the Premier of South Australia and without a knowledge of the legislation which is being considered by that Parliament, that if the two clauses were deleted it would leave the situation exactly the same as it was before the other three Parliaments. Those three Governments made it quite clear that such a proposal was not acceptable to them. I would like to make it clear that all the concern of the South Australian Government has been to ensure that further consideration would be given to the Chowilla project in the future of the whole of the Murray system, and that has been made quite clear, although the actual reference to Chowilla was removed from the present agreement and that was agreed to by the Government of South Australia at that time; and although that was done, there was an exchange of letters, and at a conference between the various Governments it was made quite clear that there would be a continuing study of the Murray system for future development, and that Chowilla could come into consideration at that stage. That was made quite clear, and that is the position as it stands as far as the Governments are concerned at present. However, we cannot really give a reply to the Premier of South Australia because the Prime Minister has not had the opportunity to study the matter fully because we are not completely aware of the legislation or the debate that is at present taking place.

The Hon. A. J. SHARD (Chief Secretary): The other House this afternoon passed a Bill for an Act to ratify and approve an agreement relating to financial assistance for the construction of the Dartmouth reservoir and for other purposes. Therefore, there will be another Bill to cover the financial aspect.

Second schedule passed.

Title passed.

Bill read a third time and passed.

## BUILDING BILL

Adjourned debate on second reading.

(Continued from March 10. Page 3905.)

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members for the work they have done on this Bill. From comments made and amendments proposed,

it is evident that they have given it great consideration. I will reiterate at least one or two of the statements I made in the second reading explanation when the Bill was introduced. I said then that there was an urgent need for complete revision and updating of this legislation and for the introduction of a system of administration that could be readily adapted to changing methods of construction and new materials.

The Building Act Advisory Committee, established under section 98a of the present Act, has been engaged over the past few years in considering new provisions to form the basis of a revised Act. I thank honourable members for their references to the work of the committee. I fully agree with what has been said in this regard. I also said it was appropriate that action should be taken at this time in view of moves in progress throughout Australia for the preparation of a uniform building code. The Hon. Mr. Whyte referred to one of the proposals and to the Interstate Standing Committee on Uniform Building Regulations. The Ministers of Local Government of the various States, at their annual meeting in 1964, agreed to the establishment of this committee to prepare an Australian building code. Two South Australians, Mr. T. A. Farrent and Mr. W. A. Phillips, were on the committee. Mr. Phillips is with the South Australian Housing Trust and Mr. Farrent was a former Dean of the Faculty of Engineering at the University of Adelaide. The committee has been sitting to prepare a code which it is hoped all States will accept. This Bill has been made sufficiently elastic to incorporate the regulations proposed. It is envisaged that each State will adopt the code with a minimum of alteration to meet local needs.

I said the new code was at present in course of finalization by the interstate committee, and I referred to the fact that there should be different classifications of buildings. In reply to the question from the Hon. Mr. Whyte, I am not able to supply the various details of classifications which are being finalized at present, but I hope to be able to answer some, if not all, of the comments put forward. Honourable members have raised various matters in different ways. The first comment on the code, and the first amendment, concerned clause 5, on which several members commented. The Hon. Mr. Dawkins wanted to know whether councils could opt out of the proposals, referring to the blanket coverage of the Bill over the State. The Hon. Mr. Russack said there was nothing certain about opting out. The Hon. Mr. Geddes said it was contrary to the accepted pattern, referring also to controls covering the whole of the State. I think he was referring to the interpretation regading buildings and structures as applied to small farms and sheds.

Under the present Act a council must apply for the legislation to cover its district, and can also apply for certain provisions not to apply in its area. Under that system I am advised that it was very difficult at times to ascertain where the Act applied and where it did not. As a result of what is proposed in this Bill a council can apply to opt out.

The Hon. G. J. Gilfillan: There is no guarantee its application will be granted.

The Hon. A. F. KNEEBONE: And there is no guarantee now that the Building Act will apply if a council asks for it to be applied in its area.

The Hon. G. J. Gilfillan: But it is not compulsory.

The Hon. A. F. KNEEBONE: Councils may now apply for the application of the Building Act under the present legislation, but there is no guarantee that such application will be granted. We trust that in the implementation of the provisions of this Bill there will be no undue refusal of applications. I do not see why there should be refusal or strong opposition in an area where a reasonable case can be put up. Clause 5 (2) provides that specified buildings or classes of building may be exempted; it may exempt farm sheds.

Several honourable members asked why a definition of "building or structure" had not been included in clause 6. I point out that it is very difficult to frame a definition that would suit everyone. Surely it is best to proceed with a general interpretation of the term and leave the door open for people to apply for certain types of structure to be exempted. As I have said, provision has been made in the Bill for exemption. Further, I point out that there is no definition of the term in the present Building Act, although the term does appear there. Certain mechanical installations will need to be controlled from the building viewpoint. Some small structures will need to be exempted. Swimming pools are clearly not buildings, but they may need to be controlled.

The Hon. G. J. Gilfillan: They are controlled now, under the subsidy system.

The Hon. A. F. KNEEBONE: Yes, that type of pool is controlled, but in addition

safety measures may need to be taken in connection with privately-owned swimming pools in order to safeguard the owner and others who use them.

The Hon. C. M. Hill: The point at issue is whether they are, in fact, constructions.

The Hon. A. F. KNEEBONE: That is true. In connection with clause 8, the Hon. Mr. Geddes and other honourable members asked why an applicant should have to provide calculations of stress. Let me point out at this stage that in preparing my comments I have been advised and assisted by the Building Act Advisory Committee, so I am giving not only my own viewpoint but that of the committee. In connection with calculations of stress, I point out that adequate power to control construction is vital where stresses are involved. Councils' expenses may be increased if calculations are withheld.

In connection with clause 10, I point out to the Hon. Mr. Hill that a potent cause of the spread of fire is radiation, which is controlled by exterior wall construction, parapets, fenestration and distance. The proposed regulations make concessions in the first three according to distances from boundaries, which will provide proper economies. Land between the building concerned and a boundary of the site may have been subdivided before approval of the building is given; then there is no other power to preserve the isolation of that building or to require that its exterior walls be altered to comply. In connection with clause 14, which deals with the appointment of surveyors, the Hon. Mr. Hill suggested that the term "salaries or fees" should be substituted for the term "salaries and fees".

The Hon. C. M. Hill: The present legislation uses the word "or".

The Hon. A. F. KNEEBONE: The surveyor would still be employed for a fee if he were working part-time. The Hon. Mr. Dawkins suggested that the description "city or municipal" should be placed before the term "councils". Some councils, both suburban and country, have part-time building surveyors, and this has worked well. The proposal maintains this practice. If that reply does not clear up the matter, I suggest that the honourable member should raise it again during the Committee stage. The Hon. Mr. Geddes said that clause 17 was too onerous, but the Building Act Advisory Committee reports that the clause maintains existing practice, which is considered to be satisfactory.

The Hon. A. M. Whyte: What do the building contractors think of it?

The Hon. A. F. KNEEBONE: They are represented on the Building Act Advisory Committee, which assisted in the drafting of the Bill. The committee consists of Mr. S. B. Hart (Chairman), Mr. T. A. Farrent, Mr. H. E. S. Melbourne, Mr. R. J. Nurse, Mr. S. Ralph and Mr. K. A. R. Short. Clause 18, too, maintains the existing practice, which is considered to be satisfactory. Clause 19 refers to qualifications of building surveyors and inspectors. It provides that a part-time building surveyor may be appointed. The qualifications are prescribed in the existing Act and no alteration is contemplated immediately. Regarding clause 20, the Hon. Mr. Dawkins asked whether there will be a panel of referees. The panel may be two only, as in the existing Act. For some large councils, referees have been appointed to expedite appeals. The system works well and the regulations will prescribe fees to prevent excessive costs. Subclause (5) provides that each hearing be by two referees only. Subclause (2) maintains the existing satisfactory practice.

The Hon. Mr. Dawkins referred also to clause 34. Subclause (1) provides the necessary power. Clause 38 was also referred to by the Hon. Mr. Dawkins. The building or structure must be "building work" as prescribed, and is therefore something to be controlled. The Hon. Mr. Geddes asked for the provisions in clause 40 (1) (*c*) regarding party walls to be spelled out. The existing satisfactory practice is maintained. Provision is made for sharing the cost in line with the existing uses and desires of the neighbours. A person could not be expected to pay any greater expense for more expensive work desired by his neighbour.

The Hon. Mr. Hill referred to clause 50. The Building Act Advisory Committee is unaware of any adverse reaction or comment from councils. The intention is to cover verandah balconies, tunnels, etc., in the same way as sections 20 (1) (*c*) and 120 (1) of the existing Act. Regarding clause 51, we are in the same situation as was the previous Government. This Government's policy is a continuation of the previous Government's policy, but regarding the Local Government Act we have gone a little further. Previously, where Government houses were not occupied, there was a certain arrangement by which the council was not paid the rates for some part of the year.

The Hon. C. M. Hill: Is the Housing Trust exempt? Perhaps that could be considered in Committee?

The Hon. A. F. KNEEBONE: Yes. Regarding clause 61, the Hon. Mr. Geddes asked whether steps would be taken to avoid serious accidents as a result of fire. Fire prevention and resistance forms a large part of the proposed regulations, which are standard throughout Australia. Regarding clause 60, the Hon. Mr. Hill referred to by-law making powers for ordinary zoning, and said that these should not be allowed wherever the Planning and Development Act applies. He has an amendment on file that may overcome this problem. Regarding clause 62, the Hon. Mr. Geddes asked whether fees would be required from persons making submissions to the committee. The proposal is to maintain the existing satisfactory practice.

Although I may not have covered all the points raised by honourable members I think I have gone a long way towards doing so. In one of his comments the Hon. Mr. Russack was a little inconsistent. He has said that when a Labor Government is in office there is a tendency for things to be done by compulsion. However, he seems to have changed his mind, because when he was speaking on the Age of Majority (Reduction) Bill he went on to the other tack and implied that we were going too far the other way. He did not actually say it, but we have heard it said by many people that we are lifting too many controls. Honourable members cannot have it both ways: we cannot be accused of being oppressive by making something compulsory and then be accused of being the purveyors of a system of permissiveness in South Australia.

The Hon. A. M. Whyte: You are not giving anything away in this Bill.

The Hon. A. F. KNEEBONE: I do not agree with the Hon. Mr. Russack that we are introducing compulsion right left and centre, as it seems we are being accused of doing. I do not agree, either, that as a result of what we are doing with the Age of Majority (Reduction) Bill and other Bills that we have introduced, and with what the Government has done in regard to many other things in this State, we are introducing a permissive society. I do not say one thing one day and then on the next day, just because it suits me, say something different. One has to be consistent.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Progress reported; Committee to sit again.

## CAPITAL AND CORPORAL PUNISHMENT ABOLITION BILL

In Committee.

(Continued from March 9. Page 3817.)

Clause 1—"Short title and arrangement"—which the Hon. V. G. Springett had moved to amend by striking out "Capital and Corporal Punishment Abolition" in subclause (1) and inserting "Statutes Amendment (Capital and Corporal Punishment)".

The Hon. V. G. SPRINGETT: Mr. Chairman, since we were last in Committee I have discovered that the amendments I had placed on honourable members' files did not quite cover the matters with which I wished to deal. May I therefore have the Committee's permission to withdraw the amendments that are on file and replace them with another set of amendments?

Leave granted; amendments withdrawn.

The CHAIRMAN: Do I understand that the honourable member wishes to move a complete new set of amendments?

The Hon. V. G. SPRINGETT: Yes, Sir. They are almost exactly the same as the other amendments.

The CHAIRMAN: Since progress was reported on clause 1 yesterday, I have had the opportunity of examining the amendments placed on file by the honourable member, and I am of the opinion that they infringe Standing Order 294 by reversing the principle of the Bill as affirmed by its second reading. May's *Parliamentary Practice* at page 534 reads as follows:

> A Committee is bound by the decision of the House given on second reading, in favour of the principle of the Bill, and should not, therefore, amend the Bill in a manner destructive of this principle.

The principle of the Bill is to put an end to capital and corporal punishment by courts in South Australia, and amendments that reverse that principle are, in my opinion, out of order; and I so rule in respect of the honourable member's amendments.

The Hon. V. G. SPRINGETT: Mr. Chairman, may I ask whether all the amendments that I have on file are pointless and therefore cannot be moved?

The CHAIRMAN: I think that is the position. They all observed the same principle.

The Hon. Sir ARTHUR RYMILL: On a point of order, may I ask if that ruling applies to the reversal of portion of the principles of the Bill and not the whole Bill? As I read it, the amendments apply to only part of the Bill. If that were so we could not amend any Bill, as I understand it.

The CHAIRMAN: I do not think they can be separated. The Bill says "Capital and Corporal Punishment". It covers the whole of the Bill.

The Hon. V. G. SPRINGETT: May I ask whether I interpret your ruling correctly by assuming that I can accept and vote for the clauses in the Committee stage?

The CHAIRMAN: I think that was indicated by my ruling.

The Hon. V. G. SPRINGETT: And I can oppose the Bill on the third reading?

The CHAIRMAN: The honourable member is at liberty to oppose the Bill if he desires.

The Hon. Sir ARTHUR RYMILL: On a point of order, could I ask if, without moving an amendment, it would be possible to vote against a clause relating to capital punishment but not the rest of the Bill?

The CHAIRMAN: Yes. If you wish to reject the clause there is nothing wrong with that, but you cannot reverse the principle.

The Hon. Sir ARTHUR RYMILL: Could we reject part of the Bill, but not the whole of the Bill, which is what I understand some honourable members might wish to do?

The CHAIRMAN: It is quite competent for any member to vote against any clause.

The Hon. R. C. DeGARIS: In view of the ruling you have given, Sir, I would ask the Chief Secretary to report progress to let the mover of the amendments consider his position. The amendments are on file, the honourable member has done a great deal of work on them, he knows what he wants to do and what he wants to move, and in view of the ruling just given by the Chairman I think it would be in the interests of the Committee if the Chief Secretary were to report progress.

The Hon. A. J. SHARD (Chief Secretary): Being a true democrat and one who believes that legislation should be discussed fully and not forced through, I will be delighted to ask the Committee to report progress.

Progress reported; Committee to sit again.

## ADJOURNMENT

At 5.35 p.m. the Council adjourned until Tuesday, March 16, at 2.15 p.m.