LEGISLATIVE COUNCIL

Tuesday, March 16, 1971

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

QUESTIONS

LAND TAX

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to asking a question of the Chief Secretary, representing the Treasurer.

Leave granted.

The Hon. R. C. DeGARIS: I believe that at present the collection by the Treasurer of rural land tax amounts to about $1,100,000. As the Council will appreciate, during the election campaign last year the Liberal and Country League promised to reduce the impost of this tax to $300,000, irrespective of the new land tax assessment. In other words, the promise was that the rate would be readjusted on the new assessment to produce that result. The new assessment, which is now reaching rural people, is causing grave concern, and many of those people are unable to understand how the assessment can double or treble since 1965. The main problem is the question of the rate. This is fixed by Statute, and only the Government can initiate a change in the rate. Will the Chief Secretary ascertain from the Treasurer what collection the Treasury expects from rural areas under the new assessment and with the present rate?

The Hon. A. J. SHARD: I will refer the question to the Treasurer and bring back a reply as soon as possible.

WINE PRICES

The Hon. C. R. STORY: Has the Chief Secretary a reply to my recent question with regard to wine prices?

The Hon. A. J. SHARD: Winemakers increased the price of wine by $1.25 a dozen bottles on August 24, 1970. This increase was made up of $1 Commonwealth duty and 25c to cover winemakers' increased costs. Winemakers incurred a number of cost increases directly resulting from the Commonwealth Budget. These included the cost of the duty, interest and discounts thereon, and extra staff required in administration, etc. Other cost increases had also been incurred, including a wage rise of $3 to $3.90 a week, subsequent to the previous general increase in wine prices in September, 1969. In view of the facts, the increase adopted by winemakers was not considered to be excessive.

Hotelkeepers added their mark-up of 40 per cent on cost. This margin had been applied since February, 1967, when it was increased by 2½ per cent. Although licence fees had increased by 3 per cent since that date, the margin appeared high when compared with those applying in New South Wales and Victoria. Following negotiations, the Liquor Industry Council advised that the Australian Hotels Association would accept a reduction in margin of 2½ per cent, and prices were adjusted throughout South Australia on December 21, 1970.

The margin of 37½ per cent applying on bottled wine sales in South Australia is now comparable with that in Victoria and below the levels operating in Queensland, Western Australia and Tasmania. Wine prices are currently under review in other States, but industry spokesmen have indicated that price rises are not contemplated in South Australia at this stage. Any increases in other States, together with the reduced South Australian mark-up margin, should result in South Australian prices comparing quite satisfactorily with those of similar lines in other States.

EFFLUENT

The Hon. L. R. HART: I seek leave to make a short statement before directing a question to the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. L. R. HART: On page 3 of the *Advertiser* on Saturday last was an article under the heading "Effluent would be safe". The article reports that treated sewage effluent may be discharged into streams feeding into the Mount Bold reservoir. The Engineer-in-Chief, Mr. Beaney, said that if this happened the effluent would first be rendered absolutely safe. Is the effluent being treated by chlorination? The Minister stated previously that treatment by chlorination costs about 1c a thousand gallons. If that effluent going into Mount Bold is being treated by chlorination, would the Bolivar effluent, running to waste at the rate of about a million gallons an hour, be suitable for irrigation and the production of vegetables if similarly treated?

The Hon. T. M. CASEY: I will refer the honourable member's question to the Minister of Works and bring down a reply as soon as possible.

WESTERN TEACHERS COLLEGE

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the Western Teachers College, which many members have sought to have replaced, and which no doubt will be replaced in due course. It is now in two parts, and a number of students have to commute from place to place or section to section of the college, in some cases daily. The cost is one which does not have to be borne by students of other teachers colleges, but is not inconsiderable to the students of this college. Is there at present a way in which expenses can be reimbursed to the students of Western Teachers College; if not, will the Minister consider making arrangements to cover these costs?

The Hon. T. M. CASEY: I will refer the question to my colleague and bring back a reply when it is available.

CANCER

The Hon. V. G. SPRINGETT: On February 25 I asked the Chief Secretary a question regarding the possibility of making certain forms of cancer notifiable diseases. Has he a reply?

The Hon. A. J. SHARD: The Director-General of Public Health of New South Wales reports that it is anticipated that the Central Cancer Registry will commence during the first quarter of 1971. The details have been examined by departmental officers but it would seem appropriate to evaluate the New South Wales experience after the first 12 months of operation. Some hospitals in South Australia already advise the Anti-Cancer Foundation of the University of Adelaide of all cases of cancer. The Director-General of Medical Services has advised that it may be possible to extend this source of information by selecting relevant material from the morbidity reports currently being made by most major hospitals in the State.

POINTS DEMERIT SCHEME

The Hon. C. M. HILL: Has the Minister of Lands a reply to my question of March 10 about the introduction of a points demerit scheme in South Australia in view of the all-time record number of 349 road deaths in South Australia last year and 52 fatalities up to March 10 this year?

The Hon. A. F. KNEEBONE: My colleague the Minister of Roads and Transport has supplied me with the following information for the honourable member:

It is the Government's intention to introduce a Bill this session to amend the Motor Vehicles Act which, among other things, will provide for a points demerit scheme.

Immediately following the honourable member's question, the Hon. Sir Norman Jude asked whether the Government would consider introducing a merit scheme rather than a demerit scheme. I tell Sir Norman now that the point raised by him has been taken into account by the Government in its decision to introduce a points demerit scheme.

TON MILE TAX

The Hon. A. M. WHYTE: I ask leave to make a statement prior to asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. A. M. WHYTE: At present, all petrol users pay excise equal to 15.3c a gallon on motor spirit, excluding aviation fuel, and 15.5c a gallon on diesel fuel used for road transport. The case I present is in regard to collecting revenue equal to the amount of the ton mile tax, which at present amounts to $2,838,735, equalling, I believe, a figure of 1.36c charged on each gallon of fuel sold. This story has been put out on several occasions with a view to raising the same amount of money to the State on a more equitable basis. Indeed, the Auditor-General's Report states that only 70 per cent of the ton mile tax is at present being collected. I venture to say that, owing to the present rural economy, many hauliers on Eyre Peninsula and in the more outlying areas of the State will find it harder to meet the contributions at present being demanded.

As I say, the excise on petrol alone is 15.3c a gallon but, if a person is a road haulier, he pays a ton mile tax. Estimating that a semi-trailer does four miles to the gallon, he will pay an extra 16c a gallon, so that he is in fact paying over 31c on a gallon. The imposition has reached the point where many of these hauliers are finding it hard to cope with it. I know honourable members opposite would be happy if the Minister took up this matter with his colleague, because the Government did at one time say, whether sincerely or not, that it would have this ton mile tax removed on Eyre Peninsula. Will the Minister, therefore, take up with his colleague the question of this

amount of revenue possibly being raised by an overall percentage on the excise at present being charged? An amount of 1.36c on every gallon of fuel sold would raise the same amount of revenue as does the ton mile tax at present. If we allow for some administrative costs, 1.5c on every gallon of fuel sold would cover it adequately. The case I have presented could be taken to the Commonwealth authorities with backing from the other States, which agree that this is a more equitable way of raising the present revenue than the imposition at present being placed on road hauliers in country districts.

The Hon. A. F. KNEEBONE: I listened with interest to the honourable member's explanation and I shall be happy to take up the matter with my colleague and bring back a reply.

BETTING

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: I have been informed that a special committee of an organization very closely associated with forming Labor Party policy has been given the task of reporting on the desirability of introducing a system in South Australia whereby betting would be restricted to the totalizator. I believe that certain Ministers have been associated with forming this committee, without necessarily indicating their views on the matter. As this question has deep social ramifications, can the Chief Secretary say whether he has any knowledge of this committee and, if he has, can he inform the Council of its constitution and of the power it has to influence A.L.P. policy?

The Hon. A. J. SHARD: Last week I attended a meeting where it was decided to form a committee to inquire into the advisability of the Totalizator Agency Board's conducting all betting transactions within South Australia. I left the meeting and, as yet, I do not know whether any Minister is connected with that committee, but I am not so connected. I do not know the personnel of the committee, nor do I know the ambit of its inquiries, other than that it will consider the question of the T.A.B. having complete control of betting within the State and bookmakers being eliminated. I cannot say anything further on the matter than that.

CONTRACEPTION PAMPHLET

The Hon. E. K. RUSSACK: Has the Minister of Agriculture obtained from the Minister of Education a reply to my recent question about the distribution of contraception pamphlets to girls in secondary schools?

The Hon. T. M. CASEY: My colleague reports as follows on the three parts of the honourable member's question:

1. The Minister of Education has not seen the pamphlet.

2. He has no knowledge of its being distributed in schools and, in any case, he has every confidence in the discretion of headmasters in such matters as this. The honourable member should appreciate that the original reports in the paper were probably exaggerated.

3. Distribution of literature outside school gates is not under the control of the school or the Government. Local councils have the authority to make by-laws with respect to this matter. The honourable member should be aware of the subsequent claim by the Women's Liberation Movement that the pamphlet would not be distributed outside schools.

DIRECTOR-GENERAL OF TRANSPORT

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: In the Stop Press of the daily paper delivered to my home yesterday there was an item stating that the South Australian Government was advertising in the English paper *The Economist* for a director-general of transportation in this State. I understand that the salary offered was about $17,000 a year. Can the Minister say whether it is intended that advertisements will be inserted in the local press and that if senior public servants in this State's various transport departments and authorities apply for such a position they will be considered for the appointment?

The Hon. A. F. KNEEBONE: I read that item, too. If the honourable member had read on further he would have found some comment that advertisements would probably appear in the local press also. Although I could answer the question off the cuff fairly well, I shall convey it to my colleague and obtain a reply as soon as possible.

GOVERNMENT INSURANCE OFFICE

The Hon. Sir ARTHUR RYMILL: Has the Chief Secretary a reply to my question of March 3 regarding the Government insurance office?

The Hon. A. J. SHARD: The Government intends to proceed with the establishment of a Government insurance office. A board has been appointed to establish and administer that office. No special or separate feasibility study will be undertaken, but it will be a responsibility of the board to determine what business it will undertake within the authority given by the Act and to operate profitably the business undertaken.

SOUTH-EAST DRAINAGE

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. R. C. DeGARIS: In certain drainage areas in the South-East proposals are currently being discussed to introduce a new system of rating based on unimproved land values instead of the present system that involves betterment and drainage for the purpose of rating. Can the Minister supply the following information: (1) will he define the area affected by these new proposals; (2) the reason why the area is so defined; (3) the reason why certain areas receiving no direct benefit have been included in the proposals for rating purposes; (4) the reason why certain areas receiving substantial indirect benefits are excluded from the area for rating purposes; (5) the unimproved land value assessment for this proposed area as at 1965; and (6) the unimproved land tax value for the proposed area on the new assessment?

The Hon. A. F. KNEEBONE: I have a map which, with your permission, Mr. President, I will bring down and place on the notice board. Because the other questions entail some investigation, I will bring down a report as soon as I can.

AGRICULTURE DEPARTMENT

The Hon. C. R. STORY: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: A few weeks ago I asked the Minister a question regarding the reconstruction of the top echelon in the administration of the Agriculture Department and the Minister said that appointments would be made in the very near future. I noticed in the press a few days ago that one appointment had been made, namely, a Deputy Director (Administration), and that a Mr. Peter Trumble, who had previously been the Secretary of the Waite Agricultural Research Institute, had been appointed to that position. However, I understood that two other appointments were to be made to bring the administration up to that originally visualized by the Public Service Board and by the Minister. Can he say whether the other appointments have been made and, if they have been, who the personnel are?

The Hon. T. M. CASEY: A recommendation has been made by the Public Service Board, and the matter is being looked into at present. As soon as the appointments have been finalized, I will inform the honourable member.

EXPORT

The Hon. L. R. HART: Has the Chief Secretary a reply to my question of March 3 regarding statements made by the Chairman of the South Australian Industrial Development Advisory Committee?

The Hon. A. J. SHARD: As Mr. Roscrow left for a business trip overseas shortly after he gave the speech referred to by the honourable member, it has not been possible to check with him as to whether he was correctly reported.

DERAILMENTS

The Hon. C. M. HILL: Recently I made a second attempt to ask the Minister of Roads and Transport, through the Minister of Lands, to make public or to table the official report by Maunsell & Partners into the reasons for early derailments on the new Indian-Pacific standard gauge line between Cockburn and Port Pirie. I also asked the Minister whether he could give the official reason for the recent derailment near Jamestown. I now ask him whether he has a reply.

The Hon. A. F. KNEEBONE: On November 25, 1970, in answer to a question by the honourable member, I said:

When Maunsell & Partners were commissioned to carry out an investigation by the honourable member in his then capacity as Minister of Roads and Transport in the former Government, the terms enunciated by him clearly stated that the report was to be submitted to the Government. Accordingly, it would be a breach of confidence if the report were now tabled in this Parliament.

That is still the position. Virtually, the only recommendation made by the consultants was that there be a reduction in the use of the dynamic brake on "down" grade sections. As a result some modifications to these practices have in fact been made. So far as can be ascertained, the cause of the derailment was a heat buckle in a rail.

INDUSTRIES ASSISTANCE

The Hon. R. C. DeGARIS: I direct the following questions to the Chief Secretary, representing the Treasurer: since this Government assumed office, what financial assistance has been provided or arranged in any way for individuals or companies wishing to establish their enterprises in South Australia? Secondly, what financial assistance has been provided or arranged for individuals or companies to expand, alter, or resite their enterprises in South Australia?

The Hon. A. J. SHARD: I will refer the Leader's questions to the correct quarter and bring back a reply as soon as possible.

MINISTERIAL STATEMENT: KANGAROO ISLAND SETTLER

The Hon. A. F. KNEEBONE (Minister of Lands): I seek leave to make a statement.

Leave granted.

The Hon. A. F. KNEEBONE: Last night, on a certain television programme, comments were made in regard to a soldier settler on Kangaroo Island, and I wish to clarify the matter and give the correct facts in regard to those comments. Recent comments made by Mr. Berriman and by the producers of the television programme *This Day Tonight* bear little relation to the true situation of Mr. Berriman as a war service settler on Kangaroo Island. First, I want to make it quite clear that in no circumstances will I reveal specific details of Mr. Berriman's financial position. These details are a matter of confidence between Mr. Berriman and the Lands Department and the Commonwealth. Even though Mr. Berriman has strongly attacked the Lands Department, it still would not be proper to reveal confidential material and correspondence between Mr. Berriman and the department. However, there are certain points that I would like to make in relation to Mr. Berriman's case. Over a number of years Mr. Berriman has made several promises to improve and carry out management procedures on his property. However, invariably these promises were not kept and his financial position with the department continued to deteriorate. Mr. Berriman was warned not only by myself as Minister to improve the management of his property but by several previous Ministers of different Governments. Mr. Berriman replied to these previous warnings in writing, promising to carry out improvements in management as suggested by the department.

When I became Minister of Lands, Mr. Berriman was under a final notice issued by the previous Minister, and I had this final notice deferred until I was able to speak to Mr. Berriman. In fact, I spoke to him on more than one occasion, and he promised to take certain action. Late last year I made a special trip to Kangaroo Island to inspect Mr. Berriman's position first-hand. At that time I made it clear that his financial position would have to be improved as the department could not continue to advance him public moneys when he was making no attempt to carry out reasonable management procedures. Also, the Commonwealth Government, which supplies the finance for the war service settlement scheme, had drawn attention to the position of Mr. Berriman. It questioned the wisdom of advancing him further finance. By January, 1971, Mr. Berriman had made no effort to improve his position, and he was advised that no further advances would be made to him. The Government, in attempting to recover moneys owing to the Commonwealth and State by Mr. Berriman, had to take the action that it has taken.

There are other points that I would like to clarify. In the television programme last night there was a reference to the proposed rural reconstruction scheme. I point out that this scheme will be of little benefit to Mr. Berriman as the present war service settlement scheme that he has been operating under has far more favourable terms than the proposed rural reconstruction scheme has. A reference was also made to freight concessions for Kangaroo Island. The question of freight concessions on Kangaroo Island is not being ignored. Already the Government is subsidizing the *Troubridge*, and I think that the Hall Government and the previous Walsh and Dunstan Governments also did the same thing. When this finishes in the near future the Government will operate a ferry service to the island.

Comment was also made on the position of soldier settlers on Kangaroo Island. As a result of strong representations by the Lands Department in the time of the previous Government and further strong representations by this Government, the Commonwealth Government has agreed to start an investigation into the war service settlement scheme on Kangaroo Island to determine what measures are necessary to alleviate the problems of the settlers. Had it not been that the Department of

Primary Industry has been tied up with the rural reconstruction scheme about to be implemented, that there has been a change of Ministers in the Department of Primary Industry, and that other events have taken place in Canberra, a Commonwealth official would now be investigating the situation on Kangaroo Island. The delay has been caused because the Commonwealth Government has been busy on other matters. I wanted to clear this up. I have had several telephone calls, and I know other people have, too, so I think the facts should be put straight.

EVIDENCE ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 3 and 5 to 7, but had disagreed to amendment No. 4.

FRUIT FLY (COMPENSATION) BILL

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

CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

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

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

The Bill amends the Civil Aviation (Carriers' Liability) Act, 1962. The principal Act is referential legislation by which the provisions of the Commonwealth Act of the same name are applied to aviation within the State. The State Act thus complements the Commonwealth Act by dealing with matters that lie outside the sphere of Commonwealth competence.

The right to recover damages arising from travel on international flights is primarily regulated by the Warsaw Convention, made in 1929, and the Hague Protocol to that convention, made in 1955. Australia is one of many countries participating in these international agreements, which are given force of law in Australia by the Commonwealth Act. Moreover, Part IV of the Commonwealth Act applies similar conditions to interstate flights. The State Act complements the Commonwealth Act by providing that the Commonwealth provisions shall by force of South Australian law apply to intrastate flights.

The Commonwealth Parliament has recently amended the Commonwealth Act by increasing the limit of liability that a carrier is liable to undertake and extending the provisions of that Act to carriers who operate under charter licences. The bulk of the Commonwealth amending legislation will take effect under the South Australian Act without further amendment because the South Australian Act, in its present form, anticipates amendments to the Commonwealth Act and applies them referentially to intrastate flights. It is, however, necessary for an amendment to be made to the South Australian Act to permit the application of the Commonwealth legislation to charter flights. An amendment is also made to extend the referential legislation to "joy rides"—that is to say, flights that end at the point from which they commenced.

The provisions of the Bill are as follows. Clause 1 is formal. Clause 2 makes a drafting amendment to the principal Act. Clause 3 amends section 5 of the principal Act. This section deals with the application of the principal Act, and provides that the Act applies to the carriage of a passenger in an aircraft operated by the holder of an airline licence under a contract for the carriage of the passenger between a place in South Australia and another place in South Australia, not being carriage to which the Commonwealth Act applies or to which the Warsaw Convention or the Hague Protocol applies. This section is extended to apply to the carriage of a passenger by the holder of a charter licence. The amendment also provides that the Act applies to the carriage of a passenger to or from any place in South Australia that is not governed either by the Commonwealth Act or the international conventions. The amendment to this section in this respect will enable the Commonwealth Act to apply referentially to air trips commencing and terminating at the same point.

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

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

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

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

One of its principal objects is the proposed amendment of section 16 of the principal Act, which deals with the appointment of officers to local courts. As the section now stands, all clerks have to be appointed and removed in accordance with the Public Service Act. Current practice now has police officers filling the position of local court clerks in

almost every country court, with the result that the Public Service Board has to consider many appointments and transfers of police officers, who of course are not ordinarily public servants. The appointments then go to the Attorney-General for final approval. The proposed amendment provides that appointments of police officers as clerks shall be dealt with by the Attorney-General alone, thus simplifying procedures and reducing the burden carried by the Public Service Board. A similar amendment was effected in 1964 with respect to the appointment of local court bailiffs.

This Bill seeks to correct two relatively minor errors in the principal Act. One error occurred when the principal Act underwent extensive amendment in 1969. Section 66 (*c*) of the amending Act of 1969 purports to strike out from the principal Act a passage that in fact, due to an overlooked previous amendment, did not then exist. Consequently, the amending Act cannot be fully incorporated into the principal Act, and the consolidation of this Act currently being carried out by the Commissioner of Statute Revision cannot further proceed until the error has been remedied. For this reason, I recommend that the Bill go through with as little delay as possible.

The second error, which appears in the Act of 1926 and has been adverted to by various local court judges over the years, occurs in section 166 of the Act. This section refers to section 165 of the Act as though it is the section that gives power to order payment of judgments in instalments, whereas in fact sections 177, 179, 181 and 182 are the sections granting such a power. The reference to section 165 is, therefore, clearly incorrect and, for the purpose of giving effect to the provisions of section 166, ought to be substituted by the correct reference.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 amends section 16 of the principal Act by striking out subsection (3) and inserting two new subsections. New subsection (3) provides that local court clerks who are members of the Police Force shall be appointed and removed by the Attorney-General. New subsection (4) provides that all other clerks, officers, servants and the bailiff of the Local Court of Adelaide shall be appointed, removed or suspended in accordance with the Public Service Act.

Clause 3 inserts in section 166 of the principal Act a passage specifying the correct sections of the Act which deal with orders for payment by instalments, and the incorrect reference is deleted. Clause 4 repeals and re-enacts paragraph III of section 259 of the principal Act. The reference in new paragraph III to the sum of $8,000 is the passage that the amending Act of 1969 unsuccessfully attempted to insert. This clause also provides that the repeal and re-enactment shall be deemed to have come into operation at the same time as the amending Act of 1969 came into operation. Clause 5 repeals the offending section of the amending Act of 1969.

The Hon. F. J. POTTER secured the adjournment of the debate.

RIVER MURRAY WATERS (DARTMOUTH RESERVOIR) BILL

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

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It seeks the approval of Parliament to an agreement between the Commonwealth and the States of New South Wales, Victoria and South Australia for the provision of Commonwealth financial assistance to the States in respect of their shares of the cost of construction of the Dartmouth reservoir in Victoria. It is a companion to another measure introduced into this Council relating to amendments to the River Murray Waters Agreement mainly for providing for the construction of the Dartmouth reservoir as a work under that agreement, the cost of the project to be shared equally among the Commonwealth and the States of New South Wales, Victoria and South Australia.

During the inter-Government discussions that led to the decision for the construction of the reservoir as a work under the River Murray Waters Agreement, the Governments of the three States concerned all indicated that they fully agreed with the desirability of going ahead with the project as quickly as possible, but each of those Governments stated that it was not in a position to provide its one-quarter share of the cost in full because of other commitments. In view of the great national importance of the project, the Commonwealth offered to provide assistance by way of a loan to each of the three States to enable them to complete the financing of their shares of the cost. The three States accepted the Commonwealth's offer, and the agreement now before the Council incorporates the arrangements that have been agreed between

the Governments for the provision of financial assistance. Under the agreement, the Commonwealth will provide assistance in amounts equal to one-half of each amount a State is required to pay from time to time to the River Murray Commission in respect of its share of the cost of construction of the project.

The last estimate of the cost of the project was $57,000,000. If the estimated cost of the work rises, the Commonwealth will continue to provide financial assistance towards the States' shares of a cost up to $62,700,000—that is, 10 per cent more than the last estimate. Under clause 4 of the agreement, a maximum amount of assistance of $7,837,500 is provided to each State to meet its share of a maximum cost of $62,700,000. However, it has been agreed that the arrangements for financing the cost of the project above $62,700,000 will be reviewed if the estimated cost rises beyond that figure. Under the arrangements as described, the Commonwealth will be contributing its own one-quarter share of the cost of the project and will be assisting the States by making available a further three-eighths of the cost. The three States will repay each Commonwealth payment in 30 equal half-yearly instalments commencing 10 years from the date each advance was received from the Commonwealth. Interest will be paid by each State on the outstanding balance of each Commonwealth payment calculated at half-yearly intervals from the time each Commonwealth payment is made. Interest will be payable at a rate equal to the yield to maturity on the long-term Commonwealth securities that were last issued in Australia for public subscription before each advance is received from the Commonwealth. The agreement also contains a number of machinery provisions of a kind similar to those embodied in recent Commonwealth-State agreements for the grant of special Commonwealth financial assistance for major developmental projects in the States. I commend the Bill to the Council.

The Hon. C. R. STORY secured the adjournment of the debate.

AGE OF MAJORITY (REDUCTION) BILL

In Committee.

(Continued from March 10. Page 3903.)

Clause 2—"Commencement"—to which the Hon. M. B. Dawkins had moved the following amendment:

After "2" to insert "(1)"; and after "proclamation" to insert the following new subclause:

(2) The Governor shall not make a proclamation for the purposes of subsection (1) of this section unless he is satisfied that legislation has been enacted by the Parliament of the Commonwealth, providing that the age at which persons shall become entitled to vote at elections for the House of Representatives of the Commonwealth shall be eighteen years, and that legislation is in operation.

The Hon. M. B. DAWKINS: Since I moved this amendment, a subsequent amendment has been placed on file that probably does in a better way the job I wish to do, so I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clause 3—"Removal of disability of infancy from persons over the age of eighteen years."

The Hon. A. M. WHYTE: I move:

In subclause (1) to strike out "eighteen" and insert "twenty".

As already some 34 Acts are involved and as, I believe, many more Acts, both Commonwealth and State, will be involved by this Bill, much hinges on the decision made on my amendment. Since the Bill was introduced I have gone to some lengths to study the reactions of the people most affected by it, and I am convinced that young people in my constituency are not greatly interested in having the age of majority reduced to 18 years. Most parents are very much opposed to the proposed change because much of the responsibility for guiding young men and women falls on them. Of course, I do not mean to imply that 18-year-olds are irresponsible. I can recall my own youth, and I do not think the 18-year-olds of today wish to do any things that I did not wish to do at that age. I do not desire to curtail their activities in any way. A memorandum prepared by the Bow Group in co-operation with the University Conservative and Unionist Associations was given to the commission that inquired into the age of majority in Great Britain; that memorandum summed up the matter by saying:

They are inclined to think the present age of majority works out quite well, but think that for the sake of consistency the age of majority should be the same for all things in like category.

Many associated matters will hinge on the Committee's decision on this matter. Too much responsibility is being loaded on young people. If we reduce the age of majority to 18 years we will have finished with the matter: surely we will not reduce it further. On the other hand, if we reduce the age of majority to 20 years we will be able to see the effect of that reduction and we can then decide whether it would be wise to reduce it further.

The Hon. A. F. KNEEBONE (Minister of Lands): This clause is the crux of the whole Bill. I cannot accept the amendment because it is not in line with my Party's policy, nor is it in line with the policy enunciated by the Leader of the honourable member's Party during the last election campaign. The honourable member has foreshadowed a further amendment that provides that the minimum age of jurors shall be 25 years; in this respect the honourable member is being inconsistent. We also have on our Notice Paper a Bill that reduces the voting age to 18 years. Some other States have reduced the voting age to 18 years and it is only a matter of time before the Commonwealth Government does that. South Australia should not lag behind in these reforms. We should be sensible and support the proposals in the Bill.

The Hon. M. B. DAWKINS: I support the amendment. I do not want to be unfair to 18-year-olds. It is often said that we should reduce the age of majority because young people are more mature today, but I believe that 18-year-olds of today are not necessarily any more mature than were 18-year-olds of 20 years ago. However, because I believe there is a case for some reduction in the age of majority, I support the amendment.

The Hon. D. H. L. BANFIELD: I oppose the amendment. We frequently find that honourable members are anxious that South Australia should come into line with other States. The Attorneys-General of the States and the Commonwealth have accepted the principle of an age of majority of 18 years, and I do not think any of them would want to go back on his word. I doubt whether the Hon. Mr. Whyte is anxious to go back to the people and say, "Although we promised you an age of majority of 18 years in our last policy speech, we now do not believe in that proposal." Surely, if honourable members opposite have a policy they should honour that policy. True, the Liberal Party was not returned on that policy, but the fact remains that the policy enunciated by both Parties during the last election campaign showed that they were both thinking along the same lines on this matter. Today, after this Bill has been passed in the popular House, some Liberal members want to go back on what was put forward during the last election campaign. If a child of 16 is capable of handling a motor vehicle, after two years' driving experience he should be recognized as an adult.

The Hon. F. J. POTTER: Reducing the age from 21 years to 20 years would only be tinkering with the problem. The reduction to 18 years has been agreed to by all States' Attorneys-General and action has been taken by three States to implement this change. By reducing the age to 20 years we would be ignoring the fact that substantial rights have already been granted to even younger people. The age of 16 years which applies in South Australia is the lowest age at which a person can be licensed to drive in the Commonwealth. A person can own land in this State at any age and, at 18 years, he can mortgage it to construct a house or raise a mortgage to build a house. He can also make a will and enter into a contract at 18 years. Frequently, young people between 18 and 21 years contract either with or without their parents' consent and sometimes with and sometimes without their parents' guarantee.

About 16.6 per cent of Australia's work force is in this age group. Those workers earn money and are able to back up the financial transactions they enter into, and they have very good credit ratings. The recommendation contained in the Latey report was that the age should be reduced to 18 years. Occasionally there comes a time when we must push forward some frontiers and be prepared to be a little ahead of our time and not make our moves piecemeal and keep something back as a safeguard. If Australia is to have a uniform age of majority it should be 18 years.

The Hon. A. M. WHYTE: Surely this issue should be divorced from that of Party policy speeches. I do not think my Leader would expect that the members of his Party should necessarily follow blindly what he put up as a platform policy.

The Hon. D. H. L. Banfield: Don't your policies mean anything to the people?

The Hon. A. M. WHYTE: Our policies are usually adhered to. However, as legislators we should be entitled to our own opinions. There is a substantial difference between the age of 20 years and the age of 18 years. I can see nothing wrong with families providing their children with liquor, for that is their right, provided they supervise it and accept the responsibility. Reference was made to 16-year-olds being licensed to drive motor vehicles. I would far sooner see those people accompanied, especially after dark, by an adult. However, that is not a decision that we have to make today.

The Hon. C. R. STORY: Although I have some real sympathy for the Hon. Mr. Whyte,

I believe that if his amendment were carried it would be fairly difficult for honourable members to deal with this Bill on its merits. I support the clause as it stands, and I will support the principle of the age of majority being reduced to 18 years. However, during the passage of the Bill through Committee I will be opposing certain provisions in respect of which I consider that a greater age should apply.

The Hon. G. J. GILFILLAN: This is a rather complicated and piecemeal way of approaching a very important subject. If there are certain areas where it is desirable to reduce the age of majority to 18, I believe that these things should be treated individually on their merits in separate legislation. The minimum age for drinking in hotels has been mentioned. I believe that of all the measures proposed in this Bill this is probably the only one that would get any major support amongst the young people. However, it certainly is one subject that should be approached on its own and the full implications considered in an amendment to the Licensing Act, certainly not in a Bill of this description. We have before us a vital vote on the principle of the age of majority, and once a decision is made on this clause this Chamber is committed very largely to a course of action on other measures.

Like the Hon. Mr. Whyte, I have canvassed this subject widely. It cannot be claimed that members of this Chamber have no contact with youth, for they probably have more such contact than has the average person. I believe that without exception they are parents who have had in their own families children of this age group and have observed them and their friends. We have the age of 20 years recognized in our present Licensing Act, and it would be in keeping with the National Service Act and various other responsibilities that people have to bear today. I consider that having the age of 25 years as the minimum age for jury service is a very real safeguard in the enforcement of our law.

Strangely enough, the age of driving was mentioned today. Insurance companies, in the fixing of their charges and loadings in comprehensive policies, recognize the age of 25 years as the minimum age of responsibility as far as safe driving is concerned. We have a variety of opinions in this matter. I believe that it is realistic to reduce the age of majority to 20 years. To use the argument that it is minimal, and that if we are going to throw caution to the wind we should go all the way, cannot stand up in a responsible Chamber. I certainly support the amendment.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Dawkins, the Hon. Mr. Whyte and the Hon. Mr. Gilfillan have said nothing to cause me to alter my mind. However, I am grateful to the Hon. Mr. Whyte for telling us that, no matter what his Party's policy is at election time, members of his Party do not have to adhere to that policy or put it into operation.

The Hon. F. J. POTTER: I commend the Hon. Mr. Story for pointing out the very real and practical difficulties this Chamber faces in dealing with this amendment. I think that, if the Hon. Mr. Whyte's amendment is carried, it will be almost impossible to deal with the rest of the Bill, because we cannot fix on an age of 20 years and then decide that we are going to grant some extensions in limited areas.

The Hon. R. C. DeGaris: You introduced a private member's Bill to allow certain things in relation to contractual matters.

The Hon. F. J. POTTER: I am not saying that it cannot be done: I am saying that I think we will find it impossible to do it in this Bill. If this Chamber carries the Hon. Mr. Whyte's amendment, I think it would be extremely difficult in this Bill to go on and say, "Well, in some cases it can be 18 years." The Hon. Mr. Story has very aptly put his finger on the point that if the Committee agrees in this clause to leaving the age at 18 years we can then decide that in some cases there can be exceptions. Indeed, the Government itself has a number of amendments on file indicating that in certain areas it considers it the prudent thing to leave the age at 21 years. I am not advocating that we go all the way in this matter. I have already said that I am opposed to this amendment, for I consider that in general 18 years is the age that must now be realistically considered as the accepted age of majority. However, I do not intend to support every part of the schedule to this Bill. As I made clear earlier, I, like other members, consider that there are a number of matters in which it is prudent to leave the present law as it is.

The Hon. C. M. Hill: There are amendments on the file in that respect.

The Hon. F. J. POTTER: Yes, and I think I will support a number of them. This is a vital amendment, and if we carry it I think we almost come to a full stop with the rest of the Bill. Indeed, I would hope that if we

passed the amendment the Minister would report progress, because I do not know where we would go after that.

The Hon. L. R. HART: Those members of this Chamber who support the Hon. Mr. Whyte are prepared to go even further than the Government itself is prepared to do in relation to some of the clauses in this Bill.

The Committee divided on the amendment:

Ayes (10)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, E. K. Russack, and A. M. Whyte (teller).

Noes (9)—The Hons. D. H. L. Banfield, T. M. Casey, C. M. Hill, A. F. Kneebone (teller), F. J. Potter, Sir Arthur Rymill, A. J. Shard, V. G. Springett, and C. R. Story.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

The Hon. A. F. KNEEBONE: Because of the carrying of the amendment and its effect on the Bill as printed, I ask permission to report progress and leave for the Committee to sit again.

Progress reported; Committee to sit again.

Later:

The Hon. F. J. POTTER: I move to insert the following new subclause:

(*5a*) This section shall not be construed as conferring any status necessary for the exercise of any electoral or voting rights in this State or the Commonwealth.

I support a reduction in the age of majority to 18 years, but we do not want to run into constitutional difficulties regarding the voting age. We have just passed a constitutional Bill to provide for voting at 18 years and, if the Bill now before us is to proceed, perhaps an attempt will be made to bring it into some sort of uniformity with that measure. This new subclause is important, because this State will be the only one that will confer majority in a Bill that will bring into direct issue the question of the meaning of "voting age" in the Commonwealth Statutes. The purpose of the new subclause is to make it quite clear that this Bill has nothing to do with voting. That must be dealt with in a separate Bill, and it is being so dealt with.

The Hon. R. C. DeGARIS (Leader of the Opposition): My attitude has been fairly clear throughout the debate on both this Bill and the Constitution Act Amendment Bill: I do not believe any change is warranted. The Constitution Act Amendment Bill has reduced the voting age to 18 years, and this Bill, by the amendment of the Hon. Mr. Whyte, specifies the age of 20 years. I think that this is rather a foolish situation. I support the new subclause. I speak now to indicate that I shall be seeking a recommittal of the Bill for reconsideration of clause 3 to deal with the age of majority. I think the new subclause overcomes the constitutional situation to which honourable members have drawn attention during the second reading debates on both these Bills.

The Hon. A. F. KNEEBONE: I find the situation a little confusing. Earlier the Hon. Mr. Whyte said that if his amendment were not carried he would vote with the Government in the division on the Constitution Act Amendment Bill. His amendment was carried, but he was on the losing side in the division on the Constitution Bill. We are in a very difficult situation, and I do not think we can proceed. The Leader said that he would be moving for a recommittal in regard to clause 3. Do we proceed on the basis that we think it might be recommitted and that the vote will go the other way: therefore, we will not make the amendments that we should make? It is a confusing situation, and I ask that progress be reported.

The Hon. C. R. STORY: I can see the predicament. I said earlier that I thought the proper course was to agree in principle to the reduction to 18 years and that then as we moved through the Bill we could set different ages for other things that we did not like. Had we done that, we could have recommitted the Bill to enable the Hon. Mr. Whyte to move his amendment. We have wasted some time this afternoon, and we now have to go through the whole thing again.

Progress reported; Committee to sit again.

UNFAIR ADVERTISING BILL

Adjourned debate on second reading.

(Continued from March 10. Page 3908.)

The Hon. M. B. DAWKINS (Midland): In addressing myself to this short Bill, I am aware that it is nowhere near as complicated as some others on file, but I believe it to be quite an important measure. About 18 months ago I said a similar Bill had the commendable aspect of endeavouring to ensure that no unfair advertising was carried out, but I doubted the effectiveness of that Bill in achieving its objective. Having studied this Bill, I find no reason to alter my opinion. I opposed the Bill introduced towards the

end of 1969 by the then Leader of the Opposition and I have, as I have said, no reason to change the opinion I then formed, even though this legislation contains some alterations.

In this Bill, there is what appears to me to be an exorbitant penalty, to which I shall refer later. The term "unfair advertising" is all-embracing. In the interpretation clause, "goods" is defined but "services" is not. Clause 3 (1) provides:

Subject to subsection (3) of this section, a person shall not publish, or cause directly or indirectly to be published, or be concerned in the publication of, an advertisement of any kind relating to goods or services or to the extension of credit for any transaction relating to goods or services, if the advertisement contains an unfair statement.

The words "unfair statement" are too wide and vague. If this Bill goes into Committee, we could consider a more definite term, such as "a statement that is deliberately misleading and erroneous". Also, "services" should be defined. To my mind, "goods or services" could include almost anything the Government wished it to include. It reminds me of the present Building Bill, in which we find repeated again and again the phrase "building or structure". There, "structure" is not defined; it is intended to be an all-embracing term, as is the expression "goods or services". Therefore, the Bill is far too wide.

Clause 3 provides for a penalty of $1,000. Had this sum of money been printed in figures instead of words, I should have hoped that the printer had made a mistake and inserted one too many noughts in that figure because, if this Bill or something like it is to become law, a penalty of $100 would be much more appropriate. Some 18 months ago the figure that was mentioned in the 1969 legislation, which did not get on to the Statute Book, provided for a fine of $200. That was objected to at the time as being unduly high. I cannot for the life of me understand why this Bill has increased the fine to $1,000. If the Bill gets into Committee, I suggest that the fine be amended to $100 as a maximum fine. As I said earlier, I believe the words "unfair statement" are nebulous and very wide when related to the goods or services mentioned in the Bill.

The Hon. Sir Norman Jude: How about advertising in a political campaign?

The Hon. M. B. DAWKINS: I don't know about that but in advertising in other campaigns it is difficult to avoid the possibility of being *ultra vires* as far as this Bill is concerned. It may be that we shall have to prove a case. It may be necessary to prove only that one person of limited intellectual capacity has been misled in order to prove that the advertising was unfair.

I emphasize again that this Bill is far too wide in its scope. I agree there is a need for some type of control or oversight of advertising. I know that the Australian Association of National Advertisers has endeavoured to do something about this and that there are other bodies also working in association with that organization. I believe we shall get better results by working through voluntary organizations like those rather than by putting on the Statute Book this blanket type of legislation which, after all is said and done, can control advertising in this State only. We have only to think of everyday matters. I think it was the Hon. Mr. Kemp who, 18 months ago, drew attention to the word "Last" on most editions of the evening newspaper in this State. That is just one instance of misleading advertising.

The Hon. A. J. Shard: That edition comes out during the lunch hour every day.

The Hon. M. B. DAWKINS: I agree with the Chief Secretary. I am not condoning it: I merely instance how widespread is what we may call somewhat misleading advertising and how widely the net would be cast under this Bill. It is better that these matters should be controlled voluntarily or, if necessary, it may be possible to resubmit this Bill in a less all-embracing form. At this stage, I am unable to find any enthusiasm for it. Until I have heard the balance of the debate, I shall not indicate what my attitude to the second reading will be but, unless the Bill is improved in the Committee stage, I cannot indicate that I shall support it at the final reading.

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

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

Adjourned debate on second reading.

(Continued from March 10. Page 3900.)

The Hon. A. J. SHARD (Chief Secretary): Briefly, I thank honourable members for their attention to this Bill. Most honourable members have different opinions about the desirable voting age. However, it can be taken for granted that most of them would favour the age being reduced to 18 years for the purpose of electing members of Parliament, but throughout the country there are, of course, different opinions. There are differences between honourable members about whether the age should be 20 years or 18 years.

It is not my purpose to delay this Bill, because any words of wisdom of mine would not alter the voting on it at this stage. In the Committee stage, if some questions are asked about various aspects of the Bill, I may be able to answer them. It is a question of whether one believes the voting age should be 18 years or 20 years. It is a matter of opinion as to when the Bill should commence to operate. Further, it may be argued that the Bill should be amended to provide that the minimum age for Legislative Council electors should be the same as that for House of Assembly electors. In connection with all these matters we will have to follow developments during the Committee stage.

Bill read a second time.

The Hon. V. G. SPRINGETT moved:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause providing for voluntary voting for House of Assembly and Legislative Council electors who have not attained the age of 21 years.

Motion carried.

The Hon. R. C. DeGARIS moved:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause to provide for the minimum age for Legislative Council electors to be the same as that fixed for electors for the House of Assembly.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. M. B. DAWKINS: I move:

After "2." to insert "(1)"; and after "proclamation." to insert "(2) The Governor shall not make a proclamation for the purposes of subsection (1) of this section unless he is satisfied that legislation has been enacted by the Parliament of the Commonwealth, providing that the age at which persons shall become entitled to vote at elections for the House of Representatives of the Commonwealth shall be eighteen years, and that legislation is in operation."

Personally, I doubt the wisdom of reducing the voting age to 18 years. However, if the voting age is to be so reduced, it should be reduced at the same time as the voting age for Commonwealth elections is reduced. It is better that the whole matter be resolved uniformly, not in a piecemeal fashion.

The Hon. A. J. SHARD (Chief Secretary): I oppose the amendment; it is not acceptable to the Government. In a recent election in Western Australia the voting age was 18 years; that State went it alone in reducing the voting age, and I do not think it is necessary for South Australia to wait until the voting age for Commonwealth elections has been reduced. Because we have sovereign rights we have the right to fix our own voting age. It could be argued that no Bill should be passed until the other States have passed a similar Bill. If that principle were followed we would find ourselves in a big mess and we would never get anything done. Whatever age is decided upon, we ourselves should make the decision and we should not be bound to wait until some other Parliament comes into line.

The Hon. R. C. DeGARIS (Leader of the Opposition): I respect the Chief Secretary's views but I submit that he has not grasped the full significance of the amendment. If we were dealing with a Constitution Act Amendment Bill in isolation there would be no need for this amendment; I think that point is accepted by most honourable members. In Western Australia the situation was significantly different because that State did not reduce the age of majority to 18 years. This is the complicating factor in respect of the Commonwealth Constitution. By and large, I go along with what the Chief Secretary said; we are a sovereign State and we have the right to decide where we are going. However, there is the complication of the definition of the term "adult" in the Commonwealth Constitution. The Hon. Mr. Hill developed very well the point that 18-year-olds, 19-year-olds and 20-year-olds could be exploited for political purposes in relation to a challenge to the Constitution. I therefore support the amendment.

The Committee divided on the amendment:

Ayes (14)—The Hons. Jessie Cooper, M. B. Dawkins (teller), R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K. Russack, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, Sir Arthur Rymill, and A. J. Shard (teller).

Majority of 9 for the Ayes.

Amendment thus carried; clause as amended passed.

New clause 2a.

The Hon. R. C. DeGARIS: I move to insert the following new clause:

2a. Section 21 of the principal Act is amended by striking out from paragraph (*a*) the passage "at least twenty-one years of age" and inserting in lieu thereof the passage "of the age at which he is entitled to vote at an election for a member or members of the House of Assembly".

As the Bill came to us from another place it reduced the age of voting for the House of Assembly only. It would be rather strange to have a different voting age for each House. I appreciate that the House of Assembly has allowed honourable members to decide this matter themselves. I only hope that on other matters it will do likewise.

The Hon. A. J. SHARD: I do not object to the principle contained in the amendment. This Council is just as good as the other place. I accept the amendment.

The Hon. R. C. DeGARIS: Whatever is good enough for the House of Assembly is not necessarily good enough for the Council.

New clause inserted.

Clause 3—"Qualification of electors for House of Assembly."

The Hon. A. M. WHYTE: I move:

To strike out "eighteen" and insert "twenty".

I think I gave sufficient reasons when discussing a previous Bill to make clear my stand on this matter. We should adopt a consistent view regarding the reduction of age.

The Hon. A. J. SHARD: I cannot accept the amendment, because it would be foolish to take this step. As I see little difference between a person of 20 years and one of 18 years, I ask the Committee to vote against the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, Sir Norman Jude, H. K. Kemp, E. K. Russack, and A. M. Whyte (teller).

Noes (10)—The Hons. D. H. L. Banfield, T. M. Casey, L. R. Hart, C. M. Hill, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, A. J. Shard (teller), V. G. Springett, and C. R. Story.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

New clause 3a—"Compulsory voting."

The Hon. V. G. SPRINGETT: I move to insert the following new clause:

3a. The following section is enacted and inserted in the principal Act immediately after section 40 thereof:

40a. (1) Notwithstanding anything in any other Act whether passed before or after the commencement of the Constitution Act Amendment Act (No. 2), 1970-1971—

(*a*) an elector for the House of Assembly; or

(*b*) an elector for the Legislative Council, who has not attained the age of twenty-one years, is not obliged to record his vote at any election for the House of Assembly or, as the case may be, the Legislative Council.

(2) Nothing in subsection (1) of this section shall be held or construed as requiring any elector, who has attained the age of twenty-one years, to record his vote at any election for the Legislative Council.

It was said a few moments ago, when we were dealing with the previous amendment, that there is not much difference between a person of 18 years and one of 20 years. However, in some ways there is a tremendous difference, for people grow mentally, emotionally and physically quite rapidly during those two years. I consider that at the age of 21 a person is better able to cast his vote wisely, without any pressure and without being affected by any pressures, than when he is only 18 years of age.

The real reason I move this amendment is that it gives people freedom of choice, and that is surely one of the basic democratic principles. Compulsory voting was introduced to do away with graft and exploitation. However, surely today the risk of exploitation is not so great as it was in times gone by. In any case, people of 18 years should not have compulsion put upon them to cast a vote at the risk of being punished. Many years ago in England when election meetings were being held in the country it was not uncommon for the candidate of that day to appear, and there would be a cry of, "Have a sandwich, but mind the mustard, boys." The sandwich was bread, the mustard was a gold sovereign. No-one expects that freedom of choice in these days would give rise to situations such as that. However, I emphasize that the very nature of our electoral system is designed for choice. A person has the right to say "Yes" to one of several possible candidates, but we do not have the right to say "No" to them all without breaking the law. The result is that people ask, "Have I got to cast my vote, or do I run the risk of being punished?"

I am not suggesting that there should be other than full enrolment, for I think there should be full enrolment. What I urge is that there should be complete freedom to vote. Although I advocate it here for people under the age of 21 years, it is a principle that is indivisibly welded to that of democracy, and one of these days freedom of voting will be universal again in this country as it is elsewhere.

The Hon. T. M. CASEY (Minister of Agriculture): I did not intend to speak on this measure, but after listening to the Hon. Mr. Springett I will do so. I am absolutely astounded that he can say that he believes in democracy and the freedom to vote. For

years we have had in this Chamber the most restrictive voting powers of anywhere in the British Commonwealth and perhaps even in the world. In fact, we still have restrictions on the people who can vote at elections for this Chamber. The Hon. Mr. Springett comes from England, where voting is voluntary. However, he is now living in Australia.

The Hon. D. H. L. Banfield: And enjoying it.

The Hon. T. M. CASEY: Yes. No doubt the honourable member believes in the Commonwealth Constitution. We in Australia are proud to be bound by that Constitution, under which there is no discrimination. Everyone who reaches a certain age must vote at Commonwealth elections. That gives people an opportunity to cast their vote. It is about time the Opposition members realized they cannot have it both ways. One minute they say they believe in democracy, and that everyone should have a vote if they wish. The Hon. Mr. Springett said that, yet he believes there should be restrictive voting for the Council.

The Hon. C. M. Hill: It is not restrictive voting: it is voluntary voting.

The Hon. T. M. CASEY: It is not many years since Mr. Millhouse, the House of Assembly member, could not vote for the Legislative Council, because he was not a property owner.

The Hon. C. M. Hill: Are you saying that what the Hon. Mr. Springett is submitting now is restrictive?

The Hon. T. M. CASEY: How restrictive can you get? Do you want an open vote or a restrictive vote?

The Hon. L. R. Hart: Tell us about compulsory unionism.

The Hon. T. M. CASEY: I was not talking about that. I was talking about voting for members of Parliament.

The Hon. A. F. Kneebone: Where does compulsory unionism apply?

The Hon. T. M. CASEY: This only shows the mentality of some members. Western Australia and Victoria are far ahead of us on this matter, having one roll for both Houses and compulsory voting. Opposition members still want complete power, and the right to stop any legislation which does not suit them. I am absolutely staggered at what I have heard this afternoon. It is time the people of South Australia woke up and realized that the sooner they get rid of the Council or bring in the same franchise for the Council as for the House of Assembly the better it will be. The Hon. Mr. Springett believes that everyone should have a free vote, but there is no free vote for the Council. You cannot have it both ways. There are still restrictions on voting for Council members. Tens of thousands of people would like to vote for the Legislative Council, but have never had the opportunity.

The Hon. H. K. Kemp: Only because they have not worried to enroll.

The Hon. T. M. CASEY: They would be unable to get on the roll for the Legislative Council. Honourable members opposite do not like these facts being brought up. They talk about democracy and free voting, and try to compare the position here with what is going on in the Commonwealth sphere and in other States. As a small boy I realized that South Australia was 25 years behind other States, but I think it is about 50 years behind when it comes to voting for members in this Parliament. It is time we had one roll only for both Houses of Parliament. That would be fair to all concerned. I cannot accept the amendment of the Hon. Mr. Springett.

The Hon. R. C. DeGARIS: I have noticed one thing about the speeches of the Minister of Agriculture. If we take away the phrase "You cannot have it both ways", I doubt whether he would speak at all. That appears to be the main phrase he uses. As is usual with some members, we have heard the same spiel over and over again, attacking the franchise for the Council. The amendment we are discussing has absolutely nothing to do with the franchise. We are discussing an amendment providing that there shall be no compulsion on people under 21 to vote at elections. I do not know that anyone can argue against this principle. If we talk about democracy surely the question of compulsion in regard to voting is germane to the whole discussion, particularly in relation to the age group with which we are dealing. First, this group does not want to vote, anyway; and, secondly, if it was given the vote, by a resounding majority it would wish to vote voluntarily. What is the democratic way in this matter? If these young people are, against their will, to be given the vote, should we not note what they want—voluntary voting?

The Hon. D. H. L. Banfield: They want to be able to drink at 18, too.

The Hon. T. M. Casey: How do you know they want voluntary voting; have you taken out any statistics?

The Hon. R. C. DeGARIS: Yes.

The Hon. T. M. Casey: Personally, on your own?

The Hon. R. C. DeGARIS: Yes.

The Hon. T. M. Casey: State-wide?

The Hon. R. C. DeGARIS: No, but this age group is emphatically in favour of non-compulsion in voting. Apart from that, we must recognize our concept of democracy. If any honourable member can show me that compelling a person under pain of penalty to vote is democratic, I shall be amazed. With the exception of Australia, New Zealand and one or two other countries, the countries of the world do not compel people to vote at an election. The real crux of the matter is that the Labor Party is afraid of democracy.

The Hon. D. H. L. Banfield: What rot!

The Hon. R. C. DeGARIS: It always fights on voluntary voting. It says, "You cannot have it", and stresses all the dire things that would happen under it. But look at its own system—the card system, the compulsion on its members. If we are to examine this matter, let us do it fully. There is less democracy in many other matters than there is in this amendment. I suggest that the Committee support it.

The Hon. A. J. SHARD: I oppose the amendment. I believe in the one roll, in the one vote for each person, in everybody being equal in respect of voting for both Houses. If honourable members opposite and their Party do not believe in compulsory voting, why has the system not been altered in the Commonwealth sphere?

The Hon. T. M. Casey: They do not take any notice of what their Party says, anyway.

The Hon. A. J. SHARD: Why has it not been altered? It is because they believe the present system to be right. The only reason it has not been altered in this State is that the members of the Legislative Council and the Establishment want to retain the control of Parliament and of South Australia. If we genuinely believe in something, we on this side say so. If the Liberal and Country Party believes in an equal vote for the Senate and for the House of Representatives—

The Hon. A. M. Whyte: Do you believe in proportional representation for the Senate?

The Hon. A. J. SHARD: Proportional representation is one of the worst forms of representation. Personally, I detest it where it makes minority groups strong.

The Hon. R. C. DeGaris: You agree with the system of first past the post?

The Hon. A. J. SHARD: Yes.

The Hon. R. C. DeGaris: Then the minority gets a vote?

The Hon. A. J. SHARD: It could happen that way, but a minority does not get strong that way.

The Hon. Sir Arthur Rymill: Do you believe that Tasmania should have as many Senators in the Senate as New South Wales has?

The Hon. A. J. SHARD: Yes.

The Hon. Sir Arthur Rymill: That is not one vote one value.

The Hon. A. J. SHARD: I never said that. Don't twist me around. I believe that each State should have equal numbers in the Senate, as a protection of the States' interests.

The Hon. Sir Arthur Rymill: So do I.

The Hon. A. J. SHARD: If we did not have it, it would be a shame what New South Wales and Victoria would do to us.

The Hon. Sir Arthur Rymill: Once again, we are in agreement.

The Hon. A. J. SHARD: That is right, so don't twist me around the other way. I believe in the present set-up in the Senate. It would be a sad day if ever the equal representation in the Senate of the States was upset.

The Hon. R. C. DeGaris: Do you think the Northern Territory should have a seat in the Senate?

The Hon. A. J. SHARD: If there were enough people in the split-up of the States, it should have it. I am a real democrat and like to see everybody properly represented. I accepted an amendment of the Leader this afternoon that made the age of voting for the other House the age of voting for the Legislative Council. If it is good enough to have that link between the two Chambers, is it not good enough to have the same roll and the same voting conditions?

The Hon. R. C. DeGaris: It is not the same roll for this place.

The Hon. A. J. SHARD: Don't twist me around; don't split hairs. It is the same age.

The Hon. R. C. DeGaris: But not the same roll.

The Hon. A. J. SHARD: You are trying to twist it around again. You wanted the same age.

The Hon. R. C. DeGaris: Yes.

The Hon. A. J. SHARD: If it is good enough to have the same age for these two Chambers is it not good enough to have the same roll and the same voting conditions?

The Hon. Sir Arthur Rymill: You sound like one of the gentlemen referred to in clause 5 of this Bill.

The Hon. A. J. SHARD: I do not know who those gentlemen are. I want to get a

decision on this amendment. I cannot accept the amendment. Deep down, most honourable members in this Chamber think I am right.

The Hon. V. G. SPRINGETT: I emphasize that I support this amendment because I believe as much as the Opposition does in the opportunity to vote, but I do not believe in the right of people to have a vote under fear of punishment, as is the position under the Bill as it now stands. They should have the right to vote or not to vote, according to their wishes.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Springett says that young people between the ages of 18 and 21 should be able to decide for themselves whether they should vote. I put it to him: if this Bill becomes the law of the land, why should it be any different from any other law of the land in respect of the 18 to 21-year-olds? There are hundreds of laws in this State that people between the ages of 18 years and 20 years would prefer to have nothing to do with. They are compelled to stay outside hotel bars but, if we put the question to them, we would find that they would want the right to drink in hotel bars.

The Hon. R. C. DeGaris: No-one is compelled to go into a bar.

The Hon. D. H. L. BANFIELD: I agree; however, under the law of this State 18-year-olds are prevented from entering hotel bars. If they were asked whether they wanted the right to go into bars, we would find that they did want it. Honourable members opposite know that that is correct; however, it does not suit their purposes in connection with this Bill. Why do those honourable members not exclude 18-year-olds in connection with other purposes? Actually, they do not want compulsory voting for the Council at any age. The Hon. Mr. Springett spoke about democracy, but he would deny 15 per cent of the people of this State the opportunity of voting in Council elections. According to Mr. Millhouse, the Hon. Mr. Potter and the Hon. Mr. DeGaris were the prime movers in having people's names removed from a roll in connection with a certain election. They ensured that some people did not have any right to vote. That shows how much those honourable members wanted people to have a vote and how much they cared about democracy. The only way to make democracy work is to defeat the amendment.

The Hon. R. C. DeGARIS: I should like to reply to the accusation made by the honourable member. He seems to assume that at one stage I took the opportunity to remove people's names from a roll.

The Hon. D. H. L. Banfield: I did not say that; I said that you were the prime mover.

The Hon. R. C. DeGARIS: All right; the honourable member said I was the prime mover in having people's names removed from a roll. Because I have previously replied to that accusation, I am sorry the honourable member persists with it. In point of fact, the only thing done was that, when letters were returned marked "Not known. Moved from district", this information was passed on to the Electoral Department. That was a perfectly natural thing to do. Unfortunately, people moved from one end of a big district to another. No action was taken by the Hon. Mr. Potter or me at any stage to have people's names removed from a roll: all that was done was to send information of the kind I have described to the Electoral Department. I hope the Hon. Mr. Banfield will understand that neither the Hon. Mr. Potter nor I took any action that was not completely just and fair; our action was not associated in any way with politics.

The Hon. D. H. L. BANFIELD: I merely said what the Attorney-General of the previous Government said in another place in reply to a question. The words I used were the words of that Attorney-General, Mr. Millhouse.

The CHAIRMAN: If honourable members discuss the clause and avoid personalities we will make better progress.

The Hon. L. R. HART: Any Government, no matter what its political colour, endeavours to introduce legislation that is desired by the majority of the people. If we want to ascertain the views of the majority of the people in South Australia we should look at the voting figures for Legislative Council by-elections where voting was voluntary; in no case to my knowledge has there been a poll of more than 50 per cent of the people eligible to vote. If the people wanted compulsory voting they would turn out in large numbers at a by-election to show their support for compulsory voting. However, it is clear that the people of this State are satisfied with voluntary voting. If we had a referendum they would undoubtedly endorse voluntary voting.

The Hon. T. M. CASEY: Earlier, the Committee carried an amendment that provided that this Bill would not take effect until the voting age was reduced to 18 years for Commonwealth elections. That means that this Committee is willing to go along with

whatever the Commonwealth does on that score.

The Hon. R. C. DeGaris: No! You have missed the point altogether.

The Hon. T. M. CASEY: Honourable members cannot have it both ways. The Commonwealth Government requires compulsory voting at Commonwealth elections. Therefore, why do honourable members not go along with the Commonwealth on this matter, too?

The Hon. L. R. Hart: The people don't want it.

The Hon. T. M. CASEY: Why should the voting system for this place be any different from that for the House of Assembly? This is the crux of the attitude of honourable members to the whole question of voting. They want voluntary voting because it suits their electoral chances in this State.

The Hon. R. C. DeGaris: Why do you want compulsory voting?

The Hon. T. M. CASEY: My Party believes, as the Commonwealth Government believes, that compulsory voting is the only democratic way of people being able to express their wish at election time.

The Hon. R. C. DeGaris: It has nothing to do with election time?

The Hon. T. M. CASEY: I am happy about the situation. I believe in compulsory voting. I am opposed to voluntary voting because I do not believe that the people would take an interest in politics if voting were voluntary. The Commonwealth Government could have altered this provision many years ago, and it could still be altered today. However, it has not been altered, because the Commonwealth Government knows that it is a fair and democratic way of people expressing their wish at election time.

The Committee divided on the new clause:

Ayes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett (teller), and C. R. Story.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, A. J. Shard (teller), and A. M. Whyte.

Majority of 9 for the Ayes.

New clause thus inserted.

Remaining clauses (4 and 5) and title passed.

Bill reported with amendments; Committee's report adopted.

BUILDING BILL

In Committee.

(Continued from March 11. Page 3983.)

Clause 5—"Application of Act."

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

In subclause (1) to strike out "within the State" and insert "to which this Act is, by proclamation, declared to apply".

I have several amendments to this clause, the overall purpose being to change the present intention of the Bill in regard to the areas of the State to be covered by the new Act when it is proclaimed. At present, all local government areas of the State are automatically to be subject to the new Building Act. Strong objection has been taken to this change. This amendment seeks to make it clear that those areas of the State subject to the present Building Act shall continue to be subject to the new measure, but any parts of the State (and particularly those within local government areas) that have not been subject to the present Building Act will not automatically become subject to the new Act. In accordance with the present practice, no areas of the State shall become subject to the new Act unless the council concerned petitions that those new areas should come under the Act. After a petition is received by the Government, the Governor has the right to make a proclamation, as he has done in the past.

The Hon. A. F. KNEEBONE (Minister of Lands): I think I expressed my views on this matter in winding up the second reading debate. This provision is an important part of the Bill. It is difficult for people to know whether or not the Building Act applies in certain districts. At present, councils apply for the Building Act to cover their districts. If they do not wish it to, it does not. That is a haphazard way of going about it. The Bill provides for councils to approach the authorities and ask that the Act shall not apply in their districts. If the application is reasonable I see no reason why the Act should be forced upon them. If it is found to be reasonable that the Act should apply in certain districts, it will apply, but there is provision for councils to opt out of it. I strongly oppose the amendment.

The Hon. G. J. GILFILLAN: I support the amendment, which is vital to local government in South Australia. The Minister gave no definite reason why this provision was essential. The Act repealed by the Bill covers the very situation mentioned by the Hon. Mr. Hill. If this clause is not amended, all parts of the State that are within local government

areas will automatically be brought under the provisions of the Building Act. Many councils are not geared to administer this Act, and they will have forced upon them obligations that they will not be able to meet. To say that if they do not wish to be under this Act they may apply for exemption, and that application will be considered, is not the point. There is no indication that councils will have any autonomy. Many rural councils would not be able physically or financially to meet the obligations imposed on them by this Act. In many council areas, buildings may be in course of erection or repair over a large area, situated perhaps 20 to 50 miles apart. Stupid laws lead to contempt of the law, and this is an excellent example of what will happen if a law is passed without our realizing its full implications throughout the State.

The Hon. M. B. DAWKINS: I support the amendment and agree with much of what the Hon. Mr. Gilfillan has said. The Minister has said that provision is made for councils to opt out. However, under the present legislation a council can apply to have the Building Act operate in a portion of its area, but under this Bill it must go cap in hand to the Government, and in certain cases its application probably would not be granted. In rural areas the council has the local knowledge that should be applied to decisions of this kind. It should not be subject to an overriding decision made in the city. This amendment will, to a large extent, leave the initiative where it should be—with the local council.

The Committee divided on the amendment:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), and A. J. Shard.

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. C. M. HILL moved:

In subclause (2) (*a*) to strike out "an area or" and insert "a".

The Hon. A. F. KNEEBONE: The amendment is consequential on the previous amendment.

Amendment carried.

The Hon. C. M. HILL moved:

To insert the following new subclauses:

(4) A proclamation shall not be made under this section in respect of an area, or portion of an area, except in compliance with a petition made by the council for the area.

(5) A proclamation affecting the application of the repealed Act and in force immediately before the commencement of this Act shall be deemed to have been made under the provisions of this Act and shall have corresponding effect upon the application of this Act.

The amendment is consequential on matters that the Committee has just discussed in some detail.

Amendment carried; clause as amended passed.

Clause 6—"Interpretation."

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

In the definition of "building work" after paragraph (*a*) to insert "or"; and after paragraph (*b*) to strike out "or".

The amendment places some check on the meaning of the term "building work". During the second reading debate there was considerable discussion about the meaning of the word "structure". Some honourable members correctly claimed that some farm structures such as windmills would come within the definition of "structure". Further, some honourable members thought that such items as solidly built children's swings and retaining walls in gardens would come under the definition, too. So, it is a very wide definition.

Paragraph (*c*) of the definition casts the net even more widely, and I believe that it goes too far. Honourable members who have doubts about what the term "structure" means will have further opportunities to check the operation of the legislation when they deal with the regulations. Honourable members will therefore have a second opportunity to consider the problem carefully.

I realize that much has been said about this place not favouring Government by regulation, but it must be remembered that this Bill is a relatively small enabling measure and it is intended that many regulations will follow. It is necessary that the provisions should not lag behind changes in building methods and building materials. Therefore, the approach adopted should be acceptable. Because of the powers given in paragraphs (*a*) and (*b*) of the definition I see no reason why paragraph (*c*) should be inserted; that would cast the net even more widely.

The Hon. A. F. KNEEBONE: I oppose the amendment. Many of the things the honourable member said were what I would have said in opposing the amendment. The

amendment strikes out paragraph (*c*) of the definition, which refers to any other work that may be prescribed. The Hon. Mr. Hill said that the Bill was an enabling Bill and that it was designed to keep pace with changes in the building industry. Uniform building regulations are being examined by an interstate committee, on which South Australia has two representatives. These regulations will eventually be brought forward.

He also said that the Council and the other place have an opportunity to examine regulations and, if they do not agree to them, they can be disallowed. In this way, nothing can be included in regulations that is beyond the control of Parliament. It is difficult to express a suitable definition of "structure" and "building work" to include all the things that might happen in the industry in the future. That is the only reason for the subclause; there is no ulterior motive. Some structures such as swimming pools, retaining walls and high fences will be covered by paragraphs (*a*) and (*b*); these may be dangerous to the community if there is no control over them, and that is why they have been included in the regulations. I ask honourable members not to support the amendment.

The Committee divided on the amendment:

Ayes (13)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K. Russack, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons D. H. L. Banfield, T. M. Casey, R. A. Geddes, A. F. Kneebone (teller), Sir Arthur Rymill, and A. J. Shard.

Majority of 7 for the Ayes.

Amendment thus carried.

Progress reported; Committee to sit again.

Later:

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

In the definition of "building work" to strike out "or (*c*) any other work that may be prescribed."

This amendment is consequential on the amendment we have already passed.

Amendment carried.

The Hon. C. M. HILL: I move to insert the following definition:

"clerk" means clerk of council.

The reason for this amendment is that, at least in one part of the Bill, the clerk is referred to, so I think he should be defined in the list of definitions.

The Hon. A. F. KNEEBONE: I am pleased to accept the amendment.

Amendment carried; clause as amended passed.

Clause 7—"Transitional provisions."

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

In subclause (5) to strike out "may" and insert "shall".

This amendment makes the provision mandatory. When I reviewed the Bill, it seemed to me that some individuals might be put to considerable expense before applying for approval of building work. I believe they should be entitled to complete that building under the repealed Act, as the new provision was not in force when they prepared their application.

The Hon. A. F. KNEEBONE: We accept the amendment.

Amendment carried; clause as amended passed.

Clause 8—"Applications for approval of building work."

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

In subclause (2) to strike out "or as the building surveyor may, by written notice served upon the owner, require".

The council acts as a result of the building surveyor's report but, as the council is the administrative body, it should have the real authority, and the building surveyor should act under instructions from the council. No doubt regulations will eventually cover what will be prescribed. The council will know what is prescribed under the regulations and the owner or his architect should provide the council, and not the building surveyor, with calculations and other information required. That is the proper procedure.

The Hon. A. F. KNEEBONE: The Building Act Advisory Committee has suggested that it would be impracticable to write an all-inclusive prescription for necessary calculations and, therefore, the building surveyor may require additional information, so that this provision is necessary.

Amendment carried; clause as amended passed.

Clause 9—"Approval or disapproval of building work."

The Hon. L. R. HART: I move:

To strike out subclauses (3), (4), (5), and (6).

There may be conflict between the provisions of this Act and the Planning and Development Act. The words "local environment" are vague, with a consequent lack of uniformity. Power to control the environment exists under the Planning and Development Act, and officers exercising this authority have certain expertise

and would bring greater uniformity in the interpretation of these words. In practice I believe that the authority works in conjunction with local councils. Councils have powers to make by-laws for special areas within their administration. They can create shopping areas, residential areas, parks and gardens, etc., so I think they already have sufficient powers to control this aspect. It must also be realized that this means the control of the design and type of construction and the purposes for which the building may be used. We should be more explicit regarding the criteria that should be used when effecting this judgment.

The Hon. A. F. KNEEBONE: I oppose the amendment. The reason for opposing any amendment to subclauses (3), (4), (5) and (6) is that not all areas are covered by the regulations under the Planning and Development Act; therefore, it is necessary to retain these subclauses to cover that situation.

Amendment carried.

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

In subclause (7) to strike out "but" and insert "and"; and to strike out "not" third occurring.

When I framed this amendment, I placed myself in the position of a property owner and thought that, if I received in writing a refusal to approve some building work and the letter set out the reasons for the refusal, from which it appeared that it was because the work did not comply with the Act, I should be told by the council if that was the case and should be given the details of the particular ways in which the building work did not comply with the Act. That is fair and reasonable.

Property owners in 99 cases out of 100 wish to co-operate with councils. If their building plans are objected to, refused or not approved by councils, the councils should state their reasons, especially if a reason is that the building work does not comply with the Act. It would not harm a council to state the reasons in writing, and then a building owner could make further plans and work closely with the council. I cannot support a council's treating a building owner in such an offhand way under the Bill if through some error, made in good faith, by an owner the building work for which he sought approval did not in some way comply with the Act.

The Hon. L. R. HART: I have a similar amendment on file but, as I believe the Hon. Mr. Hill's amendment will achieve the same purpose as mine, I shall support his amendment. There should be proper communication between a council and a builder or building owner. If that happens, we may avoid what may eventually occur, namely, an appeal against a decision of a council. It is only reasonable to expect a council to give reasons why a plan is rejected.

The Hon. A. F. KNEEBONE: My information on this amendment is, again, supplied to me by the Building Act Advisory Committee, and that applies, too, to the next amendment to be moved. I am informed by that committee that it is opposed to the amendment because it clashes with subclause (2). I oppose the amendment.

The Hon. C. M. HILL: The Minister says that the proposed amendment in my name clashes with subclause (2), but surely that subclause deals with a council's approving plans, drawings and specifications. It definitely provides that the council shall consider the plans, and it deals with approval, but subclause (7), in which the proposed amendments lie, deals with the case in which the council refuses to approve, and that is a different matter.

The Hon. A. F. KNEEBONE: The comment I made related to the Hon. Mr. Hart's foreshadowed amendment. My only comment on the Hon. Mr. Hill's amendments is that this may be quite impracticable.

Amendments carried.

The Hon. L. R. HART: I move to insert the following new subclause:

(7*a*) The council may refuse to consider a plan and specification if it is not drawn to scale and if it contains insufficient information for council officers to make due recommendation.

This subclause will probably become subclause (8) when the subclauses are eventually renumbered. It is only fair and reasonable that a council should have power to reject an application if it is not properly drawn (if, for example, the plan is of poor quality). It must be realized that council officers are not necessarily employed as advisers to the public on matters of this nature. I consider that this provision gives reasonable protection to a council if the plans are not suitably drawn.

The Hon. A. F. KNEEBONE: I oppose the amendment.

The Hon. C. M. HILL: This new subclause involves a principle that needs to be carefully considered. A relatively small country council may retain the services of a building surveyor by the payment of a fee, and that building surveyor may be highly qualified and conscientious. He may meet at the door of the council chamber a ratepayer

who may want to erect a relatively small building in that town. I do not altogether agree with the Hon. Mr. Hart, for a council must not take the attitude that it is not there to advise and help the ratepayer. I would hope that, if the plans were reasonable although not exact in every detail, the ratepayer would get every consideration. I would think that many country councils accept plans that do not conform in minute detail. Whilst the honourable member's objective is proper, I hope the time will not come when a ratepayer is treated unreasonably as a result of the amendment.

Amendment negatived; clause as amended passed.

Clause 10—"Penalties for improper performance of building work."

The Hon. C. M. HILL: I move to insert the following new subclause:

(5) Where a council refuses its approval under subsection (4) of this section, an appeal shall lie to referees who may reverse or otherwise vary the division of the council.

Several queries were raised regarding subclause (4) during the second reading debate, and the Minister's reply to those queries did not altogether satisfy me. Subclause (4) provides:

A person shall not without the approval of the council sell, lease, or otherwise dispose of any land comprised within the site (not being the whole of the site) of a building if, in consequence, the remainder of the site would not constitute an appropriate site for that building in conformity with the requirements of the regulations.

That subclause is fairly complicated. Let us consider the case of a shopping centre, the construction of which has been approved by a council. That centre may include a car park, but the owner may find later that not as many vehicles are using the park as he had expected. He may therefore wish to lease a portion of the parking area for a plant and garden nursery, because in many instances such a business can be conducted out of doors. In such a case, the owner would have to go back to the council, seeking its permission to lease that piece of land. Such a requirement is getting fairly close to being unreasonable. Let us take the case of a shopping centre that includes a fairly large air-conditioned mall. Subclause (4) could be interpreted to mean that the owner of the shopping centre might have to seek council approval to lease a stall area in that mall if that area had not been marked on the original plan that the council approved. Much hinges on the legal definition of "land".

In the amendment, I am trying to ensure that, if an owner finds that he has to take either of the unusual courses to which I have referred and go back to the council for this form of permission, and if he runs into trouble with the council and believes that the council is unreasonable, he will immediately have the opportunity to appeal. Subclause (4) might even apply to the owner of an ordinary house property who wishes to lease a piece of front or back garden. He may have to go back to the council for approval. Of course, if a person wishes to sell part of his vacant site, that is provided for in the Planning and Development Act dealing with the requirement for resubdivisional approval. Subclause (4) has a rather ominous ring about it. I still have grave doubts about the Minister's explanation. However, rather than carve up the Bill too much, I have moved my amendment to give the owner an immediate right of appeal.

The CHAIRMAN: Order! I notice that the Hon. Mr. Hart has an amendment on file referring to subclauses (1), (2) and (3), and this must take priority over the Hon. Mr. Hill's amendment, which relates to subclause (4).

The Hon. L. R. HART: I move to insert the following new subclause:

(5) It shall be a defence to a charge under subsection (1), (2) or (3) of this section that the building work to which the charge relates was of a minor nature and without adverse effect upon the structural soundness of the building or structure in respect of which the building work was performed.

There seems to be some inconsistency in clause 10 in that the first three subclauses deal with the performance of building work, and then subclause (4) deals with the site. I wonder whether this latter subclause should be in clause 10 or whether it should be somewhere else in the Bill. Regarding the actual building on the site, I am somewhat concerned about the leasing of a floor of the building. I do not know whether this is covered in this subclause, as are other areas of the site. The new subclause that I have moved to insert is different from that moved by the Hon. Mr. Hill. Obviously, it is necessary from time to time to make small alterations when erecting a building, and it may not be necessary or convenient to submit a plan of minor alterations. My amendment would cover this situation.

The Hon. A. F. KNEEBONE: I oppose the amendment. The structure is only one aspect and, although I have some sympathy with the

honourable member's attitude, his amendment is not the answer.

Amendment carried.

The CHAIRMAN: The Hon. Mr. Hill's amendment will now become new subclause (6).

The Hon. A. F. KNEEBONE: I submit that this amendment is covered by clause 24, dealing with the jurisdiction of referees.

The Hon. C. M. HILL: Clause 24 is a general clause. Subclause (2) relates to any building that has been erected or partly erected. I was so worried about the effect of subclause (4) of clause 10, which I still do not fully understand, that I thought it would be desirable to have an appeal provision written in. I am not certain whether this matter is covered in clause 24, which relates to the question of building, whereas clause 10 (4) relates to land that has been leased. It seemed to leave some doubt in my mind that an appeal could be lodged under clause 10 (4). I accept that the point is arguable. Perhaps clause 10 (4) deals only with vacant land being leased outside of a building but within the title of the owner or deals with land, for example, on a farm which might be down near the front gate and which a retailer of roast chickens might wish to lease and erect a small building on as a selling point. Does the owner have to obtain council permiseion, in addition to the lessee having to obtain permission to erect the building, and does the owner have to obtain council permission to lease any part of the land under the Building Act? It takes subclause (4) a little apart from the normal appeal provisions in clause 24 that relate to the question of actual building. Therefore, I pursue the amendment.

The Hon. A. F. KNEEBONE: Subclause (4) was amended in another place by striking out "to any other person" and inserting "if in consequence the remainder of the site would not constitute an appropriate site for that building in conformity with the requirements of the regulations".

Amendment carried; clause as amended passed.

Clause 11—"Notice to desist from building work."

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

In subclause (1) (*b*) to strike out ", the building surveyor or a building inspector" and insert "or the clerk".

The purpose of this amendment is to enable only the council or the clerk to serve a notice upon the owner of the land on which the building work is being performed or upon any person engaged in the performance of the building work. When notices of a serious kind like this are issued by a council, they should go out under that council's name, and the council's chief executive officer, the clerk, should handle the matter. I do not agree that building surveyors or building inspectors should be able to serve notices in writing upon owners or people involved in building work. I do not criticize building surveyors or building inspectors by moving this amendment and my next amendment: I simply want a council system whereby a decision of a council goes out under the name of either the council or the clerk. Councils will, of course, act upon reports from building surveyors and building inspectors, but these notices should come from the top rather than from those people.

The Hon. A. F. KNEEBONE: I think the provision would work satisfactorily as it is worded at present and that it would give a greater opportunity to eliminate any sort of delay. Although I am not strongly opposed to the words sought to be included by the honourable member, I am opposed to that part of the amendment that seeks to delete certain words. I therefore oppose the amendment.

Amendment carried; clause as amended passed.

Clause 12—"Performance of building work in emergency."

The Hon. L. R. HART: I move:

In subclause (2) to strike out "(and in any case not more than three days after its commencement)".

Emergency work may immediately have to be carried out in a district council area, but it may involve communicating with a head office, say, in another State, and it may not be conveniently possible to give notice in writing in less than three days of such a situation developing.

The Hon. A. F. KNEEBONE: I understand the situation and I believe that in a holiday period it may be impracticable to give three days' notice. I therefore accept the amendment.

Amendment carried; clause as amended passed.

Clause 13—"Classification of buildings."

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

In subclause (1) after "building" to insert "erected after the commencement of this Act"; and in subclause (2) after "classification" to insert "if any".

I do not know whether the Government intended that all existing buildings should be classified but I believe that buildings already

erected should not be involved in the system of classification. Of course, under my amendments all new buildings would be involved in the system.

The Hon. L. R. HART: I support the amendments. There should be a list of classifications of buildings, and the proper place for such a list is the Act, not the regulations. It would not be unreasonable to require the Building Act Advisory Committee to determine the classifications, so that they can be incorporated in the legislation. If that is not possible, perhaps the amendments will cover the situation sufficiently at present.

The Hon. A. F. KNEEBONE: I oppose the amendments. It seems to me that classification should apply to existing buildings, because alterations to them may make it necessary to change their classification. I thought that during the second reading debate I adequately explained the point raised by the Hon. Mr. Hart. The Bill has been so designed that it can operate for a long time, but the amendments would affect the provision materially.

The Hon. C. M. HILL: I know we must wait for the regulations but, if every building in an area covered by the legislation is to receive a classification, who will do the job? In the city of Adelaide and the metropolitan area there are thousands and thousands of houses and commercial properties. Who will bear the cost and do the work of classifying all these buildings? I can see that it is not a big task if it is intended that no action will be taken until a specific building is involved in remodelling or additions. It will be relatively simple for the council to classify such buildings as they are involved for the first time in a building application. If someone is to set about classifying all buildings in South Australia as soon as the Bill is passed, those who are responsible for framing the legislation must know now a little more about the planning involved. If the provision were to classify with a number or to code every new building, feeding this information into a computer, as is the trend, I would not object, because classification is apparently accepted throughout Australia. Can the Minister give further information?

The Hon. A. F. KNEEBONE: I think the honourable member would agree that, if a building changes ownership and the new owners decide to remodel it or use it for a purpose different from the purpose for which it was previously used, there should be control over the purpose for which the building is to be used, and in respect of the structural alteration. If all present buildings were exempted from the provisions, anything could happen. For this reason, it is necessary to provide in the Bill that all buildings must be classified.

The Hon. C. M. Hill: You're talking about zoning now.

The Hon. A. F. KNEEBONE: This also covers use and structural alterations.

The Hon. L. R. HART: As I understand the Minister, a building may be used for a specific purpose but, if the owner sells it, it may not be permitted to be used in that way.

The Hon. A. F. Kneebone: I did not say that at all.

The Hon. L. R. HART: The building will be classified, but if it were reclassified that would mean that the present owner could not continue to use it in that way, and, if it were sold, it could not be used for the same purpose.

The Hon. A. F. KNEEBONE: Clause 13 provides the answer, because that gives the council the power to approve or not, and if a person is not satisfied he can apply to the referees.

The Hon. L. R. HART: A building in a certain area could be reclassified because it affected the environment, whereas in another area a building might be reclassified because the structure was not strong enough. On what basis is the classification made?

The Hon. A. F. KNEEBONE: The classification provisions will be incorporated in the regulations, which will be promulgated after consultation with people from other States so that the regulations will be uniform throughout Australia. They will be placed on the table and members will be able to discuss them.

The Hon. C. M. HILL: Is it intended that local government shall classify every building in its area? If so, and if the building is classified within a certain group, the land on which it stands can be used only for certain purposes and not for others. This would seem to me to conflict with the principle of zoning. Who will be responsible for the classification? I point out that, if my amendments are carried, the provision will relate only to new buildings.

The Committee divided on the amendments:

Ayes (11)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, L. R. Hart, C. M. Hill (teller), H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Noes (7)—The Hons. D. H. L. Banfield, T. M. Casey, R. A. Geddes, G. J. Gilfillan, A. F. Kneebone (teller), A. J. Shard, and A. M. Whyte.

Majority of 4 for the Ayes.

Amendments thus carried; clause as amended passed.

Clause 14—"Appointment of surveyors."

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

In subclause (2) to strike out "and" third occurring and insert "or".

The purpose of this amendment is to differentiate between councils that employ building surveyors on salaries and those that retain them simply because they cannot afford to pay them salaries or they do not need their services full-time, so they retain them on the basis of paying them fees. I do not think the two forms of remuneration should be linked together by the word "and"; they are distinct. In the original Act "or", not "and", is used.

The Hon. A. F. KNEEBONE: The reason for the word "and" is that some councils retain building surveyors on the basis of salaries and fees. Therefore, the word "and" is necessary.

Amendment negatived.

The Hon. M. B. DAWKINS: I move to insert the following new subclause:

(2*a*) A person qualified for appointment as a building inspector may be appointed by a district council to hold the office of building surveyor or to hold the offices of building surveyor and building inspector in conjunction.

The purpose of this amendment is to protect the rights of the smaller country councils that not only do not need but cannot afford a building surveyor. I said in my second reading speech that I felt it necessary to provide for the needs of country councils, because subclause (1) of this clause provides:

For the purposes of this Act the council of each area shall appoint a building surveyor . . .

That is mandatory. I also said there might be a let-out in clause 19. I have examined that clause again and am not altogether convinced that it is a complete let-out or that it completely relieves a council of the necessity of appointing a building surveyor as well as a building inspector. If this amendment is carried, it will fortify the qualifications contained in clause 19 and will make it quite clear, I think, that the country councils, many of which have to function with a minimum of overhead in regard to staff, will not have to appoint both an inspector and a surveyor.

The Hon. A. F. KNEEBONE: I am informed by the Building Act Advisory Committee that this amendment must be strongly opposed, as the qualifications of building surveyors and building inspectors differ greatly.

Amendment negatived.

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

In subclause (4) after "office" to insert "or reasonable accommodation".

As some small country council offices simply cannot provide and maintain an office for even a part-time surveyor who is paid a fee, I think that as long as his accommodation is reasonable it is all that is needed in the circumstances.

The Hon. A. F. KNEEBONE: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 15 passed.

Clause 16—"Power of entry."

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

After "and" first occurring to insert "within a period of one year".

I think there should be a period in which a building inspector should be able to enter a building that has been completed, and this amendment provides accordingly.

The Hon. L. R. HART: I believe that the honourable member is being too generous in allowing one year after completion of the building. I cannot see how a building inspector or building surveyor would require the power of entry after completion of a building, other than entering at the request of the owner of that building. If it was at the request of the owner of the building, the power of entry would not be required. It is unreasonable that this power of entry should continue indefinitely, and I believe that it should not continue even for 12 months; it should be for a shorter period.

The Hon. A. F. KNEEBONE: I accept the amendment. It is in line with clause 55 (3), which limits to one year the period for lodging complaints.

Amendment carried; clause as amended passed.

Clause 17—"Notice of irregularities."

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

In paragraph (*e*) after "as may be" to insert "reasonably".

If the building inspector were unreasonable in requiring some building work to be laid open or pulled down, it could result in considerable expense to the owner. The amendment provides some assurance that the building inspector will act with proper caution in carrying out his duty.

The Hon. A. F. KNEEBONE: I do not know who will interpret what is reasonable. As I said during the second reading debate, the

building inspector must be able to inspect fully any building work. In order to do that, it may be necessary for a certain amount of pulling down to be done; it will depend on whether the builder is trying to cover up something he wants to hide. The builder may say that it is unreasonable to pull down some building work and someone may agree with him, but that building work may cover a multitude of sins. I therefore oppose the amendment.

The Hon. L. R. HART: If the Minister finds it difficult to interpret the word "reasonably", perhaps he will accept the amendment I have foreshadowed, in which no interpretation is required. It is only reasonable to expect that costs incurred as a result of action by a council, where it is proved that that action was unnecessary, should not be the responsibility of the builder. Honourable members may prefer my amendment to that of the Hon. Mr. Hill. I believe we must have some protection for builders in the case of the unnecessary laying open of a building to find out whether it has imperfections.

The Hon. A. F. KNEEBONE: Having listened carefully to the honourable member's explanation, I cannot accept his amendment either.

The Hon. C. M. HILL: The Hon. Mr. Hart's amendment goes too far in that a council would be charged for the work when a building inspector had acted in good faith. I am sorry the Minister cannot agree to inserting the word "reasonably". If a building inspector, whether through caprice or for some other reason, unreasonably caused work to be laid open and a reasonable, unbiased and independent expert believed it was unnecessary to lay that work open, a case at law may well eventuate against either the council or its officer. If that happened, the word "reasonably" would be significant in the subsequent case. We need to ensure that building inspectors act with the utmost care in ordering work that is completed to be cut into, laid open or pulled down. I think the word "reasonably" would have a significant influence on an inspector, causing him to consider the matter carefully. If the word is not inserted, in some cases he will not exercise a similar degree of care.

Amendment carried.

The Hon. L. R. HART: I move to insert the following new subclause:

(2) Where a person is required under paragraph (*e*) of subsection (1) of this section to cause any part of a building, structure or work to be cut into, laid open or pulled down and it is ascertained that the building work does comply with the structural requirements of this Act the person upon whom the notice of irregularity was served may recover the cost of complying with the notice as a debt due to him from the council.

Although I do not appear to have the Hon. Mr. Hill's support, I still wish to put this amendment before the Committee.

Amendment negatived; clause as amended passed.

Clause 18—"Non-compliance with notice."

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

To strike out subclauses (2) and (3).

This clause deals with non-compliance of notice, and I consider that subclause (1) is necessary. A council may take the matter to court and the court gives a notice on the owner to comply. Subclauses (2) and (3) do not take the matter any further.

The Hon. A. F. KNEEBONE: These subclauses are necessary to ensure that the order of the court will be complied with. If the order is not complied with the subclauses provide that the building surveyor may take action in the interests of public safety. These subclauses should remain as a protection to the public.

The Hon. L. R. HART: I move:

In subclause (2) after "with" first occurring to insert "the court may issue a direction to the council that".

I think this amendment improves the subclause, because if an order is made under subclause (1) this subclause provides for the building surveyor to take certain action. It may be inferred that the court, having given a direction is already involved in subclause (2), but I point out that, without any further directions from the court, the building surveyor may take certain action. As an extreme example, a pensioner may not be able, at that time, to carry out the necessary work. Furthermore, the owner of the building might be in hospital and unable to have this work carried out. If the court was again required to direct the building surveyor to enter the building, it could take these circumstances into consideration. The court would again be required to direct, and it might exercise a discretion that might not be exercised by the building inspector.

The Hon. C. M. HILL: As I have been impressed by the Minister's rebuttal of the intentions of my amendment and also by the Hon. Mr. Hart's comments, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. A. F. KNEEBONE: The Hon. Mr. Hart's amendment would mean that it

would be necessary to take the whole matter back to the court again, and this would be only a formality. After making an order, the court would expect that the person who had committed the irregularities would follow its instructions. The procedure that the Bill envisages is the natural result of a person not carrying out the court's instructions. The amendment envisages going back to the court, which will say, "We made an order some time ago that you have not carried out. Therefore, we make another order that you will carry it out and we will ask the council to see that you do carry it out." As this move would be time consuming and costly to both parties, I see no reason for its inclusion.

The Hon. G. J. GILFILLAN: Common sense must prevail in this type of administration where, first of all, a direction is given by the court. Then, a surveyor is under the direction of a council. There is sufficient protection in the Bill as at present drafted.

Amendment negatived; clause passed.

Clause 19 passed.

Clause 20—"Appointment of referees."

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

In subclause (2) to strike out "or" and insert ", the holder of a general builder's licence or a".

This clause concerns Building Act referees and their qualifications. They act as umpires in disputes. They need not be specifically qualified in any profession. In the past, they have been most successful in their role, and I pay a tribute to them for the work they do. Also, I am always interested in the principle that, when legislation concerns a certain trade or calling, there should be maximum involvement by that trade or calling in its government and administration, if possible.

Building referees come within the administration and general supervision of the Building Act. Builders themselves should be given an opportunity, if a council or the Minister decides to appoint referees, to become a building referee. At present there are no holders of general builder's licences because of difficulties that have arisen in the legislation, but it can be assumed that in time there will be such licensees and, when that time arrives, they should at least be in a group eligible for such appointments.

The Hon. L. R. HART: Perhaps I can help the honourable member in his problem of there not being any holders of a general builder's licence at present, if he would be prepared to withdraw his amendment and insert in place of "the holder of a general builder's licence" the words "chartered builder". "Chartered builder" is a fairly new category of builder. It is a definition approved and recognized by the Australian Institute of Building. He is required to undergo certain examinations. In fact, in future he will be required to gain a tertiary degree of some kind or will have to pass some tertiary examination before he can be classified as a chartered builder. A chartered builder would have higher qualifications than a person holding a general builder's licence. The Hon. Mr. Hill may like to accept the suggestion of a chartered builder being eligible to be appointed a referee.

The Hon. C. M. HILL: As I am extremely impressed by the arguments advanced by the Hon. Mr. Hart, I seek leave to withdraw my amendment, and I trust that he will move an amendment accordingly.

Leave granted; amendment withdrawn.

The Hon. L. R. HART: I move:

In subclause (2) (*a*) to delete "or"; and after "surveyor" to insert "or chartered builder;".

The Hon. A. F. KNEEBONE: I am afraid I cannot accept this amendment, for we do not even know what a chartered builder is.

The Hon. L. R. Hart: You're not "with it".

The Hon. A. F. KNEEBONE: I do not know the qualifications of a chartered builder.

The Hon. L. R. Hart: I'll get them for you.

The Hon. A. F. KNEEBONE: We need to know them now, so that we can make up our minds. We do not know who issues the charter, and we need to know what qualifications are necessary in order to obtain a charter. I am afraid that the person concerned may not have adequate qualifications, whereas those already referred to in this provision have the known qualifications to act as referees.

The Hon. R. C. DeGaris: Couldn't you have a person with a builder's licence who really isn't a builder at all?

The Hon. A. F. KNEEBONE: I would not know; we are not discussing builders licensing at present. I do not know the qualifications required to obtain a builder's licence.

The Hon. L. R. HART: I assure the Minister that a chartered builder has extremely high qualifications and that he need have no fear in this regard. Chartered builders are available in South Australia and will become available in increasing numbers in future.

The Hon. D. H. L. Banfield: Who issues the charter?

The Hon. L. R. HART: The Australian Institute of Builders.

The Hon. A. F. Kneebone: What qualifications do they have?

The Hon. L. R. HART: Although I cannot give them in detail, I assure the Minister that the qualifications are more than merely having experience in building operations. A chartered builder must pass certain examinations in addition to being a practical builder. As I have said, I understand that the requirements in future are that he will have to pass certain examinations set by a tertiary authority. The Minister therefore need have no fear regarding the qualifications of a chartered builder.

The Hon. C. M. HILL: An associate of the Australian Institute of Building, South Australian Chapter, is entitled to use the initials A.A.I.B. The President of the Master Builders Association, Mr. J. J. Weeks, has the designation A.A.I.B. The Immediate Past President, Mr. J. Horton Evins, is a fellow of the institute and has the initials F.A.I.B. after his name.

The Hon. A. F. Kneebone: Do they call themselves chartered builders?

The Hon. C. M. HILL: They use that expression, because the institute provides them with a charter. The suggestion that an academic qualification be used is better than my original suggestion, and it is proper that people holding such a charter should have the opportunity of giving service to the industry as building referees.

Amendment carried.

The Hon. R. C. DeGARIS: Can the Minister say whether it will now be necessary to define the term "chartered builder"?

The Hon. A. F. KNEEBONE: I would like to have it defined, but I do not know who will do it.

The CHAIRMAN: I point out that the word "or" will have to be struck out.

Clause as amended passed.

Clauses 21 to 26 passed.

Clause 27—"Power to modify requirements of Act."

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

In subclause (1) to strike out "surveyor and the referees" and insert "council".

I draw the Committee's attention to subclause (1), which provides that, where the owner, the builder or the architect has lodged a claim that the provisions of the legislation should be modified, the matter shall be heard and determined by the surveyor and the referees.

I believe this is a matter the council should handle. Councils act on reports from their surveyors and building inspectors. The owners, builders and architects affected must surely look to the council as the authority.

The Hon. L. R. HART: I have some support for the Hon. Mr. Hill's amendment. I had thought of moving an amendment to delete the reference to the surveyor, so that the decision would be left entirely to the referees. Possibly in a situation such as this referees should hear any appeal.

The Hon. C. M. HILL: I have consequential amendments to delete subclauses (2) and (3) and insert new subclauses in their place. New subclause (3) will give the owner, builder or architect the right to appeal to referees against a decision. The purpose of my amendments is to give the people concerned the right to appeal, first, to the council. The council then has the right, under new subclause (2), to set such conditions as it thinks fit and, under subclause (3), there is the right of appeal to referees.

The Hon. A. F. KNEEBONE: I oppose the amendment. The Building Act Advisory Committee strongly opposes it, believing that determinations should be by an independent body. We are dealing with cases where a person gives notice in writing to the council that a provision in the legislation is inapplicable. The appeal is to the council.

Amendment carried.

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

To strike out subclauses (2) and (3) and to insert the following new subclauses:

(2) The council may direct, subject to such conditions as it may determine, that the provisions of this Act shall apply in respect of that building work with such modifications as are specified in its determination, and the provisions of this Act shall apply accordingly.

(3) The owner, builder or architect may appeal to referees against any decision or determination of the council under this section and the referees may upon hearing the appeal vary the decision or determination of the council in any manner that they think fit.

If there is a slight modification of the Building Act the council should be the master of the situation, with the parties concerned having the right to appeal to referees, whereas the Government wants the surveyor as the master of the situation with a right of appeal to referees. I consider that the main party concerned with the Building Act is the council.

Amendment carried; clause as amended passed.

Clauses 28 to 34 passed.

Clause 35—"Notice of defect."

The Hon. L. R. HART: I move:

In subclause (1)(*c*) and in subclause (3) to strike out "or prejudicial to persons or property in the neighbourhood."

I do not believe that a council should have the right to decide whether a certain type of business should be carried on in its locality because it may be prejudicial to persons or property in that neighbourhood. Health problems can be dealt with under the Health Act and zoning problems can be dealt with under the Planning and Development Act. I cannot see why councils should be given this power to permit them virtually to control the lives of people. It may be that a certain business to be established is competing with an existing business. This is an unnecessary power to confer on councils.

The Hon. A. F. KNEEBONE: The protection lies in the right of appeal from a decision of the surveyor. The clause as worded is not unreasonable; it provides that a surveyor may cause works to be carried out, but there is a right of appeal to the referee from that. The words the honourable member wants to have struck out are no more disadvantageous to the applicant than are certain other words in the clause.

Amendment negatived.

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

In subclause (1) to strike out "he" and insert "the council"; in subclause (1) after "satisfaction of the" to strike out "surveyor" and insert "council"; in subclause (2) after "opinion of the" to strike out "surveyor" and insert "council"; in subclause (3) after "neighbourhood" to strike out "he" and insert "the council"; in subclause (3) after "satisfaction of the" to strike out "surveyor" and insert "council"; and in subclause (4) to strike out "he" and insert "the council".

The purpose of the amendments is to keep the council in its proper perspective regarding notices being served on the owners of buildings or structures. This clause and clause 34 give the surveyor the right to make necessary inspections of buildings where he suspects that excavations, buildings or structures are dangerous, neglected, etc. Having made those inspections, the surveyor should report back to his council. If a notice is to go out, it should go out from the council, not from the surveyor, who is simply an officer of the council. This is an important principle that this Committee should accept.

The Hon. A. F. KNEEBONE: I strongly oppose this amendment, too. The honourable member has said that the surveyor is a servant of the council and therefore implements its desires. On this amendment I repeat what I said on another clause, that immediate action may be necessary in the interests of public safety. A building surveyor or a building inspector operates as a servant of a council. While metropolitan councils generally meet fortnightly, many country councils meet only once a month. An emergency may arise and a dangerous situation may exist for a month while the building surveyor reports back to his council and waits for it to hold its monthly meeting. It may take 29 or 30 days to get a decision. The amendment is unreasonable.

The Hon. C. M. HILL: I am sorry the Minister thought I was in conflict with what I had said earlier. I am clear in my mind that I want the councils to be able to act, or to authorize their clerks to act on their behalf, in times of emergency. Councils should have the right to carry out the work they think should be carried out. Owners of property in municipalities should get notices about dilapidated, dangerous or neglected property from the councils themselves. After all, it is the council to which they pay their rates and which they regard as the governing body of that area. As the controlling body, it should issue notices of this kind. If we allow a surveyor to issue the notice, it is possible it may be issued by a person with no knowledge of the circumstances, thus making it unreasonable. We should not permit that kind of treatment. Councils that do not meet for several weeks at a time could delegate power to their clerks, their chief executive officers, to act on their behalf in emergencies, rare though they would be.

The Hon. A. M. WHYTE: I support the amendments. A surveyor, without giving notice to the council, may order people to effect certain repairs and may subsequently be replaced by another officer for some reason. The people concerned would have no right of redress, not having been served notice by the council.

The Hon. A. F. KNEEBONE: The Hon. Mr. Hill has been referring to "councils", but he then says it could be the clerks. As I see it, there is already provision for appeals to referees on any matter coming within the scope of the Bill. If a surveyor makes an order, which the person concerned does not appreciate, that person has power to appeal to the referees. As I have said, the honourable member referred to the council, and I think that if a decision had to be referred to the council, the council would have to meet as such.

The Hon. G. J. GILFILLAN: In nearly all legislation the word "Minister" is used in each case to define the authority under which an Act is administered, and in this case I believe that, as the surveyor is an employee of the council, "council" should have been used in this context, the council being the final authority. The surveyor, as an employee, would be responsible to the council. I support the amendments.

Amendments carried.

The Hon. C. M. HILL moved:

In subclause (6) to strike out "surveyor" second occurring and insert "council".

Amendment carried.

The Hon. L. R. HART: I move:

In subclause (6) to strike out "whether notice has been served under this section or not".

When discussing clause 9 (7) the Committee dealt with the requirement of a council to serve proper notice. I believe that proper notice should be served by the surveyor in relation to his requirements under this clause. There should be more communication between the surveyor, building inspector for the council and the builder, as this would overcome much confusion and perhaps, in some cases, render appeals unnecessary.

The Hon. A. F. KNEEBONE: I most strongly oppose the amendment. My colleagues and I remember our experiences in the trade union movement when workmen had their lives endangered because inspectors were not able to ensure that certain action was taken in regard to shoring up excavations and so on, as they had to give some period of notice. I remember the occasion when inspectors could not have action taken in relation to shoring up a certain area of excavations on the Reserve Bank building site, and the lives of some people were endangered for some time. If the honourable member's amendment were accepted, where a dangerous situation existed action could not be taken to protect workmen until a notice had been obtained, brought back and given to the builder telling him to take the action. People could be killed while this was going on. I am surprised that the honourable member would move this amendment.

Amendment negatived.

The Hon. C. M. HILL moved:

In subclause (7) to strike out "surveyor" and insert "council"; in subclause (8) to strike out "surveyor" and insert "council"; and in subclause (9) to strike out "by the surveyor".

Amendments carried; clause as amended passed.

Progress reported; Committee to sit again.

MARKETABLE SECURITIES BILL

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

JUDGES' PENSIONS BILL

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (FRANCHISE)

Adjourned debate on second reading.

(Continued from March 11. Page 3974).

The Hon. R. C. DeGARIS (Leader of the Opposition): Local government exists in some form or another in every country in the world. When one examines local government worldwide, one sees that the only difference that occurs in it is in its organization and the powers relating to it. In any discussion on this Bill, it is important to understand the differences in the approach to local government that exist around the world. Local government allows authority to exist within a restricted area inside the State, but in the organization of local government two concepts, broadly, exist, each allowing its authority. One controls from the centre but administers at the local level, and the other allows both decision and control within the powers passed by the State in law to local government. As I have said, it is important in any discussion of local government to understand thoroughly the two broad approaches around the world to its organization: one form dictates from the centre of the State's power and the other allows decisions at the local level. One is a centralizing force and the other is a decentralizing force.

Dealing with the systems of a decentralizing type, we recognize immediately that the local government systems of Australia, Great Britain and West Germany (to name three) are of this decentralizing type. In explanation of this, may I quote from the Constitution of the West German Republic as follows:

The local authorities must be safeguarded in their right to regulate under their own responsibility all the affairs of the local community within the limit of the law.

Let us deal with the other type. I quote from the Constitution of the Fourth French Republic:

The French Republic, one and indivisible, recognizes the existence of local administrative units. The local administrative units shall be governed freely by councils elected by universal franchise.

Those two statements, taken from the Constitutions of the West German Republic and of the Fourth French Republic, express the spirit of

(1) a decentralizing force and (2) a centralizing force. One expresses the spirit of a decentralizing and the other the spirit of a centralizing power.

It is also interesting to look at the Soviet Constitution which, in chapter 7, speaks of "local organs of power". In the Soviet Constitution there is no evidence or suggestion of any decentralization of power. I firmly believe that the decentralizing variety of local government is desirable and that, while local government itself may have problems that it must solve in any reorganization to meet modern demands, the less interference there is in local government by central government the stronger local government will become in our community. I go back here to my maiden speech in this Council in 1963, when I dealt with exactly the same matter, that is, local government and the matter of a decentralizing force within the community. I do not intend at this stage to go right back through my maiden speech but, if anyone wants to see my philosophy on local government, he will see it there.

Taking this a step further, I again quote what the present Premier said in a television programme three or four years ago, namely, that we would eventually abolish all State Parliaments, both Upper and Lower Houses; that we would abolish the Senate, having only one House in Canberra; and that we would have administrative units, a commissar from Canberra being appointed to each administrative unit. Taking that as an end philosophy and looking back through the organization of local government around the world, I believe we see emerging a picture that shows where the Government wants to go in relation to local government in South Australia and, eventually, throughout the whole of Australia. This concept, of course, is based on the Russian or French variety of local government, that is, the ultimate centralization of power, with local government drawing its instructions completely from the central government. I believe this Bill represents just one small step in that process.

In South Australia, local government, as we know it, has the ingredients of both the centralized authority and the decentralized authority. Although I could speak at some length on that point, I will give only two examples to explain this briefly. There is a deconcentration of authority from the central level in respect of, say, the Highways Department; in this regard, work is carried out by local government on behalf of and under the control of the Highways Department, and every member of this Council would be aware of that system. Moneys available to the Highways Department from various sources are allocated to local government, but strict control exists from the central authority over the expenditure of those moneys, and local government has no discretion in this matter. On the other hand, local government has complete discretion in regard to its own rating capacities and the expenditure of its own revenues within the bounds set by law.

Therefore, in the modern concept of local government in South Australia, we have the elements of both these systems, where there is a deconcentration of authority, as in the case of the Highways Department, and a decentralization of authority in relation to local government budgeting and the expenditure of rate revenue. Actually, the only discretion that local government has financially is within the area of charges for the services it renders and within the area of its rate revenue and the expenditure of that rate revenue. In its discretionary powers, the revenue it raises comes from a selected group of people in the community. I believe very firmly that these people who provide the total rate revenue are the people who have the right to elect members of their local government authority.

Local government, in the course of being responsible for local amenity development, frequently raises considerable sums by way of loans which, in fact, are underwritten by the ratepayers of the district (that is, the people who own property in that district virtually underwrite the loans raised by local government). So, in local government, the total financial responsibility is borne by one group of people, namely, the property owners. From this point, other factors begin to assume greater significance. Perhaps I could indicate the types of people who spend a very limited time in an area; a work force in one of the Government departments or a work force associated with a company undertaking construction may be in an area for one or two years. These people can exert a tremendous influence in the local government area if they have the franchise to vote in that area. Then, they leave the area and assume no responsibility whatsoever for whatever demands they have made on the ratepayers of that district.

I believe that, for local government to be effective, two points emerge very clearly. First, there is a need to maintain discretion in the hands of local people; that involves the decentralization of decision making, not the mere

deconcentration of power. Secondly, those who bear the brunt of financial responsibility should have the say in local government. I believe that local government in South Australia has had an outstanding record, a record of which all of us should be justly proud. I am certain that, considering the service that local government has rendered to this State and comparing it with the service that local government has rendered in other States, our record is one of which we should be justly proud. I freely admit that in some aspects local government has been slow to approach some of its problems, particularly in the modern concept. As one who cut his teeth in local government, I have during this period offered some constructive criticism along these lines.

There are certain details in the Bill that deserve close examination. I have considered the problem of putting forward amendments, but I have found that that would be almost impossible. Therefore, I believe that I have only one avenue open to me and that is to oppose the Bill at the second reading stage. I do this for the reason that I believe this change will produce a situation in which those people who are financially responsible will have their power removed from them completely. If the Bill contained, for example, greater taxing powers for local government (for instance, a change from the total tax revenue deriving from ratable property to another form of taxation that involved all members of the community in paying rates), my views may be somewhat changed. This Bill does not anticipate that. I have seen many reports from various councils and, in some wards, about 3,000 people whose names are now on the roll will have their names disappear from it if the Bill is passed. I do not believe this is in the interests of local government in South Australia. As I have said, I have looked at the Bill closely. I admit that some parts deserve close examination, but putting forward amendments would be so complicated as to be almost impossible. Therefore, the only avenue open to me is to oppose the Bill at the second reading stage.

The Hon. C. M. HILL (Central No. 2): I can summarize my position on the Bill by saying that I intend to vote against the second reading. I summarize my consideration of the Bill by saying that, in my view, its major changes reflect a complete misunderstanding or lack of knowledge of what local government means and stands for in South Australia. The major changes reflect a complete misunderstanding or lack of knowledge of what democracy should mean within the concept of local government. The Bill introduces a voting system for local government elections that is so unique that I cannot find an identical system for local government voting anywhere in the free world.

The Hon. R. C. DeGaris: You might in Russia.

The Hon. C. M. HILL: I referred to the free world. This seems to me to be a cooked-up local style system that will ruin local government in this State if it is adopted. These provisions have already tremendously upset people in local government. With its record in this State, local government does not deserve this Bill. It introduces radical changes that are unwanted by those who serve in local government and unwanted by clerks, as evidenced in a decision made by the clerks of local government last Thursday. I am certain that, if this was put to the people as a separate issue, they would not want it.

The principal changes in the Bill were not even dreamed of by the Local Government Act Revision Committee, which was set up by the previous Labor Government and which has investigated local government so comprehensively that I do not think a comparable investigation has ever been carried out anywhere else in Australia. The committee sat for about five years, going from one end of the State to the other to take evidence. As I said, the principal changes in the Bill were not even dreamed of by that committee and were certainly not referred to by it. I believe, as the Hon. Mr. DeGaris said, that so interwoven through the fabric of this whole measure are the two radical changes in local government that it is impossible to amend it.

I now refer in more detail to some of the summarized headings to which I have referred. First, we have the time-honoured and well-understood concept of the three-tier system of Government in Australia. Reference is made frequently to these three tiers of Government: Commonwealth, State, and local government. Each tier has its own area of activity and sources of income. The Commonwealth role is a national one with its income drawn from the people of Australia. The people of Australia elect the Government: it is the Government of the nation. The function of the State reflects the needs of the State in education, Public Service supervision, and so on. Its Parliament is elected by the people to whom it gives service and who contribute to its upkeep. It is the Government for the State.

These two forms of Government are separate entities and each has its own constitution. Within these constitutions each makes its own distinct laws.

However, local government is different from these two forms of Government. Its powers are simply derived from State legislation. It is, as honourable members know, a creature in this State of this State Government. It has not its own constitution: it is a different form of government. This is the basic mistake that the Minister made in his second reading explanation when introducing the Bill, when he seemed to marry it in with the other forms of government. It is distinct and different from those other two forms of government. Its functions are not the broad ones of the State or national Government: they are local and deal with day-to-day problems of local communities and with the welfare of small areas. Local government provides the government of those local areas.

The Local Government Act of this State, which is remarkably similar to the other Local Government Acts throughout Australia except the Queensland Act, demonstrates clearly what problems councils are expected to meet. In looking at the headings in the Act we see streets, roads and public places; squares, park lands and reserves; parking meters and parking stations; sewerage and drainage; reclamation of land; buildings; provision of effluent schemes; cleansing; and nuisances. It is not surprising that these headings relate to the use of land. The early days of local government centred around the making of roads, and local government today is a sophisticated extension of those early responsibilities: a logical move from access to land to the use and development of land based on the needs and the environment of the municipal areas.

The environmental needs change from area to area. What makes a superior residential area? Is it the people or is it the type of development? It is the type of development. What is it that makes up an industrial area? Is it the type of buildings or the people? I submit that it is the type of buildings in an industrial area that creates the environment. Are the requirements of a residential area the same as those of an industrial area? Of course they are not.

The role of local government is to understand the needs of the differing areas: the need for recreation in the residential area, the need for traffic control and parking in industrial areas, to ensure that industrial areas are created so that business can operate without the complaint of nuisance from residents, and to ensure that residential areas are not adversely affected by factory noises and so on. The work of councils in zoning can directly affect property values. Local government derives its income from property, as the previous speaker has said, and the contribution in each case is based on the value of that property. Shopping areas are highly rated, and the service given them is more costly—more frequent cleansing of streets, parking signs, lane lines, median strips, pedestrian crossings and all other forms of light control. These must be supplied for shopping areas, and the rates from those areas are high to help make up this cost. Factory areas require stronger and wider roads and greater maintenance to give greater manoeuvrability. Greater efforts are required on the part of councils and industry to improve the industrial environment. Residential areas vary in their needs, and the service given is again related generally to the rates the owners and occupiers pay. Surely it is logical that those who provide a council's income and who are directly affected by its decisions should control it.

This is the whole basis of local government, which is different from the State and Commonwealth Government. In local government the emphasis has been given to property, not to people. When a rate is struck by a council it attaches to and becomes a charge on the property, not on the person. If the owner or occupier leaves the property or sells it the debt does not travel with him but remains on the land, not like other forms of taxation imposed by State or Commonwealth Governments where the debt is a personal one. Running right through the Minister's second reading explanation is a most unfortunate approach or philosophy that really comes down to the fact that the Minister looks on property almost as though it is a dirty word. However, I have a completely contrary view to his view, in that I give credit to people who have property because they have exercised their freedom to be industrious and thrifty and to acquire some property. It does not matter what form that property takes.

It does not matter whether it is a young couple's furniture, household effects, motor vehicle or bank balance, or even a superannuation fund to someone's credit; it is all property. The house they own or the second small house they might own at the beach is all property. People in all walks of life who

during their life-time acquire that property are people who should not be criticized; but because someone owns some property in a local government area and because it forms the basis of taxation for local government there seems to be some stigma attached to it.

The Hon. A. F. Kneebone: It's also the basis of the amount of franchise a person has.

The Hon. C. M. HILL: Yes, it has that effect. I am not arguing the point now that the rights of franchise should vary with the value of the property. I am simply arguing that, regarding local government, the subject cannot be considered without accepting the fact that property is paramount. That view is completely in contradiction to the view expressed by the Minister in his second reading explanation. That does not mean that people are forgotten. If the ratepayers object to any proposed action of a council, they have a number of ways legally in which they can object, or they can ask a council to do work on their behalf and at their cost. The Government now proposes that people who live in a council area can ask for works to be done that others will pay for. What we must all recognize is that, if a poll of electors is held, a simple majority with no minimum percentage can decide an issue. That is in accordance with this Bill. Of course, at a tangent is something I shall deal with later: this will force councils to adopt compulsory voting to ensure that, if a poll is held, at least it is a representative one.

The present Act contains all the safeguards required in respect of polls, but the Government is repealing them by this Bill. I return to my earlier point, that, in local government, rates are chargeable upon property, not upon people. They are raised to service property. As the value of property varies, so does the income derived from it and so do the services required for it.

The people or companies that provide the money are entitled to vote for candidates of their own choice and to control by ratepayers' meetings and polls what the council may do. Where a council receives subsidies from Government funds, the Government controls where and how they are used. Of course, I have some knowledge of this because of grants that are made to local government through the Highways Fund. Here we have the principle that the party that pays has the maximum say, and the same principle applies, or should apply, in regard to ratepayers and their contributions to local government revenue.

The Hon. A. F. Kneebone: Does this happen in regard to Commonwealth and State elections?

The Hon. C. M. HILL: In some cases it does. The relationship between the States—

The Hon. A. F. Kneebone: Do we get a greater number of votes if we pay heavy income tax?

The Hon. C. M. HILL: I cannot see how that point can be used in the argument. I think most arguments that the Minister used in his second reading speech break down when he interweaves the State and Commonwealth Government systems with the system of local government. I emphasize that local government is separate and should be kept separate in this consideration. If a council legislates to control the actions of non-ratepayers, both Houses of Parliament must approve that legislation. This is simply the approval that follows. We may have traffic that affects people who are not ratepayers, so local government has a clear control over those people who are not directly ratepayers.

In my view, local government in South Australia is doing an excellent job now. Despite what the Minister said in his speech about its having a position of inferiority, I do not think the Government really believes that; yet, what the Government proposes in this Bill would have repercussions on local government for many years and, in my view, would reduce local government and its effectiveness, to its extreme detriment, if this Bill was passed.

The Minister says that 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.

Let me tell the Minister that, if he wishes to bring local government out of any position of inferiority that he believes it is in, the best way he can do that is by lessening the State controls over local government and by letting local government operate as separate autonomous councils, giving it full rein to manage its own affairs. Only today in this Chamber we had the case of the Building Bill, in which the Government proposed with one sweep of the pen to include all areas, which are not included in the present Building Act, in the new Building Act. That is the type of action that has reduced local government to a position of some inferiority in this State.

Running right through this Bill is the introduction of the State Returning Officer to manage polls and to keep rolls. That is the kind of interference that local government does not

want. It is the kind of State Government interference that brings about this position of inferiority. Clause 71 of the Bill gives the Minister power to prevent councils, unless he approves in writing of such expenditure, from paying contributions to an organization that will further the interests of local government in South Australia.

The Hon. M. B. Dawkins: They can't join the Local Government Association unless he approves.

The Hon. C. M. HILL: That is the kind of control that reduces local government to a situation of inferiority. Fancy the Minister having the audacity, all members knowing the relationship that exists at present between him and members of the Local Government Association, to bring a Bill before this Chamber that says no council can subscribe to an association, such as the Local Government Association, unless he gives his consent in writing. I suggest to the Minister respectfully that under this Bill he is going about the matter of improving the status of local government in completely the wrong way. Summarizing this point of trying to separate local government from the other two tiers and treating it as a system of government which helps local communities and which is based on and serves the concept of property, I simply say that, if we understand local government, we must acknowledge that it must involve some kind of property franchise and that it will fulfil its functions and achieve its progress in serving the local community if that principle is continued.

The second major point with which I deal is the way in which the Minister is claiming that he wants to bring democracy into local government. He uses Abraham Lincoln's famous words as his guideline—and he has those words round the wrong way incidentally; he refers to "government of the people for the people by the people", but Lincoln's actual words were "of the people by the people and for the people", although that is only a small point. But the real principles of democracy go much further than that. I quoted previously, and I will quote again, just a few sentences from Professor Miller's book *Australia* in which he says:

Democracy was a favoured word in Australia long before it became widely acceptable in Britain. It has not been unusual for Australians to claim that theirs was the most democratic land on earth. But, if one looks at actual usage and practice, the situation is not so attractive. Australian views on democracy tend to be either negative or mechanical. They are negative in the sense that they were popularized as reactions against aristocratic privilege, as experienced in 19th century Britain, and against attempts to create equivalent privilege in Australia; they have shown little of the creative force which Rousseau's formulation of democratic feeling has, for instance, and they have rarely taken up the possibilities of active democracy. They are mechanical in that, to a surprising degree, they are confined to forms of voting, especially to the machinery of counting votes. Australia has experimented with almost every known system of election; even voluntary bodies will argue fiercely about how a committee should be voted for. Much less attention is given to the questions of fairness, aptness, opportunity and tolerance, which are associated with democracy by those who write books about it.

Whilst the Minister, in his second reading explanation, is not attacking aristrocratic privilege, he most certainly is attacking what might be called property privilege—no matter how large or small that property might be. A man may live in a ward of the Adelaide City Council and own a block of land in another area for his future use, but he is not to be given a vote for the council that controls the area in which his block is situated.

The Hon. A. F. Kneebone: He can have a vote in either of the two areas.

The Hon. C. M. HILL: Yes; if he votes for the council that controls the area where his block of land is situated, he cannot vote for the council that controls the area where his house is situated.

The Hon. A. F. Kneebone: Why should he have two votes?

The Hon. C. M. HILL: I will answer the Minister's question later and I will quote many examples, except Brisbane, where such a man would be entitled to two votes—even in England. Yet the Minister says he wants to change the system so that it is like one adopted in England 100 years ago! There is a mechanical sense in which he is using a system of voting on which to base his concept of the essentials of democracy, but the real principles of democracy are those of compromise and tolerance. The real essentials of democracy are beliefs in individualism and the rights of the individual and the freedoms that the individual wishes and should be able to exercise. Democracy involves an understanding of the other person's viewpoint. In any system of Government these are the real principles of democracy. I believe that the majority of ratepayers accept this fact.

Let us take the example of some parents who live in a small house in the city of Adelaide. Let us assume that those parents have a son aged 21 years living with them. The young man probably pays a small sum to his mother because his parents keep him, and the young man hopes to marry and has bought a block of land in the foothills. Under the Minister's system the young man will be given a vote for the Adelaide City Council, because he is on the Assembly roll for that area and he is looked upon as being a resident there. However, the Minister will not give the youth a vote for the council that controls the area where his block of land is situated.

I believe that the young man would not have one iota of interest in voting in Adelaide City Council elections. If his parents are the joint owners of the house in which he lives, or if his father is the owner, both parents may vote in Adelaide City Council elections but the young man is most certainly interested in the local government area in which his block of land is situated. Of course, he is condemned by the Minister, because the question of capital gains comes into it.

The Hon. A. J. Shard: Is that actually correct?

The Hon. C. M. HILL: This indicates how much interest the Minister has in people.

The Hon. A. J. Shard: The young man can have only one vote, and he can elect where he has it. What the honourable member is saying is not according to fact, as I understand it.

The Hon. C. M. HILL: If he elects to vote in the area in which he has his block of land he will be the type of person to whom the Minister referred in his second reading explanation as follows:

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.

The Hon. A. J. Shard: You can't have it both ways.

The Hon. C. M. HILL: Certainly most of his interest is in the area in which he has his land.

The Hon. A. J. Shard: But he can't have it both ways.

The Hon. C. M. HILL: I can prove to the Chief Secretary that I am not the only one who wants it both ways: people in Sydney, Melbourne and London have it both ways.

The Hon. A. J. Shard: I'm not querying that. You said that the Act prevented his voting in the area in which he had his land, but he can elect to vote there.

The Hon. C. M. HILL: He can, if he wishes. The point still remains that, if we ask people who pay rates in two areas about this, they will say that they want a vote in both areas, and they should be able to have that vote.

The Hon. A. J. Shard: I am not quarrelling about that; what you said before was wrong.

The Hon. C. M. HILL: The Chief Secretary will have to quarrel with it. I will now deal with the question of those who are disfranchised in a severe and cruel way. In his second reading explanation, the Minister said that no person would be disfranchised. He said that people should be regarded for what they are rather than for what they own. Throughout his speech, he stressed that the emphasis should be on people. Where do we stop when we deal with this question of people? Let us take the example of a lady who comes from another location to shop in Rundle Street. She finds the footpath crowded. She thinks that possibly Rundle Street should be a mall and that she would be obtaining better service from the City Council if it were a mall. She wishes to take some interest in this question affecting local government in the city of Adelaide. The Minister says that he puts people beyond all else. How does he help that lady? He does not help her at all. This is just a catch cry of the Government.

The Hon. A. F. Kneebone: If she lived in the Adelaide area she would get a vote.

The Hon. C. M. HILL: Not everyone who walks down Rundle Street lives in the city area.

The Hon. A. F. Kneebone: Do you suggest that everyone who walks along Rundle Street should get a vote in the city area?

The Hon. C. M. HILL: I do not. However, the Minister is putting forward a principle that people count above all else. If that thinking is extended it gets to a ridiculous point. Let us take the example of a motorist who comes to Adelaide from an outside suburb and parks his car at a parking meter, the markings on which, for instance, are not to his liking. He has no say whatever in the affairs of the local government that arranged that parking space.

The Hon. A. F. Kneebone: He hasn't got it now.

The Hon. C. M. HILL: True. The Minister cannot say that people count more than

all else and pursue that argument, because he gets to a stage where he just cannot help them. In this sense the practical and proper aspects of local government and its franchise are left behind as the thinking is pursued. One could take this a step further and consider the question of tens of thousands of people who complain about the amenities at the Adelaide Oval. These people are using the services within the oval, the landlord of which is the Adelaide City Council, but they have no say in that council.

The Hon. A. F. Kneebone: More would have a say if the Bill was carried in its present form.

The Hon. C. M. HILL: No. I will refer to figures later. I take this example to indicate that it is all very well to use a catch cry that "people count above all else", because there are tens if not hundreds of thousands of of people who use local government areas in which the Minister is not giving them a vote. They cannot be considered in any practical way.

The Hon. T. M. Casey: I don't think they expect it.

The Hon. C. M. HILL: When the Minister states that 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, and that the Bill introduces a system that allows the less affluent to have as much say as the most affluent, then what he is saying is not true. The Bill does not achieve the principle that the Minister sets forth.

The Hon. A. F. Kneebone: How does it not do that?

The Hon. C. M. HILL: Many less affluent people live and vote in certain municipalities at present. More affluent people own property and businesses in one of these municipalities but live in another and they will be disfranchised unless they elect to vote in a certain place, and this applies to many people in the Adelaide City Council area. If they elect to vote where their house is situated they cannot vote in the city area. The Minister is playing with words.

The Hon. A. F. Kneebone: If you mean by disfranchised that they get fewer votes, yes, that is so.

The Hon. C. M. HILL: An affluent person who has a freehold in the city of Adelaide and also a house in Tusmore, if he elects to vote in the city of Burnside in which his house is situated, disfranchises himself from the city of Adelaide.

The Hon. A. F. Kneebone: That is true, but he is not completely disfranchised. He gets a vote somewhere.

The Hon. C. M. HILL: Yes, but the Minister is saying that he is evolving a system in which no-one has an advantage and in which the less affluent and the more affluent are all on a system of equality. That is simply not true.

The Hon. A. F. Kneebone: This is the way it goes in every other election.

The Hon. C. M. HILL: I know it does, but the Minister is dragging the other two forms of government into this argument. As I reminded him earlier, local government is a different form of government from the other two, and it must remain that way.

The Hon. A. F. Kneebone: Only because of the situation.

The Hon. C. M. HILL: Perhaps the Minister will agree with me (particularly when referring to the question of disfranchising some ratepayers) that what has made the city of Adelaide what it is today is the investment and support given to it by large financial institutions, many of which have loaned hundreds of thousands of dollars to the City Council for its capital works. They have also loaned money for capital works to country and suburban councils and have invested in their areas, and they often provide the means of bringing major developments into this State.

The Hon. A. F. Kneebone: But they get a return for it: they are not giving the money.

The Hon. C. M. HILL: No, they invest their funds.

The Hon. A. F. Kneebone: You said that big companies invest in councils.

The Hon. C. M. HILL: Yes, they do, and they lend money.

The Hon. A. F. Kneebone: At a rate of interest.

The PRESIDENT: Order! Repeated interjections are distinctly out of order. This is a debate, not a dialogue.

The Hon. C. M. HILL: These major firms will have no say in local government anywhere in the State in some instances under the provisions of this Bill. New section 88 (3) states:

. . . where a body corporate owns or occupies ratable property within an area or ward, a member of the partnership or a person who has a substantial interest in the body corporate, and who is otherwise qualified to be enrolled as an elector, may, in a manner and form determined by the Returning Officer for the

State, elect to be enrolled in respect of the area or ward in which that ratable property is situate, but if he fails so to elect, he shall not be entitled to be enrolled otherwise than in respect of the area or ward in which he is resident.

(4) An election to be enrolled:

(*a*) in respect of any one area, if the area is not divided into wards;

or

(*b*) in respect of any one ward, if the area is divided into wards,

shall not be made under subsection (3) of this section by more than one person in respect of the same partnership or body corporate.

(5) A person shall have, for the purposes of subsection (3) of this section, a substantial interest in a body corporate if:

(*a*) he is a director or a member of the governing body of the body corporate;

or

(*b*) he owns, or controls the exercise of the voting rights attached to, not less than 5 per cent in number of the shares . . .

How does the Government believe that this legislation will react with the great Australian mutual companies that operate in our State? Often they do not have a director or member of the governing body of the corporate body resident in South Australia and by their very constitution no person would own or control 5 per cent of the shares. Some of them vote at present under a power of attorney. This system does not occur in any State other than Queensland. I do not know whether the Government favours a greater Brisbane scheme; but in evolving this system under the Bill, the Government is going closer to the Brisbane system of voting than to any other capital city in Australia. The Minister has likened the Government's proposals to Brisbane, Sydney and the United Kingdom.

The Brisbane City Council electors are those on the State roll for the area, but that council controls buses and trams, water, sewerage and electricity supplies, which are simply the normal council functions. It has a local government area covering about 370 square miles. How can we compare that kind of council with the Adelaide City Council? Sydney has a State roll as a basis for the council roll, but non-residents and tenants can add their name to that roll. They do not disfranchise themselves in one particular area.

In England the person who occupies a business property in the city and who lives elsewhere may vote for the county council and for the city council wherever his business is located; where he lives he can vote for his county council and city council. I believe the Minister chose poor illustrations when he talked of Sydney and England. Inquiries have not been able to produce (and I mentioned this earlier) an exactly comparable system to the one proposed anywhere in the free world. Let us examine the ridiculous situation again with some examples the Government has brought about? An interstate-based company can be disfranchised completely in South Australia and yet it exercises a vote in every municipality in which it owns or occupies property in New South Wales, Victoria, Western Australia and Tasmania.

An Adelaide-based company can have someone who has a substantial interest elect to enrol on behalf of the company, but he loses his right to vote where he lives in another municipality. That Adelaide-based company can vote in every municipality (in fact, in every ward) in which it owns property in New South Wales, Victoria, Western Australia and Tasmania. A person eligible to nominate for more than one municipality may make his decision, only to find that there is to be no election in that municipality of his choice but that there is to be an election in the ward or council area in which he has discarded his option. His choice almost becomes a lottery.

Take the case of some of the large Australia-wide oil companies in this State. I know one that will not have a vote here at all. I do not know how many country municipalities or country towns that company has invested in, but I know that in some small country towns the development of the local service station is a most attractive and modern one in comparison with many of the older buildings in the town. Surely the Minister cannot expect me to believe that, if I went into that town and asked the people there whether it was fair and just that that company should be entitled to vote in that town, the local people would not agree. That is the position in which some petrol companies from other States find themselves, and it is completely unjust and unfair.

The effects of the Government's proposals on the city of Adelaide are interesting. The four wards south of the Torrens River have 10,280 ratepayers on the roll. Should the Bill be passed, the electoral roll for those wards will contain 3,685 residents, most of whom are temporary residents. As some of those are already on the roll, about 8,000 people will lose their voting power somewhere.

The Hon. A. F. Kneebone: What about the other companies if they all discard their residential qualifications?

The Hon. C. M. HILL: I agree with the honourable member's point that, if they all discard their residential qualifications, they can come in and have one vote in the city. The Adelaide City Council's rate revenue is about $3,500,000, most of which comes from those four wards.

It seems to me that the Government has not considered the implications of this situation. In the ward having the highest valuation, which brings in about 43 per cent, or about $1,500,000, of the council's rate revenue, there are at present 155 residential voters and 3,063 business voters. Should the Bill become law, the 3,063 voters will be disfranchised, unless they elect to disfranchise themselves elsewhere, and 274 others will be added. These people are resident in nursing homes, hospitals, hostels, and boarding houses. It is intended that 429 residents, of whom more than one-half are of a transient nature, should elect representatives for that ward and decide how the $1,500,000 revenue of that ward will be spent.

In case there are any doubts about the position, let me quote from clause 59 of the Bill:

218. A majority of the electors resident in any portion of an area may address a memorial to the council requesting that any works specified in the memorial be carried out for the benefit of that portion of the area.

It will be noted that the electors who may choose to enrol on behalf of a company are not included: it is only the electors resident in a portion of an area who may ask for the work to be done. Section 222 of the Local Government Act still provides:

The rate or rates shall be payable by all ratepayers within the portion of the area defined in the memorial.

If a special rate is to be declared, a meeting of electors can authorize it or, if a poll of electors is demanded, it can be passed by a simple majority. What a ridiculous situation is likely to occur, in South Australia at least, if every person eligible to enrol (that is, if everyone should elect to vote for his business premises) can still be outvoted by persons contributing little or nothing to the city's finances and wellbeing!

Then we come to compulsory voting and the method by which it is proposed to be introduced in this Bill if the various councils and the ratepayers of an area want it. In some respects, this proposal is in keeping with the recommendation of the Local Government Act Revision Committee, although it must be noted that that committee did not recommend that only 100 ratepayers need sign a petition and thereby cause a poll to be held on whether or not the council's decision should be reversed.

I come finally to the whole matter concerning the Local Government Act Revision Committee and the major changes, that is, the change of the franchise in relation to the House of Assembly roll, and then the major change of giving a person only one vote in local government, no matter how many interests he has in various wards or in various local government areas. Those two changes have not been recommended at all in the committee's report.

The magnitude and depth of the inquiry into local government undertaken by this committee can be gauged by some of the statistics accompanying the report: the Government has said that the total cost of the committee was $39,651; the total printing costs were $17,000; the committee held 129 meetings; 736 witnesses appeared personally before it; other witneses represented 295 local councils, companies and other bodies; and 68 persons made written submissions, as did 343 bodies, including 103 local government bodies. The report, as we have it, contains 8,399 paragraphs and covers 810 pages. Incidentally, I express my apreciation to the committee, including all its members, particularly its Chairman (Mr. Hockridge), and all who worked within its ranks, for the excellent job it did. The Minister himself has expressed his appreciation to the committee when he says in the foreword of the report:

As Minister of Local Government, I express the appreciation of the Government for the service they have rendered to the State and commend the work as a significant contribution to the future development of local government.

The previous Government's policy in regard to the report was that when it was issued it would be circulated and handed out to local government bodies and other interested parties, and six months would be allowed for these people to comment on the report and to send those comments back to the Local Government Department; and then the policy was to be that the Government would set about rewriting the whole Local Government Act. Naturally, if urgent changes were needed, a separate Bill could be brought down to cover those changes. The present Government acknowledged and pursued that policy, for we see the following statement by the Minister of Local Government:

Local government authorities will be given a period of six months to study the report, following which the Government will proceed towards implementing its policy of completely revising and rewriting the present Act.

Although that has been stated as the policy, and although local government throughout the State and those from all over the State interested in local government have been waiting for this next phase in the rewriting of the new Act to take place, suddenly out of the blue comes this radical change, which shakes local government to its very foundations. The Government has said that what the Bill provides is similar to the Local Government Act Revision Committee's recommendations, but this is not so.

The committee has recommended, in effect, that the present franchise be retained but that companies and partnerships that nominate up to three people at present should in future be permitted to nominate only one. I have considerable sympathy with the committee's view in respect of that matter. Dealing with franchise, the committee says in its report that it believes that tenants and subtenants and their spouses should be included, and that is not unreasonable.

The Hon. A. F. Kneebone: Doesn't it go further than that?

The Hon. C. M. HILL: It makes recommendations extending over thousands of paragraphs, but I am just dealing with the points relating to the voting system. The committee does not say that the council rolls should be based on the House of Assembly roll, and the committee does not expect in any way that some ratepayers of any council area should be disfranchised, as they are in some instances under this Bill.

So, I ask the Minister why he has not implemented his stated policy of waiting for local government to send back its reactions so that they can be collated and the Act rewritten. We should rewrite the Act in complete unanimity, if possible, with all those concerned with local government. It is not good enough when almost every council objects to a policy concerning local government that is to be incorporated in legislation.

The Hon. D. H. L. Banfield: What is the Prospect council's view?

The Hon. C. M. HILL: There is a paragraph in the statement of that council's view that the honourable member would not like me to read.

The Hon. D. H. L. Banfield: The Prospect council does not want the Bill to be defeated. Read the last paragraph.

The Hon. C. M. HILL: The last paragraph of the statement of that council's view is as follows:

Many of the provisions of the Bill are, of course, welcomed by the council.

The provisions that the council has referred to are the subsidiary provisions which the Local Government Advisory Committee has approved over the past 12 months and which had been awaiting an amending Bill pending the revision. The only way in which the Government should tackle the whole problem of improving the principal Act is to pursue the policy of working through the revision committee—a policy started by the previous Labor Government. If it does that it will finish with a Bill that is welcomed by local government, but the Local Government Association does not want this Bill. Further, council clerks do not want this Bill. The following is part of a letter I have received concerning the attitude of council clerks:

For your information I would advise that at a meeting of the clerks association held on Thursday, March 11, the members resolved that they favoured the principle that council members should be elected from the owners or tenants of ratable property.

I am certain that the people themselves do not want this Bill. The Government may claim that it has a mandate for the Bill. The Government's policy speech included a reference to basing the franchise on the House of Assembly roll. The Government also included in its policy speech the subject of compulsory voting and it had a mandate for that, but the Government recently changed its mind on that matter. Surely that is an admission by the Government that it does not have a mandate for every detailed point in its voluminous policy speech.

The Hon. D. H. L. Banfield: Would you have approved compulsory voting, if it had been included in the Bill?

The Hon. C. M. HILL: No. If the question of the franchise being based on the Assembly roll was put to the people as a separate issue, I have no doubt that they would reject it.

The Hon. R. C. DeGaris: A Government had a mandate to dig a tunnel from Murray Bridge to Adelaide.

The Hon. C. M. HILL: It was mooted, but I will not pursue that point.

The Hon. D. H. L. Banfield: You were going to shift the stobie poles at one stage.

The Hon. C. M. HILL: And I got some wires underground, too. For the reasons I have referred to, I intend to vote against the second reading.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ADJOURNMENT

At 11.37 p.m. the Council adjourned until Wednesday, March 17, at 2.15 p.m.