LEGISLATIVE COUNCIL

Wednesday, March 24, 1971

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

PETITION: SOLDIER SETTLERS

The Hon. R. C. DeGARIS presented a petition signed by 88 persons engaged in primary production in the South-East of South Australia as soldier settlers alleging that they have suffered and are still suffering hardship as a result of the failure of the Minister of Lands to grant leases for their respective holdings, and praying that this Parliament would take such action as it may consider proper to ensure that they be granted leases of their holdings.

Petition received and read.

QUESTIONS

KARCULTABY AREA SCHOOL

The Hon. A. M. WHYTE: Has the Minister of Agriculture a reply from his colleague the Minister of Education to my question regarding the Karcultaby Area School?

The Hon. T. M. CASEY: My colleague the Minister of Education has informed me that the only delays that have occurred in the planning for the Karcultaby Area School are those associated with necessary surveys of children likely to attend the school, selection of a site, suitability of the site and survey of it, resumption and dedication of the land needed and associated matters. The estimated availability date stated by me in my reply to the honourable member on March 11 is that which was originally proposed. The maintenance of this time table is dependent on additional Commonwealth funds. If such support is not forthcoming, delays in commencing building could occur.

WESTERN TEACHERS COLLEGE

The Hon. M. B. DAWKINS: Has the Minister of Agriculture, representing the Minister of Education, a reply to a question I asked on March 16 about the Western Teachers College?

The Hon. T. M. CASEY: The Minister of Education has furnished me with the following reply:

For some years careful consideration has been given by Western Teachers College to time table arrangements to keep travelling for students to a minimum, and various steps to this end have been taken. The general rule has been adopted that staff rather than students should travel. Some time ago the possibility of a bus service was investigated but it proved to be impracticable. The matter of travel costs was investigated by the committee that reviewed student allowances in 1969 when all interested parties, including students, were invited to submit evidence. The committee recommended an overall allowance and the previous separate provisions for travel and book costs were discontinued.

FLINDERS WAY

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Lands, representing the Minister for Conservation.

Leave granted.

The Hon. C. M. HILL: On August 4 last year I asked a question in this Council about a previous proposal to develop a long-distance walking and riding trail to be known as Flinders Way. It was envisaged a year or two ago that such a trail might be established, ranging from somewhere near Cape Jervis northward to and within the Flinders Ranges. I asked a question then seeking further information on whether the present Government intended to proceed with the proposal. I was informed that the State Planning Authority still had the matter in hand and, if I asked a question later, I would be able to obtain further information. Therefore, will the Minister be so kind as to bring down an interim report on the progress of this proposal?

The Hon. A. F. KNEEBONE: Yes.

MOTION FOR ADJOURNMENT: VIRGINIA WATER SUPPLY

The PRESIDENT: The Hon. Mr. Kemp has informed me in writing that he wishes to discuss as a matter of urgency the water supplies available to industries in the Virginia and adjacent districts. In accordance with Standing Order No. 116, it will be necessary for three honourable members to rise in their places as evidence of the urgency of the matter.

Three honourable members having risen:

The Hon. H. K. KEMP (Southern): I move:

That the Council at its rising do adjourn until tomorrow at 1.30 a.m., for the purpose of discussing a matter of urgency, namely, Virginia water supplies.

In moving this formal motion I am conforming to Standing Orders; I wish to discuss the position that has arisen in the Virginia district and adjacent districts. That position can have occurred only through the misunderstanding of the importance and consequences of

decisions which, I am sure, when fully appreciated, can be solved at the stroke of a pen. In the post-war years in the Virginia district an extremely valuable industry has been built up; several thousand people are depending on it and they have invested the whole of their life savings in it. This industry is wholly dependent on underground water beds.

The industry was established to replace the vegetable-growing areas that were taken over for housing purposes along the Sturt River and the Torrens River. As the population of the metropolitan area has grown so the industry has grown. The industry is under severe restriction because in recent years withdrawal of water from the underground beds has seriously depleted the supply until today the water levels are below 200ft. below sea level, and the whole supply is seriously endangered.

In spite of the very severe pumping restrictions that have been imposed I am informed that the water level is still receding and that even more severe restrictions will soon have to be imposed. This position was anticipated many years ago when the migration of market gardeners into the area began. Although the limited underground water supply was probably not fully appreciated at the time, it was known in the early 1950's that some difficulty would be experienced.

Even at that time some unofficial pumping restrictions were imposed by the Mines Department in connection with the siting of bores in the district. In spite of this, development in the area was encouraged, because of the knowledge that in future an alternative water supply would be available, in the form of the huge amount of water that would come from the Bolivar Sewage Treatment Works.

I have close personal knowledge of the position that then existed. I was directed to investigate the feasibility of using reclaimed water in the district and, if necessary, to institute investigations into any difficulties that might be experienced in its use. Land was actually set aside for this purpose; portion of the Parafield station of the Agriculture Department was to be used, and some work was actually begun.

If the original directive in connection with the Bolivar scheme is examined, it will be found that an instruction was given that the reclaimed water had to be of a quality suitable for horticultural purposes. Much of the evidence submitted to the Public Works Committee at that time was concerned with the attainment of that standard. The investigation by the Agriculture Department was discontinued as being unnecessary and redundant. A survey of the district disclosed that many holdings in the district had been irrigated for many years without any defect occurring.

Very importantly, water of quality less than that anticipated from the works (of notably higher salt content) had been used for decades without any serious salt accumulation or soil deterioration. It was manifest in the early 1950's that the farmers in the district already had the knowledge of how to use the water that would be available from Bolivar and had the expertise in its use which scientific experiment could not further under many years. That position obtains today.

The position is that in excess of 20,000,000 gall. of reclaimed water daily reaches the sea, where it is creating a problem that is becoming an increasing pollution hazard in the north arm and northward along the coast. But the vegetable-growing industries, unless they can get access to this water, will die.

Originally withdrawing in excess of 20,000,000gall. from the water beds each year, they have, as a result of the restricted pumping that has been imposed on them, reduced their consumption to between 16,000,000gall. and 18,000,000gall. However, they must now face further restriction. By eliminating waste, little production fall has yet occurred, but now it must come.

The suitability of the water for reuse has been proved in the experimental planting of tomatoes, onions and potatoes (the principal crops in the district), and of lucerne. Very sensibly, the health authorities at first placed restriction on the use of this water, but they have now cleared its use for the growing of all sprinkler-watered salad crops, for crops consumed raw, and for the grazing of beef cattle pending the completion of final levels of safety. Very sensibly also, the Engineering and Water Supply Department has restricted the use and resale of the water to prevent exploitation, placing the condition on the use of water that each landholder must draw his own supply and must not resell any of the water.

These restrictions were wisely imposed, but interacting has prevented access to the water by the horticultural industries in this district. The people in this district are made up of small landholders, chiefly with limited capital. They cannot possibly sustain the cost of separate pipelines to the out channels of the Bolivar works which, in some cases, stretch a mile or even more.

In one case a large established industry sought a supply, but it met with difficulty; to sustain its 200 acres of irrigation it was asked to take on an annual tentative charge by the Engineering and Water Supply Department of $25,000 and a cost of 14c for each 1,000gall. This firm has made its own investigations and, if it could have access to the water, it could bring it to its industry at less than 10c for each 1,000gall.

In an attempt to break through the anomaly the Munno Para District Council presented a scheme to the Government immediately it took office, in which it undertook to set up a trust made up of water users in the district to build pipelines through the area to serve most of the established irrigators with supply within half a mile of all holdings.

The scheme was tentative and only an outline, but the basic costs were carefully calculated and checked by the Electricity Trust, the pipeline contractors, and the pumping plant suppliers, and the clear outcome of this investigation is that water can be delivered through the Virginia gardens at a cost of 5c to 6c a thousand gallons above the base charge made by the Engineering and Water Supply Department. This 5c to 6c charge would amortize the capital over 20 years. In this regard, we must compare the Metropolitan Meat Company, which has been quoted a charge of 14c a thousand gallons for supply by the Engineering and Water Supply Department.

The funds for this work were expected to be received from the water development fund of the Commonwealth, and the council was advised that they would almost certainly be available immediately if the scheme were approved by the South Australian Government. For this situation we have to thank the member for the district in the House of Representatives in Canberra who made the approaches for us. However, this scheme was not discussed: the council was merely informed that it was not acceptable to the Government and that the Engineering and Water Supply Department was examining a scheme of water distribution. In the meantime, the Smithfield Pastoral Company, having conformed to the requirements of the Engineering and Water Supply Department, has installed pumps and a pipeline to its subdivision at Angle Vale, where it is distributing water to the 10-acre allotments sold for growing almonds and vines.

Records of the council and the Lands Department show that that company is continuing to sell these small parcels of land at high prices up to $1,250 an acre. It has offered connection to other landholders at a heavy fee. Mr. A. Weeks was offered a water connection for $2,000 cash to lot 23, part section 4089, hundred of Munno Para, in the subdivision of Penfield Gardens. This is a blatant breach of the restriction placed on the use of water and imposed on all others. It is tragic that there is little or no possibility of these 10-acre blocks being economical by being used to plant vines and almond trees.

At present, little more water is available from Bolivar: there is barely enough to sustain the present industry already established, and the diversion to new development, until present needs are served, could be dangerous. However, the proposed diversion does not stop there. In the Saturday *Advertiser* of two weeks ago a Mr. Auld disclosed the future plans of these land developers to establish huge new industries on land which, presumably, has been paid for at the very low values that obtained for farm land without pumping rights in that district. These values are far below $100 an acre and, presumably, the land will be sold at prices that rule for land with access to water and which, as I have said, have been proved by the Land Valuation Department as being $1,000 to $1,250 an acre.

This situation should be considered in conjunction with a reply given by the Minister of Agriculture to a recent question asked by the Hon. Mr. Hart concerning this matter. It confirms that an investigation is under way for Government distribution. Undertaking distribution not unwisely, the department wants to ensure that it does not encounter the costly and damaging errors that have bedevilled irrigation on the Murray River. The information required is already available in the district and merely awaits collations. The trial planting conducted by the Agriculture Department shows the salt position. This trial area is situated on the most unfavourable looking site available, and under it the salt content of the soil has improved.

Water of poorer quality than that which will be available from Bolivar has been used for many years and is continuing to be used. The investigation outlined by the Minister must take many years to complete. Hitherto, the detailed soil survey with which such an investigation must start has always been carried out by the Soils Division of Commonwealth Scientific and Industrial Research Organization, but this division is fully committed so that it usually cannot immediately

undertake new work. It is usually two or more years before the basic soil survey can be done. The Agriculture Department is not equipped and could not do this specialized work without heavy expenditure for equipment, and then it must find the trained staff to do the work.

When the separate soil types have been defined and mapped by the soil survey, the long slow patient work must start to determine the watering characteristics of the soil types, and the even slower work of drainage study and of what happens to salt displaced by irrigation. The practical answers to these theoretical studies are in the hands of irrigators in the district because of experience gained over many years. It could easily be 10 years before a complete answer can be given to a theoretical study: indeed, it has taken more than this time in many of the irrigation settlements on the Murray River.

Loxton was conceived in 1941, the first plantings took place in 1948 before the final studies were completed, and these studies did not preclude grave unforeseen troubles arising. This matter is important. Even if restriction must be placed on salad growers using this water, if a water supply can be run along Angle Vale Road to supply potato and lucerne growers and into Virginia itself to these and to tomato growers, the large users of water will be supplied and the main draught on the water beds will be stopped. It may then be proved that there is sufficient replenishment available to supply salad growers alone, but these are minor water users in the district. As things continue, without supply being obtained, they are left with only underground water and must compete with the large water users.

I have the assurance that, if the Government will give permission for the district to set up its own trust on lines parallel to several other trusts on the Murray River and support this request for help from the water resources development fund, effective supply can be set up within months without its costing the Government a cent, except for the clerical work involved. I do urge that this matter be reconsidered, for only in this way can a dying district be saved.

The Hon. L. R. HART (Midland): I think members of this Council are very appreciative of the effort put into this censure motion by the Hon. Mr. Kemp.

The Hon. H. K. Kemp: It is not a censure motion.

The Hon. D. H. L. Banfield: There is some disagreement.

The Hon. L. R. HART: Although it is an urgency motion, it could well be a censure motion. It is a very important question, one that has been concerning the people of South Australia ever since the Bolivar sewage treatment scheme was completed, and one which has been of great concern to people in the Virginia district.

In debating a motion of this type one must recognize that one is a layman, but some study of the opinions of people who are qualified to make statements on this matter shows that they have put forward some views on the utilization of this water. I draw the attention of honourable members to a paragraph in the report of the Committee of Inquiry into the Utilization of Effluent from the Bolivar sewage treatment works, a report prepared by Mr. H. J. N. Hodgson, who was the Assistant Director of Engineering Services in the Engineering and Water Supply Department. Mr. Hodgson said:

It is considered that the utilization of the effluent for irrigation purposes as and when required during the dry months of the year is worthy of consideration and investigation by the appropriate authority, and that generally speaking in a country like South Australia, which is deficient in water supplies, this large volume of relatively good water should not go unused if it is suitable for use.

He went on to say:

Possibly the biggest disappointment to the committee has been its inability to suggest ways in which the relatively large volumes of the better quality winter flows can be used. It feels certain, however, that these winter flows must ultimately be utilized, and this presents a challenge for the future.

Mr. Hodgson made further remarks in relation to the reclamation of waters, this time in a presidential address to the Institute of Engineers of Australia in April and May, 1968. He said:

In the United States of America, Santee, a town in Southern California, has gone one step further. Here, under the direction and guidance of powerful county, State and Federal Health Services, waste water has been reclaimed to provide recreational waters which are used for boating, water ski-ing, fishing and swimming. This scheme has been so successful that extensions are now being planned. Further to this, the agencies concerned are now turning their thoughts to aquifer recharge followed by partial demineralization for re-use in the city's water supply system. In view of the high potential public health risk that would be involved in even a brief failure of the water processing equipment, engineering safeguards must be developed to provide such installations with very high margins of safety. Despite the

achievements of the Santee authorities, who have done much to remove the psychological barrier, this would appear to be a timely warning. Today man is not ready to accept such reclaimed waste waters for human consumption. Tomorrow it is likely that he will be forced to do so.

It is in that context that we debate this matter today: tomorrow man may be forced to utilize reclaimed water. It seems that those in responsible places in South Australia are more intent on promoting reasons why treated water—and I say "treated", because effluent is a dirty word—

The Hon. M. B. Dawkins: Reclaimed water.

The Hon. L. R. HART: Yes, reclaimed water. They are devising reasons why it cannot be used, rather than devising ways and means by which it can be used. That seems to be the attitude. Those people are trying to find why it cannot be used instead of finding ways in which it can be used. It is a matter of attitude.

The Hon. T. M. Casey: Oh, come on.

The Hon. L. R. HART: What we need today is a strong character in a responsible position to say to the people whose job it is to treat and dispose of this water, "Look here, you chaps, this water has got to be used, so get down to work and find a way in which this water can be utilized."

The Hon. T. M. Casey: You are implying that the Public Service people who are looking into this are not doing a good job.

The Hon. L. R. HART: I am referring to anyone who is not doing everything possible with the resources available. I will develop this as I proceed, for the benefit of the Minister. Recently we have read that the effluent in the Adelaide Hills will be treated and allowed to run into the reservoirs.

The Hon. M. B. Dawkins: Mount Bold.

The Hon. L. R. HART: Yes. Treated effluent from the Glenelg sewage treatment works has been used for years for the watering of golf links by golf clubs and other bodies that use this water for irrigation, but the treated water from the Bolivar works is being allowed to run to waste at the rate of 1,000,000 gallons an hour for 24 hours a day and 365 days a year.

The Minister said in reply to a question of mine that a full investigation had been authorized, but he did not mention who would conduct it, so one must assume that it will be an inter-departmental investigation. But which department will be doing it? Will it be the Agriculture Department, the Department of Public Health, the Mines Department, or will it be a combination of all these departments?

The Hon. M. B. Dawkins: It could be a buck-passing operation.

The Hon. L. R. HART: It could well be.

The Hon. T. M. Casey: I think you are treading on dangerous ground.

The Hon. L. R. HART: The investigation will be a lengthy one, but where will it start? If it is done by the Agriculture Department, as the Hon. Mr. Kemp said a short while ago, it will start with a soil test, possibly of the whole area where the reclaimed water is likely to be used. Should this be necessary? Under the original scheme for the utilization of reclaimed water from the Bolivar treatment works, a comprehensive soil survey was taken, so surely this information would be available today.

The possibility of a salinity build-up in soils under irrigation with Bolivar reclaimed water is a matter that concerns the Agriculture Department. One can appreciate its concern, but when one follows the irrigation pattern through certain areas of the district, one finds that some gardeners have been using water with a salinity reading equal to that of the Bolivar water for about two decades without ill effect to the soil.

A study of soil behaviour at the Munno Para experimental plot at Virginia, on which irrigation has been carried out on crops of tomatoes, onions, and so on, for about three years, shows that there has been no appreciable build-up of salinity during the period. In fact, I can read to honourable members a report on this matter of the salinity on that plot, as follows:

The salinity analyses showed a sharp decline in the soil salinity during the first summer, when about 25in. of effluent was applied. Leaching was evident throughout the surface 3ft. of the profile, and was particularly significant in the surface 6in. Irrigation in the second summer allowed a slight salinity increase, but not by an amount equivalent to the salt load of the effluent applied. Plots not irrigated during the summer showed marked salinity increases, while winter rains accomplished some leaching.

We must also bear in mind that this particular plot was not an area that would be regarded as ideal for irrigation purposes. In New South Wales, where salinity build-up does occur in soils irrigated for gardening purposes, this is countered by giving the soils one heavy watering a year to leach the salt out of the soil.

The quality of the vegetables and the fruit produced from the experimental plot has been equal to that of similar commodities produced from superior soils with good quality underground water. I know that some of the tomatoes from this plot have been eaten and enjoyed by some of Adelaide's leading doctors, who have had no inhibitions about consuming this forbidden fruit.

Further, I believe it to be also true that the bacteria count in the tomatoes from this experimental plot has been lower than in random samples of tomatoes from gardens using conventional methods of irrigation. The Health Department is on record as saying that the water from the Bolivar works is quite suitable for the growing of other than salad vegetables. In fact, this is the practice throughout the world where treated effluent is used for irrigation purposes. I also believe that the view is held by the Health Department that, if the water was chlorinated, it would be safe for practically all purposes.

The other department that appears to be interested in the scheme is, possibly, the Treasury. This is borne out by an answer given to me recently by the Minister. The whole point is that the reticulation of this water through the Virginia district need not cost the State Government any money at all (this was indicated by the Hon. Mr. Kemp a few moments ago) provided, of course, the State Government is prepared to submit an attractive scheme to the Commonwealth Government, where money is available through the Comonwealth Water Development Fund and the people of the Virginia district are only too willing to play their part in support of such a scheme.

The Mines Department, too, may have an interest in this, as by using this supposedly dangerous water the underground basin may become contaminated. Knowing how Government departments operate when it suits them, we have here an ideal set-up for buck-passing. The Agriculture Department can say, "Well, there is a problem perhaps with salinity but this can be overcome by following certain practices; but of course the Health Department will not have a bar of this because of health problems." Then one goes to the Health Department, which says, "There may be a health hazard but this need not be particularly important; perhaps by certain treatments we can overcome this", but the Agriculture Department is not interested, because the water is too saline. All the issues then boil down to the interest that the Treasury has in the whole scheme. If the Treasury has any problems, it has only to try to put forward a viable operation. There is no question that this can be done and, if the State Government is prepared to do this, Commonwealth moneys are available for that purpose.

Also, we have a sociological report prepared by a special committee that looked into this matter of the sociological effect on production of the water available in this district. We are told that this report is being studied by the Government. In anything that we do, it is essential that distribution of this treated water be co-ordinated by and under the control of a single authority to take advantage of the economy of scale. Figures made available by a property management concern indicate that to supply a 500-acre property the cost would be about $5.70 an acre inch, whereas to supply 1,000 acres (a property twice the size) the cost would be as low as $2.70 an acre inch.

The Hon. Mr. Kemp has pointed out how this water is being made available to a private user at present. This is a new industry. It concerns honourable members that this water will be made available not to the established and existing industries but to new industries that will open up new areas; that will not help the established industries in the district one iota. Some of the established industries in this area are substantial. We have the gardening industry, which alone is worth about $6,000,000 a year. Then there is the Metropolitan Wholesale Meat Company, a concern of some note. It has a sales value of about $42,000,000 a year and ships live sheep to Kuwait at the rate of about 26,000 a month. That is a big industry. Unless something is done to help that industry with its irrigation problems, it could move out of the district and set up in Western Australia.

As there are one or two other honourable members who wish to speak on this matter, there is only one other point I want to make now—the effect that the inability of people in the district to get water will have on their ability to meet their taxation commitments. There are hundreds of examples of people in the area who cannot do this at present. I have some figures in front of me concerning one particular property on which the land tax and council rates alone amount to $9 an acre a year, and it is impossible for that man to make that much from his property, because

no water facilities are available to him. Over the last three years he has lost, on an average, $2,750 a year on that property. That is only an isolated instance, and there could be many more like it. Therefore, I think there is ample evidence that we must endeavour to do something with this water. There are problems associated with it, but everybody must pull his weight and sit down to the task of finding a means by which this water can be used profitably. I have much pleasure in supporting the motion.

The Hon. M. B. DAWKINS (Midland): As there are only about five or six minutes left for debating this matter and I understand that the Hon. Mr. Springett, too, wishes to speak from the health point of view, I shall be brief, although I could speak at length if time permitted. I have pleasure in supporting the motion. It is a motion of urgency and, believe me, this is an urgent problem. At present a very large proportion of the vegetables required for the metropolitan area is grown in a district that is eminently suitable for the purpose, except for the diminishing supplies of underground water.

Although the market gardeners have coped fairly well with the 85 per cent restriction, further restrictions will really cause trouble. I am aware that some people have not really come to grips with the restriction to 85 per cent; such people will run out of their quota for the two-year period well before the time is up. I am very concerned about what will happen when these people realize that they have only a certain amount of water left. Virginia has developed as a vegetable growing area because of its nearness to the market, the availability of water (at the time when it was first developed), and the mild climate. The Virginia area is warmer in the winter than the Hills district, and the summer heat is not as severe near Virginia as it is in inland areas such as those along the Murray River.

The removal of the vegetable growing industry from Virginia is out of the question because of the prohibitive cost. If the market gardeners fail, the cost will also be prohibitive, not only to the Government but to the people of South Australia, because of the increase that would occur in the price of vegetables. I have pleasure in supporting the motion.

The Hon. V. G. SPRINGETT (Southern): I wish to draw the Council's attention to two points made by the Hon. Mr. Hart in his reference to Santee in California. He said that a way must be found whereby the water can be made usable. He said that today we are not willing to use that water but that tomorrow we may be forced to use it. Those two remarks go hand in hand. We must find a way whereby this water can be made usable. Scientifically, methods of making it usable exist, but the problem is one of expense. We will find not only in this area but also in other areas that, if we do not use reclaimed usable water adequately, we will not have to go into the dead heart of Australia to find barren wastes: there will be barren wastes (socially, culturally and dietetically) much nearer the so-called well populated centres. If we cannot provide enough water, there is no point in extending Adelaide or any other city. Water comes right at the top of the list of needs. Because water is urgently needed in the Virginia area, I have pleasure in strongly supporting the motion.

The Hon. H. K. KEMP (Southern): I thank honourable members for their contributions to the debate. I should like to make one or two corrections. Water from the Bolivar Sewage Treatment Works is already being treated in sufficiency to ensure that it can be safely used. However, it is now being wasted into the sea at the rate of 24,000,000gall. a day—a waste that South Australia cannot afford. The water is urgently needed to replace and supplement underground water supplies. I do not think anything further needs to be said at this stage. The market gardening areas around Virginia will die if the water supplies are no longer made available. I seek leave to withdraw my motion.

Leave granted; motion withdrawn.

BUILDERS LICENSING REGULATIONS

Adjourned debate on the motion of the Hon. R. C. DeGaris:

That the Builders Licensing Board regulations, 1970, made under the Builders Licensing Act, 1967, on November 26, 1970, and laid on the table of this Council on December 1, 1970, be disallowed.

(Continued from March 17. Page 4104.)

The Hon. D. H. L. BANFIELD (Central No. 1): When speaking to this motion last week I was about to conclude my remarks when it was felt timely that I should seek leave to continue. To sum up, I point out that those honourable members who are not anxious to have houses of better standard built in South Australia and those honourable members who are willing to stand behind builders

who do not keep the undertakings they give to the Government will vote for the motion. I venture to say that there is not one honourable member who has not at some time or another received requests that he should see what could be done about a house that was falling down around the owner's ears, as a result of shoddy work.

Much of that shoddy work has come about because of the present set-up, whereby subconrtactors do the work. Those subcontractors are told the price at which they will have to do the work. Consequently, they have to cut down on the amount of cement they use or do the work twice as fast or do it at night or on Saturdays and Sundays, in order to meet the price.

The Hon. R. A. Geddes: Will the regulations cut out shoddy work?

The Hon. D. H. L. BANFIELD: No; no regulations will cut out shoddy work, but the regulations will help to cut it out by ensuring that someone is responsible for seeing that the job is done correctly. It has been suggested that, if these regulations are not disallowed, they will increase the cost of houses. Surely it is better to pay an extra $100 at the beginning to ensure that a house is built correctly and will stand for a long time than to pay $600 or $800 extra when the house starts to fall down only a few months after it has been erected.

From time to time we have seen on television houses that have begun to fall down within a few months of being erected. So, as a result of these complaints, for many years representations have been made that regulations be framed to control builders. At one stage it appeared that all members of the building industry had agreed that there should be a licensing system. However, it now appears that some people who originally undertook to abide by these regulations have decided that, because they may not be able to get the contracts they previously got (because their work does not come up to the required standard), they should ask some honourable members to support a motion for disallowance. In view of the Government's undertaking to amend these regulations, I suggest that in the meantime we should oppose the motion.

The Hon. R. C. DeGARIS (Leader of the Opposition): This motion has been on the Notice Paper for some considerable time, and the comments put forward by honourable members opposed to the disallowance of the regulations have only increased my resolve that the regulations should be disallowed. I have already mentioned that I believe that, as a Parliament, we must examine the whole procedure of handling regulations because of the scope of matters covered by the various regulations that are tabled in this Chamber. It is not possible to understand Government policy until regulations have been laid on the table and, for that reason, I believe that Parliament will, in the near future, have to examine the whole procedure regarding regulations.

There is an increasing tendency to by-pass Parliament and to add to the power of the Executive. In this additional power one sees the whole question of Parliamentary debate being avoided on regulations that come before the Council. I disapprove of that tendency. That is the first reason why I believe the regulations should be disallowed.

Disallowance of the regulations is warranted by the Government's own words. The Chief Secretary said:

In view of representations made and of the necessity to introduce builders' licensing as soon as possible, the Government is prepared to amend the Builders Licensing Act, 1967, and also the regulations, which are subject to a motion for disallowance.

Here we have a situation where, possibly as a result of various submissions put forward here and by people involved in the question, the Government has decided to amend the regulations and the principal Act. With this in mind, it is only reasonable that the present regulations should be disallowed and the Government given the opportunity to re-examine the regulations and the principal Act and introduce regulations more in line with what the general public and the building industry consider desirable. Today, the Hon. Mr. Banfield raised the question of shoddy work. Yet if one examines the standard and cost of building in other States, one will appreciate that South Australia's standard of building is excellent in comparison with that in other States. South Australia's cost structure in building is lower than in the other States, many of which have builders licensing and controls.

I have never argued the question of whether we should have some system of licensing, but I believe there are better systems than the one proposed. The Government has decided that some form of builders licensing is necessary, but there are better ways of handling the situation than by a bureaucratic system. If these regulations are passed in their present

form it will mean that we will be indulging in control of the building industry in a heavy-handed bureaucratic way that must inevitably add to the cost of building. I do not think there is any way by which shoddy building can be prevented by these regulations. The Chief Secretary said that there was no significance in the fact that the regulations were laid on the table of the Council on December 4 last, the day when Parliament rose. Although he was critical of the fact that the previous Government delayed introducing any legislation, the Government has delayed for nine months in introducing these regulations. It would have been quite reasonable to wait until Parliament sat to introduce the regulations so that it could immediately have examined them. Regarding the increase in building costs, the Chief Secretary said:

I shall not discuss the principle, and I am pleased that he concurs that everyone would be highly delighted to assist in any way possible to see that the standards of our tradesmen are brought up to the highest possible level. Fear has been expressed that the effect of the regulations will be a substantial increase in the cost of housing and building generally in South Australia.

I contend that the regulations will add substantially to the cost of building.

The Hon. D. H. L. Banfield: Does the added cost include the cost of repairs?

The Hon. R. C. DeGARIS: I have already made the comparison. If the honourable member examines the system in Western Australia, which has had builders licensing for many years, he will find that the standard of building there is not of the same standard as that in South Australia but that the cost of building is greater.

The Hon. D. H. L. Banfield: Is it a low or high standard in Western Australia?

The Hon. R. C. DeGARIS: The standard is not as high in Western Australia.

The Hon. D. H. L. Banfield: They must have plenty of rubble lying around over there.

The Hon. R. C. DeGARIS: If the honourable member will bear with me, I shall read the Government's views. The Chief Secretary said:

The Government expects that there will be no dramatic overnight effect whatsoever.

I agree that there will be no dramatic overnight effect but, over 12 months, there will be a dramatic effect on the cost of building as a result of these regulations. The regulations and the principal Act go much further than does the licensing system in Western Australia. Honourable members may recall that when the Bill was first debated in the Council comparisons were made with the Western Australian Act and it was pointed out that these regulations would be going a long way further than does the licensing system in Western Australia. As a result, this would mean a much stronger control in South Australia and would add considerably to building costs. The Chief Secretary also said:

The small increase in price resulting from the elimination of these very low tenders will more than offset the disadvantage of slightly increased prices.

I do not accept that statement as being reasonable. One can talk to people who have been engaged in the building industry for many years, people who know the building industry very well, and they will produce figures to show that the increased costs to the public as a result of these regulations could be anything up to $2,000 a house. Whilst one may argue that there will be no increase in costs because shoddy builders will be removed from the industry, this argument is not accepted by people with reputations as good builders in South Australia. With all these factors involved, and the fact that the Government has indicated that it is not happy with the present Act or the regulations, it would be far better to disallow the regulations now so that the Government and the building industry could get together, in order to introduce regulations that will not have the severe effect that these regulations will have.

The Council divided on the motion:

Ayes (13)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), 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, and A. M. Whyte.

Noes (3)—The Hons. D. H. L. Banfield, A. F. Kneebone, and A. J. Shard (teller).

Pair—Aye—The Hon. Sir Arthur Rymill.

No—The Hon. T. M. Casey.

Majority of 10 for the Ayes.

Motion thus carried.

LOTTERY AND GAMING ACT AMENDMENT BILL (TAX)

Adjourned debate on second reading.

(Continued from March 23. Page 4225.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill with some humour. Its purpose is to

increase the turnover tax on bookmakers' holdings from 1.8 per cent to 2 per cent to operate from April 1, and to divert the revenue received for the benefit of general revenue. However, in country areas the rate will remain at 1.8 per cent on turnover. I agree with the Minister's statement that racing clubs in South Australia receive more money from this source than do clubs in other States on the mainland. The Minister said that the Government needed further revenue to meet its obligations for social services and, in particular, education, health, and hospitals. This statement has a familiar ring at present, as the Government repeatedly states that it does not intend to reduce its commitments to education, health, and hospitals.

When the 2 per cent turnover tax was introduced the present Government, by its vote in another place, engineered a reduction from 2 per cent to 1.8 per cent. At that stage it was not interested in the question of maintaining education, health and hospital services from this tax, but now it is interested in that situation. Although this is a finance measure, which presents some difficulties to this House, I do not object to it, because I believe it is the right of the Government to raise the revenues required in the way it deems most efficient to do so.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Application of commission."

The Hon. Sir NORMAN JUDE: I suggest to the Chief Secretary that it is hardly necessary to retain the form of fractions, such as twenty-five thirty-sixths, in a modern Bill.

The Hon. A. J. SHARD (Chief Secretary): I assure the honourable member that people in certain places could calculate these fractions whilst we blink our eyes. Another amendment to this Act will be introduced this session, although it has a different purpose from the present amendments. I spoke to the Parliamentary Counsel this morning about an amendment dealing with the Totalizator Agency Board that is to be introduced. I suggested that it was not urgent, but he told me that he would like it to be introduced so that the Act could be consolidated. When the consolidation takes place I will raise the question of the fractions.

Clause passed.

Title passed.

Bill read a third time and passed.

A12

JUDGES' PENSIONS BILL

Adjourned debate on second reading.

(Continued from March 23. Page 4226.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I will be brief in speaking to this Bill, to which the Hon. Mr. Potter spoke yesterday. First, I express my view on the general proposition of making available to one section of the community a pension, either to the retiring person or to the widow, where there has been no contribution to the fund concerned. I realize that it is the right of the Government to decide this question, but I must place on record my general opposition to this type of pension scheme, where one section is selected for special consideration in the matter of pension rights.

We are making a change regarding this group of people, where a pension will be available without any contribution while there are people still serving who have, over a very long period, fulfilled their service as judges in South Australia and made considerable contribution to their pensions. I have expressed my views on pensions without contribution, but in making this change there is a possibility that certain people will be left out after having contributed during almost the whole of their period of service.

It is somewhat unjust that, in this change to a situation of no contribution to pension, certain people may be adversely affected. In the Committee stage I will suggest an amendment to the other place to see that no-one is adversely affected by this change. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Pension on retirement or resignation."

The Hon. R. C. DeGARIS (Leader of the Opposition): The amendment I intend to move is on the files of honourable members.

The Hon. A. J. SHARD: As the first amendment is consequential upon the second, could we deal with the one amendment to make the procedure easier?

The CHAIRMAN: The amendment is a suggested amendment to the other place. I think that is understood.

The Hon. R. C. DeGARIS: As I understand it, I will move the amendment *in toto* and it will be a suggested amendment to another place in relation to clause 6. I move:

After "6" to insert "(1)"; and to insert the following new subclause:

(2) Notwithstanding anything in subsection (1) of this section, in the case of a judge who has contributed for a pension under an Act amended by this Act for not less than ten years, where that judge retires he shall be entitled to a pension of sixty per centum of his salary.

I have explained in my brief remarks during the second reading debate that there may be judges who will retire, having made considerable contribution to their pension during their period of service. They could find after long service that they are entitled to less pension than a person who makes no contribution at all. My amendment provides that in such a situation a person who has contributed for a pension for not less than 10 years shall be entitled to a pension of 60 per cent of his salary. One will see from the Bill that the judge who retires after 15 years could receive a pension of up to 60 per cent of his salary, and he may not have been making any contribution to it. A person who may have contributed for many years should be entitled to the full pension allowed under the Bill.

The Hon. A. J. SHARD (Chief Secretary): The suggested amendment is not acceptable to the Government. I am at a complete loss concerning it. I understand only one of Their Honours would be affected, and I have not the slightest clue who it may be. To my knowledge this amendment could only affect the pension of one of the present judges of the Supreme Court, and his claim to a pension entitlement of the order suggested by this amendment has been most carefully considered by the Attorney-General and his financial advisers. They are of the opinion that no anomalous situation exists in this case, and it is regretted that the Government must oppose this amendment.

Most of my colleagues in Cabinet are sympathetic to the position of anyone who may be affected by any amending legislation, and we try to do the best we can, but no matter what legislation is brought forward there is always a case which, on the surface, appears to be harshly dealt with. We find in many cases that we have to make a dividing line between what is right and what is wrong. Recently, we had a case concerning the long service leave of a schoolteacher. He missed his entitlement by five days, but there is always a line to be drawn in these cases. If we give way to one person and not another, we do not know where we shall finish. I have been in contact with the Attorney-General, who is in charge of the Bill and who is bringing in a new system of superannuation, and there is no question about what we must do in the case of those unfortunate persons who get caught up in these hard luck cases.

I had a similar experience in respect of another superannuation fund, where some amendment to the regulations under the superannuation legislation was made some years ago. Eight people were omitted from the scheme; they were in a similar position, possibly, to that of His Honour. We cannot do anything for them at the moment, but we are hoping to do something soon under a new Bill that we expect to bring down shortly. One can feel sympathetic about this. At times we have to take a stand. The Government has considered this case and made up its mind; unfortunately, it is not able to do anything about it at this juncture.

The Committee divided on the amendment:

Ayes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K. Russack, V. G. Springett, and A. M. Whyte.

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

Pair—Aye—Hon. C. R. Story. No—Hon. T. M. Casey.

Majority of 8 for the Ayes.

Suggested amendment thus carried; clause as amended passed.

Remaining clauses (7 to 23), schedule and title passed.

Bill read a third time and passed.

AGE OF MAJORITY (REDUCTION) BILL

In Committee.

(Continued from March 23. Page 4237.)

Schedule—Part XXV.

The Hon. A. F. KNEEBONE (Minister of Lands): Yesterday progress was reported after the Leader of the Opposition had asked me what effect the Bill would have on regulations under the various Acts. I am informed that the Bill will affect those regulations to the extent that, where provision is made for an age of 21 years, eventually that age will be reduced to 18 years if this Bill is passed. I believe that in the regulations relating to school bus drivers provision can be made

that a driver shall not be under the age of 21 years. That age was fixed because it was the age of majority but, if the age of majority is reduced to 18 years, the age in the regulations relating to school bus drivers will be considered to be 18 years.

The Hon. R. C. DeGARIS: The Minister's explanation opens up a completely new field. I do not agree that a person of 18 years should be in charge of a large passenger bus that travels throughout South Australia.

The Hon. F. J. Potter: What have buses to do with this Part?

The Hon. R. C. DeGARIS: They are involved in the regulations.

The Hon. F. J. Potter: But not regulations under this Part.

The Hon. R. C. DeGARIS: This morning I received a telephone call from a gentleman who asked that there should be no reduction in the minimum age of people in this category. However, it appears that the regulations will be affected by the change in the age of majority. The changes that will result should be closely examined not only by this Chamber but also by the Government. I doubt whether the Government has inquired fully into the effects of the reduction in the age of majority.

The Hon. C. M. Hill: What about drivers of Municipal Tramways Trust buses?

The Hon. R. C. DeGARIS: That is another point to be considered.

The Hon. A. F. KNEEBONE: It would be highly irregular if the regulations were not in accordance with the appropriate Acts. It is incorrect to say that a whole new field has been opened up.

The Hon. F. J. Potter: The regulations would be invalid if they conflicted with the appropriate Acts.

The Hon. A. F. KNEEBONE: Yes. At present, bus drivers may be required to be 21 years of age. The Hon. Mr. Hill asked about M.T.T. bus drivers. The trust does not have to accept for employment as a bus driver any person under 21 years of age. Let us consider the case of a person who is not given work as a bus driver because he is only 18 years of age. Surely the Leader does not suggest that this Bill will give such a person the right to ask the court to force the employer to employ him. This matter is at the discretion of the employer.

The Hon. C. M. Hill: If an employer's policy involves the term "adult" the minimum age must be reduced to 18 years with the passing of this Bill.

The Hon. A. F. KNEEBONE: That does not affect a bus company, because it can frame its policy according to its wishes. If it does not want to accept for employment people under 21 years of age, and if at present its policy contains the term "adult", it can amend its policy accordingly. All this Part does is to provide for a minimum age of 18 years for drivers of tow trucks and driving instructors. A person of 16 years of age can obtain a driver's licence.

The Hon. R. C. DeGaris: A person cannot get an "A" class licence at 16 years of age.

The Hon. C. M. Hill: He could at one time, but he cannot get it now.

The Hon. A. F. KNEEBONE: Regulations are invalid if they are inconsistent with the appropriate Act. The Government maintains that the age of 18 years is perfectly satisfactory for tow-truck drivers and driving instructors. I strongly support this Part.

The Hon. F. J. POTTER: Clause 4 (4) of the Bill states:

> The expressions "majority", "full age", "*sui juris*", "minor", "minority", "infant", "infancy", "nonage" and any other similar expressions in any Act, proclamation, regulation, by-law, rule or statutory instrument, whether passed, promulgated or made before or after the commencement of this Act, shall be construed, unless the contrary intention appears, in accordance with the provisions of this Act.

So in any regulations made under any Act, if these expressions are used in them, 21 years will now mean 18 years. It is a paramount rule of construction that regulations must be in conformity with the Act under which they are made. I stress the exception "unless the contrary intention appears". If in any regulations that are made under any Act it is required that a person be 21 years of age to obtain any kind of licence, that will still remain the position. The Government wishes to reduce the age for tow-truck operators and driving instructors from 21 years to 18 years. The Minister made the point that, irrespective of whether in any instance the age may be reduced from 21 years to 18 years, it does not necessarily mean that an employer is bound to employ anyone of that age. An employer has the right to hire or fire.

The Hon. A. M. Whyte: Sometimes he has to justify his firing.

The Hon. F. J. POTTER: Yes, under certain provisions of the Industrial Code. The provisions regarding tow-truck operators and driving instructors stipulate the age of 21 years. I think the Hon. Mr. Hill was justified in saying that we should examine these two provisions carefully. The question of tow-truck operators may be less important than that of driving instructors. Applicants for tow-truck operators' licences are strictly policed, and the position is now satisfactory.

The Hon. R. C. DeGaris: Very much improved.

The Hon. F. J. POTTER: Yes. The Hon. Mr. Hill mentioned the situation of 18-year-old instructors instructing 16-year-olds. Instructors must be of a high standard, must know the Road Traffic Act and regulations perfectly, and must be competent and of impeccable behaviour.

The Hon. R. C. DeGaris: Experience is important.

The Hon. F. J. POTTER: Yes, because they are teaching young people. At times, they must be alone in the motor vehicle with the young person, and there must be no suggestion of misbehaviour. Swift action would be taken against any instructor who misbehaved. If any honourable member is in doubt whether the age of 21 years in the case of a driving instructor should be reduced, he should follow the Hon. Mr. Hill's suggestion and vote this Part out.

The Hon. C. M. HILL: The first point I consider is the wisdom of creating a precedent to leave this Act out of the overall measure now being considered. A year or so ago, after a serious accident as a result of a heavy commercial vehicle getting out of control whilst travelling down from the Hills, the Government investigated closely what measures existed to protect the public as well as the drivers of such vehicles. The previous Government had intended to introduce, first, roadworthy tests on certain classes of commercial vehicle and, secondly, special driving licences for those who drove such vehicles. A person elsewhere, particularly overseas, with an ordinary "A" class driving licence would not be allowed to take charge of and drive a heavy commercial vehicle. I foresee the time when special driving licences of that kind will be introduced in this State, and perhaps a minimum age of 21 years would be required.

The Hon. F. J. Potter: This should be on a uniform Commonwealth basis.

The Hon. C. M. HILL: It is a matter within our State laws, but uniformity would be sought by all States. Keeping this special licence out of the overall pattern of reducing the age of majority to 18 years may be a good thing. My second point deals with licences to drive passenger buses. This is controlled by the Transport Control Board under the Road and Railway Transport Act. Licences are granted by the board for permanent operators running passenger buses into country areas on approved routes, but I do not think an operator is required to submit much detail about his drivers. Perhaps close scrutiny should be made of that Act, because it may well be that some changes should be made to it.

The Hon. L. R. HART: Generally, tow-trucks do not operate full time. Many garages have a tow-truck that they operate when required, and this applies particularly in country areas. It may be used only once a week, but it is a service that is particularly convenient to many people. Often the truck could be driven by a person under 21 years of age.

The Hon. A. F. Kneebone: It could be an apprentice.

The Hon. L. R. HART: Yes. I believe there is some justification for reducing the age to operate a tow-truck to 18 years, particularly as this provision is being asked for by the tow-truck operators' association. The Act sets out conditions applying to the licensing both of tow-truck operators and instructors. In addition to being over 21 years he is also required to be of good character, proficient in driving and operating a tow-truck and not to have been convicted of an offence that would in the opinion of the Registrar render him unfit to be issued with a certificate. The Registrar may also require the applicant for a licence to undergo certain tests and supply further evidence to prove his proficiency to operate a tow-truck.

In regard to applicants for a driving instructor's licence, the Registrar may require the applicant to undergo certain written or practical tests; further, he may also order an examination in the following matters, namely; traffic laws, driving practices, vehicle manipulation and teaching technique. As I believe the Bill contains sufficient safeguards in relation to the issuing of licences, I am prepared to support the Government.

The Hon. M. B. DAWKINS: I have listened with interest to the remarks of the Hon. Mr. Hart regarding the conditions which must be complied with by tow-truck operators. I do not think it is a good move to alter the age from 21 years to 18 years in this case. As the honourable gentleman said, prior to 1966 there may have been some people under the age of 21 years who were operating tow-trucks, but at that time there was considerable objection to the way in which tow-trucks were being operated. If this had not come to the notice of the authorities we may not have had the legislation which came into effect in 1966.

I intend to support the amendment moved by the Hon. Mr. Hill, which means that I will vote against the Part. I understand his reason for moving in these terms. I have done it myself. The amendment can be put on file and members know what is to be done, and one can speak in a positive manner rather than speaking as merely being opposed to the Part. I believe Mr. Hill is to be commended for making this move. He has covered the situation, and I intend to support the amendment.

The Hon. A. F. KNEEBONE: I have noted the remarks of the Hon. Mr. Hart. I well remember what was happening some little time ago regarding tow-trucks and some of the people operating them. However, most of the people who were carrying out the actions to which objection was taken were over the age of 21 years. Some had convictions for a number of things, and this was a problem at that time. The condition which has brought about improvement within the industry is not the age qualification, but the fact that a person must not drive or operate a tow-truck unless he is in possession of a certificate in the prescribed form issued by the Registrar, authorizing him to drive and operate a tow-truck, and then he must comply with the other conditions. I am sure we can have faith in the Registrar, who will not issue certificates to people, regardless of age, unless in his opinion they are suitable people.

At the risk of making an admission which may make the amendments seem a little peculiar, I point out that there are provisions regarding instructors which cover the situation to which honourable members are objecting. Mr. Hart did not read all the conditions. Under the existing Act a person cannot become an instructor until he is at least 19 years of age. The Act provides that he must have held a driver's licence, whether in South Australia or elsewhere, for a continuous period of not less than three years before making application to become an instructor, he must be qualified, and the Registrar must be satisfied as to his character and his proficiency, and this will cover the position mentioned by the Hon. Mr. Potter. He must have had experience and training, and the Registrar must satisfy himself of this before granting the licence. There are sufficient provisions to see that the right type of person becomes an instructor, in the same way as there are sufficient safeguards to see that the right type of person becomes a tow-truck operator. All the necessary requirements for safety are there, and I ask honourable members to vote accordingly.

The Hon. Sir NORMAN JUDE: The Minister has convinced me. I have given this subject careful consideration, because the matter of driving tow-trucks is a very important one. It is quite obvious, on careful study, that it is not the age that matters at all; it is the qualification. Under those conditions I intend to support the Government on this matter.

Part XXV passed.

Part XXVI.

The Hon. R. C. DeGARIS: My only comment here applies also to Parts XXVII and XXVIII, and I believe the Hon. Mr. Hill will have something to say on the others, but these remarks affect particularly the Nurses Registration Act. At present, the minimum age is 20 years for nurses, psychiatric nurses or mental deficiency nurses, and 21 years for registration as a midwife. We are now reducing the age to 18 years.

How can any girl become qualified to be a midwife at the age of 18? A midwife cannot normally qualify for registration until she is 23 or 24. The same applies to the Opticians Act, the Pharmacy Act, the Veterinary Surgeons Act and the Surveyors Act, where in each case the age is being reduced to 18. The minimum age for entry into a university is 16. Most of these courses are of five years' duration. To line up with reducing the age for registration in these cases, is it intended to lower the age of entry into a university? If not, it will be foolish to reduce the age to 18 in these Acts.

The Hon. V. G. SPRINGETT: What about enrolled nurses, whose course of training is very limited? I know of girls who enter on these courses at the age of 16 and finish their training and are enrolled before they are 18.

The Hon. R. C. DeGaris: This Part deals with registered nurses and midwives, not enrolled nurses.

The Hon. A. F. KNEEBONE: I thank the Leader of the Opposition and the Hon. Mr. Springett for the points they have raised. The Leader asks, facetiously, whether it is intended to lower the age of entry into university. Several situations like this arise involving machinery procedure: some of the amendments to the Acts overlook the fact that it is impossible for some people to qualify by the age of 18. I do not think this Part does much harm: it only makes the situation slightly ridiculous. It is merely a matter of a figure that cannot be achieved being inserted in some of this legislation. It does not do much harm but, for the sake of tidiness, perhaps it should be put right. I can say at this stage that the Government will accept the Hon. Mr. Hill's next amendment.

The Hon. R. C. DeGARIS: For the reasons I have outlined, I think this Part is unnecessary. If at any stage the Chief Secretary wishes to amend the Act to enable girls to qualify to be midwives at the age of 18, it can be dealt with later; but at this stage such an amendment is not justified when we are dealing with this Part.

The Hon. A. F. KNEEBONE: This Part does not affect enrolled nurses.

The Hon. R. C. DeGARIS: That is so: enrolled nurses are not affected. Section 22 of the principal Act deals only with nurses, psychiatric nurses, mental deficiency nurses, and midwives.

The Hon. V. G. SPRINGETT: I am not casting any doubt on what the Hon. Mr. DeGaris has just said, but do not enrolled nurses have to go before the Nurses Registration Board and be registered as enrolled nurses?

The Hon. A. J. SHARD: Yes, but some regulations will be forthcoming to deal with that matter.

Part negatived.

Part XXVII.

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

In clause 2 to strike out "eighteen years" and insert "of or over the age of twenty-one years".

This amendment is similar to that to Part V, to which the Committee agreed. The Minister indicated a moment ago that he intended to support it.

Amendment carried; Part as amended passed.

Part XXVIII.

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

In clause 2 to strike out all words after "out" and insert "subsection (2)".

This amendment has the same effect as the previous one.

Amendment carried; Part as amended passed.

Part XXIX.

The Hon. C. M. HILL: I move to strike out this Part. It deals with the Pistol Licence Act. The Government's proposal means that a person could obtain a pistol licence at the age of 18. There is also a consequential change dealing with the liability of the parents in this case. Whereas previously parents would be liable if the child was under 21, now they will be liable of the child is under 18. My concern is for the public interest. Although I agree with the general principle of reducing the age of majority. I cannot help wondering whether in this particular instance it is wise to allow people between the ages of 18 and 21 to obtain a pistol licence.

I realize that some responsible young people may wish to obtain a licence for some genuinely specific purpose; on the other hand, there may be some young people who will seek a licence so that they can become skilled in the use of a pistol. There is always the possibility that, having obtained this skill, they will put it to a use that ultimately will be an offence against the law. Because of the injury that could occur, I think it would be wise to leave the minimum age for the holder of a pistol licence at 21 years.

The Hon. A. F. KNEEBONE: It is necessary for 18-year-olds to have pistols in certain circumstances because of the responsibilities they have to undertake. We must remember that this Bill provides that for many purposes 18-year-olds shall be regarded as adults. I therefore ask the Committee to defeat the amendment.

The Hon. Sir NORMAN JUDE: I support the amendment. As the Hon. Mr. Hill has said, we have enough firearms in the community at present. The Police Force is very concerned about the number of firearms owned by the public. Provision is made for young employees of banks to have firearms; the bank takes out the licence instead of the individual. It is amazing that we still permit the use of long rifle bullets. Wherever firearms are associated with crimes of violence the .22 rifle is usually involved. Of course, nowadays many small arms use .22 calibre bullets. Because many migrants are not used to our conditions, we should keep tight

controls over the use of firearms. Therefore, I do not think we should make access to firearms any easier than it is at present.

The Hon. R. C. DeGARIS: I agree with the Hon. Mr. Hill and the Hon. Sir Norman Jude. I am concerned about the system in regard to pistol clubs, where young people use pistols. I think it is good that they should be able to use pistols in these circumstances.

The Hon. A. J. Shard: I am only speaking from memory, but I do not think they can use them.

The Hon. A. F. KNEEBONE: I know that young people take part in pistol clubs, and I know that some young people, particularly one woman, have had much success in pistol shooting. There seems to be some way whereby such people can get around the provisions in the principal Act; perhaps the clubs own the pistols.

The Committee divided on the Part:

Ayes (3)—The Hons. D. H. L. Banfield, A. F. Kneebone (teller), and A. J. Shard.

Noes (13)—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, V. G. Springett, and A. M. Whyte.

Pair—Aye—The Hon. T. M. Casey. No—The Hon. Sir Arthur Rymill.

Majority of 10 for the Noes.

Part thus negatived.

Part XXX.

The Hon. A. F. KNEEBONE moved:

That this Part be taken into consideration after Part XXXIV.

Motion carried.

Part XXXI passed.

Part XXXII.

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

In clause 2 to strike out all the words after "passage" and insert "has attained the age of twenty-one years, and".

This amendment involves the same principle as the other amendments to which the Government has agreed.

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

Amendment carried; Part as amended passed.

Part XXXIII.

The Hon. M. B. DAWKINS: I intend to vote against this Part for reasons similar to those instanced by the Leader regarding Part XXVI. Although the minimum age for university entrance is 16 years, nowadays it is difficult for a person to get into a tertiary college, let alone a university, until he is 17 or 18 years; and there is a five-year course for a veterinary surgeon. As it would be difficult for a veterinary surgeon to qualify before becoming 22 or 23 years of age, this Part is more than slightly ridiculous and should be voted out.

Part negatived.

Part XXXIV passed.

Progress reported; Committee to sit again.

UNFAIR ADVERTISING BILL

In Committee.

(Continued from March 23. Page 4239.)

Clause 2—"Interpretation."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

To strike out "or" and insert "and".

The amendment affects the core of the Bill and relates to the definition of unfair statement or to the gauge that must be applied before a statement becomes unfair. Two criteria are applied to gauge whether a statement is unfair and, if either criterion fits, the statement is deemed to be unfair. In judging an unfair statement it seems to me that, if a statement is inaccurate or untrue and is likely to deceive or mislead, that should be an unfair statement. Both criteria should be satisfied before a statement can be judged to be unfair. I fully appreciate that statements can be made which are true but which could be said to be likely to deceive or mislead. Any true statement should not be classified as an unfair statement simply because it might deceive or mislead. A definition of unfair statement using either of these two definitions makes for an extremely broad definition. The Hon. Mr. Banfield gave illustrations such as "Things go better with Coke" that are likely to deceive or mislead. He made that point.

The Hon. A. J. Shard: Very effectively.

The Hon. R. C. DeGARIS: If an advertiser such as Coca Cola uses slogans such as "Things go better with Coke", which could be said to deceive or mislead, this could be considered an unfair statement. He also mentioned a slogan containing Marlboro country, which is likely to deceive or mislead. An unfair statement having to satisfy only one of these criteria would make it impossible for any advertiser to say anything at all. Further, I think the Hon. Mr. Banfield is under the impression that the Bill will

apply to all advertising relating to goods and services. In my opinion, it applies only to a very limited area in the State, and that is newspapers, placards, advertisements or screens in the cinema. I do not think it applies to radio or television, because I do not think this type of advertising is under our control. In judging what is an unfair statement, both the criteria should be satisfied before the Attorney-General issues a certificate.

The Hon. A. J. SHARD (Chief Secretary): The amendment is not acceptable to the Government. In its present form the definition of "unfair statement" includes two types of statement. The first is a false statement and the second is a misleading statement. Linking these statements is the disjunctive "or" not the conjunctive "and". The reason for this approach may best be stated in the words of the then Lord Chancellor in *Aaron's Reefs v. Twiss* (1896 Appeal Cases, page 273) when he said:

> If by a number of statements you intentionally give a false impression and induce a person to act on it, it is not less false although if one takes each statement by itself there may be difficulty in showing that any specific statement is untrue.

This then has been the general tenor of statutes, and judicial interpretation of them, dealing with the law of misrepresentation. If the amendment were accepted a great part of the value of the measure as a protection against unfair advertising would be lost and indeed it would be possible for an unethical advertiser to safely deliberately deceive or mislead the public so long as he ensured that each separate assertion in his deceptive advertising was in fact true. The Government opposes the amendment, and I ask the Committee not to accept it.

The Hon. R. C. DeGARIS: I am very pleased that the Chief Secretary has given information on the position in 1896, but I think it is probably time the Government brought itself up to date and thought in a modern context. However, the point the Chief Secretary makes is the very point I am trying to make. I will give an illustration. "Use so-and-so's virility pills. Mr. So-and-so married at the age of 90." That is a true statement. "Mr. So-and-so had six children after he was 90 years of age." That is a true statement. "Mr. So-and-so takes so-and-so's virility pills." That is a true statement. We see there three true statements which can be presented in such a way as to deceive or mislead. Clause 3 (4) provides:

> It shall be a defence to a prosecution for an offence that is a contravention of subsection (1) of this section for the defendant to prove that the unfair statement was of such a nature that no reasonable person would rely on it.

To take the case I quoted, I think there is an "out" there, because that is a statement on which no reasonable person would rely. On this illustration, if a person uses true statements in an advertisement that could be construed afterwards by someone as likely to deceive or mislead, I believe we are taking the situation to a point that is rather ridiculous. If these could be taken as separate criteria to judge an unfair statement, no-one would ever put an advertisement in the paper. I think everyone would say that every advertisement issued is intended in some way to make people do something they would not do if the advertisement were not in the press. This is taking the thing too far. I ask the Committee to support the amendment.

The Hon. A. J. SHARD: I do not want to argue, but we have heard some ridiculous arguments in this debate. The Government is looking not for ridiculous arguments but for really blatant and misleading cases—and there are plenty of those. When the late Hon. Mr. Rowe was Attorney-General a certain large firm put out an advertisement saying that a number of lounge suites were available at a certain price. On the morning of the sale there was not one available. The firm insisted it had sold one, and had the audacity to show me a receipt written on the previous day showing that it allegedly sold it to one of its assistants. That is the type of thing we are after; it is still going on in some places.

If the amendment is carried I do not know how we will cope with that situation. We are not after the extremely difficult ones. Every day in our newspapers we see examples of blatant misrepresentation and misleading of the public. It should be stopped, and if I had my way it would be.

The Hon. L. R. Hart: That could be stopped with the amendment.

The Hon. A. J. SHARD: It might be; I do not know. My advice is that this takes away the real teeth of the Bill. This is the first step within South Australia to give the community a reasonably fair thing in advertising, and I urge the Committee not to accept the amendment.

The Hon. R. C. DeGARIS: In the case the Chief Secretary gave, of the firm advertising a number of lounge suites at a certain price, and then finding there was only one sold—

The Hon. A. J. Shard: None.

The Hon. R. C. DeGARIS: In that case the advertisement was inaccurate, it was untrue, and it was likely to deceive and mislead. Therefore, under my amendment that firm cannot escape. It is all very well for us to say that the Government is not going to apply this, and that it only wants to catch the bad ones. So why worry about legislation at all? We must be sure in passing this legislation that everyone knows exactly what restrictions are on the Government in relation to this matter. The reverse onus of proof has been mentioned. I dislike its being used but it often has to be. It was not so long ago that the Chief Secretary said that he did not like using it in respect of the possession of drugs but that it was the only way to solve the problem. If we do use the reverse onus of proof, we must be concerned with how we decide, in the first place, that a person is guilty and must defend himself.

If we leave the position as it is here, every advertiser in a newspaper could be caught by one of the definitions. For instance, we see at a sideshow at the Royal Show at Wayville the words "The greatest show on earth". That would be caught by one of these definitions. We must not give the Government powers that are too wide. My amendment will catch the blatant advertiser but will allow a person who uses true statements in an advertisement to be not charged with using an unfair statement in advertising.

The Committee divided on the amendment:

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

Noes (6)—The Hons. D. H. L. Banfield, Jessie Cooper, A. F. Kneebone, F. J. Potter, A. J. Shard (teller), and A. M. Whyte.

Pair—Aye—The Hon. C. R. Story.

No—The Hon. T. M. Casey.

Majority of 4 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 3—"Prohibition of misleading advertising."

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

In subclause (1) to strike out "One thousand" and insert "Five hundred".

In a private member's Bill last session, the maximum penalty proposed was $200. To increase it to $1,000 makes it a drastic penalty. We all know that the cost of advertising is high, and I assume that that is why the penalty has been fixed at $1,000. If the Government wanted a penalty for subsequent offences, that could be provided for but, as this is the only penalty mentioned, it is too high.

The Hon. A. J. SHARD: The effect of this amendment is to reduce the maximum fine (and I emphasize that it is the maximum fine) from $1,000 to $500. I understand that the cost of the publication of a full-page advertisement in a leading daily paper is about $1,300, and the cost of a full-page colour advertisement in a leading weekly magazine for women is about $4,000. Over and above these costs are, of course, the costs of actually producing the advertisement. With amounts like this involved, it would, I suggest with great respect to the honourable member, be absurd to suggest that a maximum fine of $500 would be an effective deterrent to sharp practices. Indeed, one may well be forgiven for thinking that the present maximum is itself too low. The Government opposes this amendment.

Some advertisers maintain that it is cheap to pay $3,000 or $4,000 for some advertisements considering the effect they have on the public. These crooked advertisers will not be deterred by a fine of $500. If an advertisement results in $15,000 or $20,000 worth of sales for an advertiser, a penalty of $1,000 will not stop him. Are we to be soft towards people who deceive the community? I heard of an elderly lady who paid her bus fare from Houghton and was on the doorstep of a certain firm early in the morning. What did the firm care? The salesman simply laughed and said, "Sorry, those articles have all gone." Yet some honourable members say that there should be a maximum fine of only $500 for such firms! We must bear in mind that magistrates rarely impose the maximum fine. With the greatest respect, when I see the fines imposed by some magistrates I wonder whether they are becoming soft and kind-hearted. There is no need to worry about firms that are found guilty under this provision being fined $1,000. Because that sum is little enough, I ask the Committee not to accept the amendment.

The Hon. M. B. DAWKINS: In my speech during the second reading debate I said that a fine of $1,000 was excessive. I accept the Chief Secretary's explanation that it is a maximum fine, but I cannot see why the maximum fine has to be five times the fine that was provided for in the private member's Bill that was introduced into this place only 16 months ago. On reflection, I believe that the fine of $200 provided for in that Bill might have been a little low as a maximum, but I think the amendment is realistic. The Chief Secretary implied that some companies that were allegedly making much money through misleading advertising might be willing to continue with that advertising despite any fines imposed, but I believe that the disadvantageous publicity that would result from any prosecutions under this legislation would stop that practice.

Amendment negatived.

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

In subclause (2) to strike out "prove" and insert "satisfy the court before which those proceedings are brought".

This provision deals with the defence mechanism that a person can use when a charge is made against him in connection with an unfair statement. As it stands, subclause (2) provides:

It shall be a defence to proceedings for an offence that is a contravention of subsection (1) of this section for the defendant to prove that at the time of the publication he believed on reasonable grounds that the statement or representation complained of was not an unfair statement.

In other words, a person has to prove that he is innocent. I believe that the word "prove" is a little stronger than the passage I have moved to insert.

The Hon. A. J. SHARD: This is the first of two amendments that have the same effect. Both these amendments, which provide for an expansion of the word "prove", are opposed by the Government on the ground that, amongst other things, with respect to the Leader, they do not effect any change in the Bill. It has been held that, in making out a defence to a criminal charge, the standard of proof demanded is to satisfy the court "that on the balance of probabilities" the defence is made out. The words proposed to be inserted can do no more than state this in another and slightly different way. They do not add anything or change the effect of the provision at all. It may be argued that, since the words do not effect any change, there is no reason why the amendment should not be carried. In answer to this I would suggest that, in cases where an expression is well understood and consistently interpreted by the courts in the same way, there is some danger that a different form of words may give rise to a different interpretation, an interpretation that might not necessarily be as favourable to the defendant. One does not have to look too far to find examples of interpretations of provisions of Statutes made by the court on sound legal grounds that were rather different from the interpretation Parliament had in mind. I therefore ask the Committee to defeat the amendment.

The Hon. R. C. DeGARIS: I thank the Chief Secretary for his explanation; it is somewhat the advice I received from people who have legal knowledge. However, those people think that the word "prove" is somewhat stronger than the passage I have moved to insert. The Government believes that my amendment does not make any difference, but I believe it does make a slight difference. Because we are dealing here with a reverse onus of proof, I ask the Committee to carry the amendment.

The Committee divided on the amendment:

Ayes (11)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, V. G. Springett, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, A. F. Kneebone, F. J. Potter, E. K. Russack, and A. J. Shard (teller).

Majority of 6 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS moved:

In subclause (4) to strike out "prove" and insert "satisfy the court before which those proceedings are brought".

Amendment carried; clause as amended passed.

Clause 4 and title passed.

Bill read a third time and passed.

[*Sitting suspended from* 5.44 *to* 7.45 *p.m.*]

LOCAL GOVERNMENT ACT AMENDMENT BILL (FRANCHISE)

Adjourned debate on second reading.

(Continued from March 16. Page 4052.)

The Hon. M. B. DAWKINS (Midland): It is eight days since I secured the adjournment of the debate on this Bill. I have heard it suggested that the Legislative Council is delaying consideration of this measure, and

I hasten to refute that suggestion because the Chief Secretary, over the past three or four days, has consistently put it near the bottom of the Notice Paper. I do not criticize him for this, but I want to make it clear that the Council will deal with the matter as soon as it is brought forward.

The Hon. A. F. Kneebone: Sir Norman Jude asked us to do this.

The Hon. M. B. DAWKINS: I would doubt whether Sir Norman really intended anything like that. It has been my privilege to serve in this Council for nine years, and in my view this is a very bad Bill. After due consideration, I believe it to be the worst Bill to come before the Council in my experience. Such a statement needs to be backed up with reasons, and the first reason I see—and there could be many of them—is that it ignores the advice of highly competent, experienced and qualified men, some of whom, at least, were appointed to a committee by a previous Minister of Local Government, the Hon. Stanley Bevan. If this Bill is what I say it is, namely, the worst Bill I have seen in this place in nine years, it is primarily because it ignores advice specifically sought which was not used when it has been made available.

As it stands at present, the Bill seeks to subjugate local government to overall control from above. If honourable members look at it they will see scattered through the Bill references to "with the consent of the Minister", or to the Returning Officer for the State, that this shall be under the control of the Minister, and that that shall be under the control of the Returning Officer for the State. At present I am not criticizing personally the Minister or the Returning Officer for the State, although I will proceed to make some comments that I believe would not altogether please the Minister if he were able to hear them.

If it becomes law, this Bill will tend to make local government the puppet of Party politics and the plaything of the Minister of the day. It will be possible for local government to be crushed under the heel of the Minister of the day should he so desire. The Bill is bad, in my opinion, not merely in the sense of being badly drawn and loosely put together—and in this I make no reflection on the Draftsman—but in its suggested application to local government and its outlook on, and assessment of, local government.

There are a few good clauses—no more than six or eight at the most, as far as I can see—in the 163 clauses of the Bill. It is quite impossible to amend the measure in a way that will leave the good clauses and get rid of all the objectionable things, and if the Bill were to pass this Council it would have a very bad effect on local government in South Australia.

I believe the attitude of the Bill (if a Bill could have an attitude) and the attitude of the Minister towards local government is quite wrong. Some years ago I heard an address on brains versus attitude, and the summing up, which I have never forgotten, was that brains were not very much good except possibly in a selfish way if one did not have the right attitude. This Bill has anything but the right attitude to the very valuable organization it seeks to control. It is bad in its implied contempt of the Local Government Act Revision Committee, which I referred to a moment ago, and which was appointed by the Hon. Stanley Bevan in 1965.

Although he was on the opposite side of politics from myself, the Hon. Mr. Bevan was a gentleman who was well respected and a competent and sensible Minister, a man who to this day is missed in this place by every honourable member who had the privilege of serving with him. He appointed what I considered to be a well-balanced and experienced committee. The appointment was made by the Labor Government of the day. That committee did a great deal of excellent work, and it cost a lot of money to do it. I am not complaining about that, because I believe the committee came up with many highly valuable recommendations, and of course this amending Bill, which should not deal with the main context of the report at this stage, does go contra to some of the committee's recommendations, many of which have been ignored. In my opinion, the Bill is blatantly Party political in an area from which Party politics are best kept right away.

It is regrettable that the very limited experience of the Minister—and I refer to the Minister in another place—puts him at such a disadvantage. He obviously does not understand the working of local government, and he so obviously cannot fathom how and why these instrumentalities throughout the State have worked so successfully for such a long time. He is obviously unable to comprehend that many people from both sides

of politics are in local government, have worked in it for years, and value it as it now exists. They have been in local government long enough to know that politics are best kept out of it.

Many councils in South Australia have a good representation of members of the Minister's Party who understand and have worked in local government. It is not only members of the Liberal and Country League but the people generally in local government who do not want politics introduced into local government; and they do not want this Bill. They have said so in no uncertain manner. I believe that over 95 per cent of the people in local government have said this. I had a letter only today from the Enfield council (and no-one would suggest that Enfield is a hot-bed of L.C.L. politics) strongly opposing this Bill and asking me (and, I presume, other honourable members) to oppose it in this Chamber.

The Hon. A. J. Shard: Could you read the letter to us?

The Hon. M. B. DAWKINS: I could read it later and give you the information it contains.

The Hon. A. J. Shard: Another council asked me to save certain parts of the Bill.

The Hon. M. B. DAWKINS: There are half a dozen parts of it that I should like to save.

The Hon. A. J. Shard: You said that the Enfield council asked you to defeat the Bill.

The Hon. M. B. DAWKINS: I will read the letter later. I have heard from many people who have said in no uncertain manner that they do not want this Bill.

The Hon. T. M. Casey: Whether they like it or not, they have got it.

The Hon. R. C. DeGaris: Did you hear the interjection of the Minister of Agriculture?

The Hon. M. B. DAWKINS: No, I did not.

The Hon. R. C. DeGaris: He said, "Whether they like it or not, they have got it."

The Hon. M. B. DAWKINS: That was an interesting interjection and was in line with the attitude of the Minister in the other place: obviously, whether we like it or not, we have got it; that is the attitude. We will see later whether or not we have it.

The Hon. D. H. L. Banfield: What about the election for the Lord Mayor?

The Hon. M. B. DAWKINS: The Hon. Mr. Banfield makes some entertaining interjections from time to time. He is a friend of mine, and sometimes he is correct. Sometimes he makes inane remarks and at other times—

The PRESIDENT: Order!

The Hon. M. B. DAWKINS: However, I do not propose to take the slightest notice of what the honourable member says this evening, because he knows nothing about it.

The Hon. D. H. L. Banfield: You do not face up to the truth about it.

The Hon. M. B. DAWKINS: If we look at this Bill carefully, we realize it is impossible to amend it merely to leave in it these few clauses that are valuable. They should have been brought down in the normal way. There are other clauses, I understand, ready for presentation; they are needed by local government but have not been included in this Bill. These matters should have been brought down in a separate Bill for the normal requirements of local government that occur from year to year and that will still occur even under the new Act, because from time to time alterations will be needed even to a reconstructed Act. I believe that these half a dozen valuable clauses that have been inserted in this Bill here and there are in the nature of a sop. They should be brought down in a separate Bill. I will mention one or two of them.

Clause 3 (*e*) could be a valuable provision. This clause amends section 5 of the principal Act. Paragraph (*e*) inserts after subsection (1) a new subsection (1a), which reads as follows:

The term "ratable property" shall, notwithstanding any exception of property belonging to, or used by, the Crown in the definition of that term, be deemed to include any dwellinghouse (except a dwellinghouse acquired only for the purpose of demolition) whether occupied or unoccupied, belonging to the Crown.

There are councils in the State that have been handicapped because the Crown has not been liable to pay rates. If the Crown in certain areas was liable to pay rates, this situation might be levelled out in a better way than by merely giving a special grant in lieu thereof. I stress the words "except a dwellinghouse acquired only for the purpose of demolition". Even though we have, apparently, not a M.A.T.S. plan but the Breuning report, we shall still have houses being acquired for demolition 10 years from now, and it would

be a pity if those houses that could be demolished to make way for freeways or corridors should necessarily be exempt for as long a period as 10 years.

Clause 38 could well have been brought in at some time in the future. It merely provides for a sensible clarification of section 124 of the principal Act: it provides for the adjournment of an election when the situation makes it impossible to hold the election on the day appointed by the Act. Clause 72 deals with the provision of homes and services for the aged and infirm. Some councils want to use this provision, and it could well have been introduced in the future. I draw attention to this clause, which enacts new section 287b of the principal Act. New subsection (2) of that section provides:

A council by which a dwellinghouse or home unit is provided for the occupation of any person may require, as a condition precedent to the occupation of that dwellinghouse or home unit by that person, that he pay to the council a donation not exceeding one-third of the cost to the council of acquiring or building the dwellinghouse or home unit and of acquiring the land on which it is situated.

If we were to continue with this clause, I would be seeking some clarification here, because it says "the cost to the council". It should say "the total cost to the council", because the total cost to the council of a unit could be about $5,400 and the actual cost to the council would be only $1,800 if the Commonwealth granted a $2 for $1 subsidy. Whether this clause means $1,800 or one-third of that $1,800 is not quite clear. Before that clause is presented again (as I have no doubt it will be because it has merit) it should be looked at to make sure it is watertight.

Clause 77 amends section 296 of the principal Act. That section requires, amongst other things, the publishing of accounts in the *Gazette*. In the case of the larger councils, it could cost them $90 to $100 a year. Very few people look at them when they are published, and whether this is necessary I very much doubt. Probably some publication in a local paper would be sufficient. This is an amount of money that at the moment it is obligatory to spend. Clause 77 would do away with that obligation. I do not believe any great objection can be taken to that clause.

The other clause I mention briefly is clause 103, which amends section 666 of the principal Act. This provision alters the conditions under which abandoned motor vehicles can be removed and disposed of by councils. The clause must be given further consideration, because it has merit. Those clauses are really just about the only clauses in the Bill of any merit. I was justified in saying earlier that this Bill was the worst Bill I had seen so far. Whilst those half a dozen clauses are the only good clauses, the bad clauses are far too numerous to mention. However, some of them deserve comment. Clause 15, which deals with the election of mayors, aldermen and councillors, provides:

Section 51 of the principal Act is repealed and the following section is enacted and inserted in its place:

51. Subject to this Act, the mayor, alderman and councillors of a municipality and the councillors of a district, must be elected by the electors of the municipality or district from among the electors of the municipality or district.

I completely oppose that provision because it is different from the provision that the Minister of Local Government circulated to councils when he gave them a summary of the Bill. I have with me a photostat copy of the information provided to councils; item 14 states:

Every elector will be qualified to be a mayor, alderman or councillor, subject to present conditions in sections 52, 69 and 78 of the Act.

Those sections refer, first, to the fact that ratepayers are eligible to become councillors, and that councillors, after they have had the necessary experience, are eligible to become mayors and aldermen in certain cases. The Minister assured the councils that every elector would be qualified, subject to present conditions. Those conditions relate to the fact that, to become a councillor, a person first has to be a ratepayer. The Minister has apparently forgotten his undertaking to councils.

Clause 17 repeals section 53 of the principal Act and clause 18 amends section 54 of that Act. Honourable members will be aware that elected councillors at present have certain responsibilities; they cannot resign from the council at a moment's notice without the licence of the council. They are compelled to serve, if their service is required. If section 53 of the principal Act is repealed and if section 54 is amended in accordance with clause 18, the councillors of the future will be able to leave the council at a moment's notice with no responsibility. An elector who is not a ratepayer will be able to become a councillor, spend the ratepayers' money and,

having decided to move from the district, leave the council at a moment's notice, perhaps leaving a large debt behind him. I am completely opposed to that principle. Clause 21 repeals sections 88 to 101a of the principal Act and enacts a series of new sections in lieu thereof. New clause 88 (2) provides:

A person who owns or occupies ratable property within more than one area or ward may, in a manner and form determined by the Returning Officer for the State, elect to be enrolled in respect of any one area or ward in which any of his ratable property is situated, 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.

If a man falls into that category he has only one vote. New section 88 further provides:

(6) A person who elects to be enrolled under this Act otherwise than in respect of the area or ward in which he is resident shall not be entitled to be, or continue to be, enrolled, or to vote, otherwise than in accordance with his election.

(7) An election under this section must be renewed annually in a manner and form determined by the Returning Officer for the State . . .

Those new provisions mean that, if a ratepayer elects to be enrolled in respect of his business address and in 12 months' time he forgets to renew his election, he is completely disfranchised and unable to vote in respect of either his home address or his business address. The second reading explanation given by the Minister of Lands was really supplied by the Minister of Local Government; that explanation said:

Over 100 years ago in England in certain elections a person could have multiple votes according to the amount of rates he paid, and a person who was both owner and occupier of a property might, in some cases double his voting rights by voting as an owner and then voting again as occupier . . . It is a disgraceful anachronism that South Australia's local government franchise of 1970 has not caught up with England's of 1870.

That is the sort of one-eyed and ignorant statement that we have come to expect from the Minister of Local Government. I want to quote from a British Labour Party publication on local government that was issued in 1966. Chapter 2, entitled "Councillors and Officers of Local Authorities", refers to elections. This publication states:

No-one is entitled to be registered or to vote more than once in the same local government area, but a person who is registered for a resident qualification in one council area and for a non-resident qualification in another council area can vote at elections for each of those councils.

That was the situation in Great Britain in 1966, so that the Minister should consider what he has to say more carefully before making the kind of statement to which I have referred. His statement is completely at variance with the facts. A letter to me from the city of Prospect states:

It is considered that the proposal to provide that 100 electors can demand a poll on council's decision to elect to have compulsory voting or not, is unrealistic. The number of electors required to make this demand should be much greater.

The letter continues:

The authority of the Minister should not be necessary before councils can subscribe to an organization having as its principle aim the furtherance of local government.

The Chief Secretary wanted to know what information I had received from the corporation of the city of Enfield. Amongst other things that council states:

The council is strongly opposed to the Bill in its present form. In addition, I was directed to seek your support in opposing this measure during the process of its consideration by the Legislative Council.

That letter was signed by the clerk of the council. Clause 32 contains some interesting provisions:

Sections 115 to 117 (inclusive) of the principal Act are repealed and the following sections are enacted and inserted in their place:

115. An elector shall be entitled to one vote at an election.

I have already spoken about that point: I have proved that the Minister was incorrect in his statement to the House. I shall not say more about this matter, because I understand that the argument will be continued by one of my colleagues. This clause gives the council the chance to determine whether voting shall be compulsory or voluntary, as it provides:

116. (1) Voting at an election shall be compulsory or voluntary according to the determination of the council.

(2) A determination must be made under this section within three months after the commencement of the Local Government Act Amendment Act, 1971.

(3) The council shall give public notice of a determination under this section.

(4) Within one month after public notice is given under this section a poll may be demanded by petition signed by one hundred or more electors for the area to determine whether the determination of the council is supported by a majority of the electors voting at the poll.

I draw the attention of this Council to the fact that 100 electors would be about 15 per

cent of the number in a rural council area such as Mallala, Mudla Wirra or Freeling: it would be less than 1 per cent of the number of people in the district council of Munno Para, which includes Smithfield Plains and parts of Elizabeth. It would be easy, indeed, for anyone who wanted to make sure that there was compulsory voting to find 100 electors to have this poll. I believe that the provision that a council may determine whether or not the poll may be compulsory is a snare and a delusion, because in probably 90 per cent of the instances it would be possible to obtain, within a council area, 100 electors who would subscribe to a poll to make voting compulsory.

I believe that the idea of compulsory voting for councils is wrong. Even in a country council area such as Freeling or Mudla Wirra, where there are only two or three small townships, it would not be difficult to find 100 ratepayers, and in larger areas it would be easier to do so. It has been suggested to me that if this clause comes before the Chamber again it should provide for a percentage of the total number of ratepayers within an area rather than requiring 100 people to seek the reversal of the decision of the council. Clause 34 provides:

Section 119 of the principal Act is repealed and the following section is enacted and inserted in its place:

119. The returning officer or an authorized officer shall, at the close of the poll, remove all votes from each ballot box and exhibit the ballot box empty.

Why should this be done only at the close of the poll? I understand that in the existing Act and in the existing Electoral Act provision is made for a ballot box to be exhibited empty before the poll and exhibited empty at the close of the poll. I cannot understand why this provision is not similar to the existing one. Clause 46 provides:

Section 142a of the principal Act is amended by striking out from subsection (1) the passage "at any election within the municipality of the City of Adelaide".

This refers to deposits, and means that at every election of a council throughout South Australia (although councillors are unpaid), the candidates have to pay a deposit. Therefore, a ridiculous qualification is included, and it certainly is a foolish provision: the deposit shall be returned to any candidate if he obtains one-fifth of the votes of any other candidate. The candidate receiving the lowest vote only has to obtain one-fifth of the votes of the next lowest candidate, so that practically all deposits would be returned. If deposits are necessary (and I do not suggest that they are) any such provision should refer to one-fifth of the votes of the winning candidate.

Clause 48 harks back to what we spoke about this afternoon and is more than ridiculous, because it refers to the appointments of officers, and particularly to the appointment of a clerk, and reduces the minimum age from 21 years to 18 years. I said this afternoon that in most cases a person would not reach tertiary education until he was 17 years or 18 years old. Today, clerks have to go through a period of study of three or four years (and it may be five years in future) before they become fully qualified to hold the position of clerk. How is it expected that a clerk, who has to have a four-year secondary education before studying for his local government certificate and diploma, can qualify at 18 years is beyond me. I doubt whether any clerk could qualify today before he was 22 years or 23 years of age. I shall not say much about clauses 49 to 53, which have reference to polls. Here again we have the situation where the words "ratepayers" and "owners of rateable property" are removed and "electors" is substituted. This means that the ratepayers and the owners of property contribute the money and the electors decide how it will be spent. Clause 71 amends section 287 of the principal Act; subclause (*b*) states:

by striking out paragraph (*j*4) of subsection (1) and inserting in lieu thereof the following paragraph:

(*j*4) subscribing (if the Minister approves in writing of expenditure for that purpose) to the funds of any organization that has as its principal object the development of any part of the State including, or comprised within, the area of the council, or the furtherance of the interests of local government in the State or Australia:;

That means that the Minister can have absolute control over what any responsible local government body can or cannot join. It means, in effect, that if the Minister so decrees the Local Government Association will dissolve into nothing and that councils cannot even join their own association unless the Minister approves. The same applies to clause 71 (*c*), which states:

by inserting in paragraph (*k*) of subsection (1) after the word "promoting" the passage "(if the Minister approves in writing of expenditure for that purpose)";

That means that the Local Government Association or a group of councils cannot

sponsor or approve of any Bill before Parliament unless the Minister of the day approves of the action. This is quite wrong. Clause 88 refers to petitions. Here again, we have the deletion of the word "ratepayers" and substituting the word "electors". Clause 88 (*b*) states:

by striking out subsections (4) and (5) and inserting in lieu thereof the following subsection:

(4) For the purposes of subsection (1) of this section, the requisite number of electors is, in the case of a municipality, one hundred electors and, in the case of a district, twenty-one electors.

To give an instance, this would mean that in Elizabeth 100 people could constitute a petition. In Munno Para, which has a considerable population because it is still a district council, 21 people would be required, and in Gawler, which is considerably smaller these days than Munno Para, there must be 100 electors to draw up an effective petition. This is ridiculous. Clause 115, which amends section 783 of the principal Act, refers to the depositing of rubbish on streets and roads. Clause 115 (*a*) states:

By inserting after the word "deposits" in paragraph (*a*) of subsection (1) of passage ", intending to abandon,".

This will hinder councils in pinning down people who willy-nilly toss rubbish all over the place, but how does one prove "intending to abandon"? I quote an instance told to me by a district council officer of a situation where rubbish was found. The person's name was found in the rubbish, and he was interviewed by the clerk or one of the officers. His excuse was that he had to change a tyre. He had to take the rubbish out to get at the spare tyre, and completely forgot to put the rubbish back. He did not intend to abandon the rubbish. Inserting "intending to abandon" would weaken an already difficult situation for councils. I believe that the Minister of Roads and Transport was reported in the press as follows:

I believe that the House should know what the Local Government Association has attempted to do in respect of councils' finances. It asked councils to pass resolutions to make donations to a trust fund of the Local Government Association of ½ or 1 per cent of the rate revenue in accordance with section 287 (*k*) of the Local Government Act.

That section provides that funds can be used for promoting any Bill before Parliament that may be necessary or desirable. I have mentioned tonight that the Minister was, I think, mistaken in some of the statements he made. I have it on the best authority (and I think this is the most charitable way of putting it) that he was mistaken when he made that statement I have just quoted. I have objected to some of the clauses in the Bill which I consider to be bad and I have stated my reasons why I think this is the worst Bill I have seen introduced in the Council. Local government has done a very good job, and those of us who have served in local government know that it has served well and that it is close to the people in a non-political way. There is very little wrong with local government. No doubt we need a revised Act, but not something that will bind local government hand and foot to the Minister of the day. We do not need this amending Bill. I oppose the second reading.

The Hon. E. K. RUSSACK (Midland): I oppose the Bill. Local government is so important in our society that I believe it would be in order to mention some of its history. Some form of organized local government in a recognized form has been known to exist since 925 A.D. It has existed for over 1,000 years in England. Methods have evolved and local government has been improved until today we in Australia have a most satisfactory form of local government. In England, central government grew out of local government.

The Hon. A. J. Shard: That is a dying country now.

The Hon. E. K. RUSSACK: Australia is not a dying country, and today it has a very good form of local government. The case was just the reverse in Australia to that in England, for central government was formed before local government. South Australia has the proud honour (Adelaide in particular) of being the first place where local government was introduced in Australia.

Therefore, the experience in local government in South Australia has a large bearing on the system enjoyed today in this sphere. Despite this fact, we have not the authority that England's local government has; but local government here is a proven system. It is a form of government concerned primarily with the development and maintenance of property within an area, the establishment and maintenance of facilities to enhance the amenities of an area, and the improvement of the environment within an area. These are things of a permanent and not of a transient nature that are provided by the owners and occupiers of the area for the benefit of such owners and occupiers. I

emphasize that: these are things of a permanent and not of a transient nature provided by the owners and occupiers of an area. This system is provided in areas, in districts, in towns and in settlements for the development of areas and communities, and it has been a most successful process of government.

Having been involved in local government for a number of years, I say without hesitation that it is the most difficult form of government, because those who are directly involved as councillors and officers must live amongst the people and be at their beck and call. We have in Australia, as the second reading explanation has suggested, a three-tier system of government—Commonwealth, State and local. If we consider the process of administration in all large organizations we realize that there must be smaller component parts or sub-units for the efficient administration of the whole. As an illustration I refer to the armed services, commencing with divisions, brigades, battalions, companies and platoons, where each integral part serves as a worthwhile part of the whole. In commerce large companies have their branches, and so in government we have our various levels of government. Local government is quite different from central government, and each district council or corporation is a separate entity.

In answer to a question in this Chamber, the Minister of Education, through the Minister representing him in this Council, suggested recently that he had full confidence in headmasters of schools in administering a certain matter. I would say that the whole of society and the Government have every confidence in local government to manage local affairs.

The Hon. R. C. DeGaris: Do you think local government has sufficient power at present?

The Hon. E. K. RUSSACK: No, I do not. Much of the power has been whittled away from local government over the years. However, whatever power has been entrusted to local government, the men involved, the councillors, have proven their worth in the handling and administration of the authority entrusted to them.

The Hon. R. C. DeGaris: Which do you think has more power—local government or the A.C.T.U.?

The Hon. E. K. RUSSACK: I think without answering that the honourable member would know which has the greater power. When moving in local government circles—chairmen of district councils, mayors of towns and corporations, councillors and ratepayers—I have heard no suggestion of a liking for change. I am certain that change has been suggested to them, but even so the people do not want it—and people who live in these areas should know. Substantiating the statements I have made, I produce evidence from various local government bodies. I quote from a letter from the District Council of Onkaparinga:

> The council feels very strongly on this matter of franchise, and following a letter from the Local Government Association we made available a questionnaire in which the questions were asked:
>
> 1. Are you in favour of compulsory voting for council elections? and
> 2. Are you in favour of persons other than owners and occupiers voting?
>
> A number of replies have been received and the questions have been answered. To No. 1: are you in favour of compulsory voting for council elections? 83.9 per cent answered "No" and 16.1 per cent answered "Yes".

The Hon. A. J. Shard: How many people voted?

The Hon. E. K. RUSSACK: In the second reading explanation the Minister mentioned a place such as Pinnaroo, which has a considerable population, and he quoted 79. This is a very small percentage in such a big area.

The Hon. D. H. L. Banfield: How many are you quoting?

The Hon. A. J. Shard: What was the total number of people voting?

The Hon. E. K. RUSSACK: It does not matter what the total number was.

The Hon. A. J. Shard: Four or five against. You will have to do better than that.

The Hon. E. K. RUSSACK: Often we hear percentages in this Chamber and they are not substantiated with numbers.

The PRESIDENT: Order!

The Hon. A. J. Shard: Don't quote percentages without quoting total figures.

The Hon. E. K. RUSSACK: To the first question, 83.9 per cent voted against and 16.1 per cent in favour. To the second question regarding voting for persons other than owners or occupiers, 92.8 per cent voted against and 7.2 per cent in favour. I have a letter from the District Council of Kadina, a very worthwhile organization:

> I am directed by the council to solicit your support to defeat the proposed amendments to the Local Government Act shortly to be

placed before Parliament in so far as they relate to the provision of adult franchise and compulsory voting at council elections.

On the next page they have detailed the various clauses to which they are opposed. I do not wish to repeat these, because they have been dealt with already. I have had correspondence from the Ratepayers Association of Gumeracha.

The Hon. T. M. Casey: Are you still on the council at Kadina?

The Hon. E. K. RUSSACK: Not on the district council, but on the corporation. I have a letter from a ratepayer in the Moonta area, and also from the Corporation of the City of Prospect. Some of the provisions I know are acceptable in one or two instances and have been asked for by those in responsible positions in local government, but because of the unsavoury bulk of the Bill it is not acceptable. It is considered that the proposal that a simple majority will decide the issue in polls relating to loans could react unfavourably to councils. The authority of the Minister should not be necessary before councils can subscribe to an organization having as its principal aim the furtherance of local government.

The Hon. A. J. Shard: Prospect council does not want the Bill defeated, not in total.

The Hon. E. K. RUSSACK: I shall read the first paragraph of the letter from the Prospect City Corporation:

I am directed by my council to express its opposition to some parts of the Local Government Bill . . .

If the portions to which that council is opposed are deleted the Bill will have no substance at all. I refer also to a letter mentioned this evening by the Hon. Mr. Dawkins. I, too, have received a letter from the Corporation of the City of Enfield.

The H. K. Kemp: That is a good L.C.L. district, isn't it?

The Hon. E. K. RUSSACK: It is a short letter, as follows:

At a meeting of the council held on March 22, 1971, matters relating to the provisions of the Local Government Act Amendment Bill were the subject of further discussion. The matter is one which has been under notice, of course, for some period of time and the outcome of the proceedings on this occasion was the passing of a resolution indicating that the council is strongly opposed to the Bill in its present form. In addition, I was directed to seek your support in opposing this measure during the process of its consideration by the Legislative Council.

The Hon. D. H. L. Banfield: What did you answer to that?

The Hon. E. K. RUSSACK: At a meeting of the Mid North Local Government Association late last year, the following motion was moved and carried:

The Mid North Local Government Association firmly opposes the reported intention of the Government to introduce compulsory voting and full adult franchise for council elections.

The Local Government Association of South Australia Incorporated, a widely representative organization, states:

The association has ample evidence that councillors and the people they represent in this State do not want any change in the voting system.

The Hon. D. H. L. Banfield: How many ratepayers did it discuss the matter with?

The Hon. E. K. RUSSACK: Many circulars were sent out. I suggest that thousands of ratepayers have been contacted over the State of South Australia through district councils and corporations. Because of the evidence that has been obtained and surveys that have been made, I say confidently that the people are not anxious to have and do not want any change in our present system of local government. This Bill, if passed, would take away authority from local government and lead to centralism. Therefore, the term "local" would no longer apply.

I do not propose to discuss the Bill clause by clause, because it is so lengthy and other honourable members have dealt with so many of the clauses. However, I should like to have one or two things clarified. Clause 15 provides for a new section 51, as follows:

Subject to this Act, the mayor, alderman and councillors of a municipality and the councillors of a district must be elected by the electors of the municipality or district from among the electors of the municipality or district.

Then clause 32 enacts a new section 115, which states:

An elector shall be entitled to one vote at an election.

The Hon. D. H. L. Banfield: Not enough!

The Hon. E. K. RUSSACK: I assume that if a councillor, an alderman and a mayor were nominated, each elector would have a vote for each one.

The Hon. T. M. Casey: Three votes!

The Hon. E. K. RUSSACK: I should like that point clarified, because a mayor or an

alderman is elected by all the electors or ratepayers in a corporate area, whereas a councillor is elected by the ratepayers of a ward. How will this one vote be applied?

The Hon. R. C. DeGaris: He notifies the authorities where he wants to vote—for the mayor, an alderman or a councillor; it is quite simple!

The Hon. E. K. RUSSACK: In his second reading explanation, the Minister said:

Local government elections are not in accord with the principles of democracy in that people resident in a council area are denied the right to vote, and, further, are not permitted to nominate for election.

I give this illustration: in Kadina there is a ratepayer who lives in a certain ward. He has a business in another ward, and he has a branch in Wallaroo. The Bill provides:

A person who owns or occupies ratable property within more than one area or ward may, in a manner and form determined by the Returning Officer for the State, elect to be enrolled in respect of any one area or ward in which any of his ratable property is situated, 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.

I interpret that as meaning that, if he does not apply to determine his vote anywhere else, he naturally gets his vote in the ward in which he lives. This particular ratepayer would have only one vote. Therefore, he would have representatives representing him in his business ward in Kadina and in his business ward in Wallaroo, in which wards he would have no vote.

Is it democratic that a man should be disfranchised from voting for a person who is going to represent him? That is not democratic. We are also told in the second reading explanation:

Clause 18 repeals paragraph IX of section 54. This section provides that non-payment of rates by a member creates a vacancy in the office of that member. As monetary matters are not to be a basis for a person to be a member, this provision is no longer required.

I suggest that this would open the door to anyone to nominate for a council, even if he owed the council $100 or $200 for rates. I bring this matter forward because only today in this Chamber the fear was expressed that under the Builders Licensing Act someone who was not financial might be called in to do some minor repairs to a house. In this case, it would be permissible for a person who could not control his own affairs to administer the affairs of other people in the local government sphere. That is far from what should be the case.

I consider that this measure is not appropriate at this particular time because of the very fact that has been mentioned in this Chamber by other honourable members. The Local Government Act Revision Committee was set up in 1965, and copies of that commitee's report were distributed to councils and corporations. I know of one district council in particular that has spent many hours going through that report religiously so that at the end of a suggested six months' period it might express its views on the recommendations of that committee. All that valuable time, apart from the time spent in the normal process of council work, was spent on that—and this is not an isolated case. Many councillors have spent many hours going through the report in order to submit their approval or otherwise of its recommendations. I consider that this would have been an appropriate time to consider any revision of the Local Government Act. I emphasize again that, should this Bill be passed, the word "local" could be removed from the legislation. If the Bill is passed, greater authority will be exercised from the central Government. On the first occasion on which I had the privilege of speaking in this Council I said:

I firmly believe the present proven system of local government and the co-operation that has existed between the State Government and local government in administrative and money matters should remain. With the introduction of measures as suggested by the Government, the situation could be reached where non-ratepayers could determine the amount of rates the ratepayers would pay and how the money would be spent. It could also introduce Party politics into local government, and this would be most undesirable. Many other adverse situations would result from such alterations in local government procedure, and I indicate that I will strongly oppose such measures.

Because my convictions remain the same, I shall oppose the Bill at the second reading stage.

The Hon. Sir NORMAN JUDE (Southern): My colleagues the Hon. Mr. Hill, the Hon. Mr. Russack and the Hon. Mr. Dawkins have dealt with this Bill in some detail. In fact, they have flattered the Bill in dealing with it at such length. In my comparative old age, lacking possibly some of their enthusiasm, I will only say that my background as a Minister of Local Government for 10 years was such that I came to have great faith in local government and I realized that the State did not tick properly without co-operation between local

government and State Government. If any member of the Labor Party in this Council suggests that that Party has the co-operation of local government in this State today, he is not telling the truth. What is more, Labor Party members know it only too well. Most people enjoy flattery, and I will flatter the Minister of Local Government by saying that I told him last October or November that I did not think he would be game to introduce a Bill to amend the Local Government Act along the lines he suggested. He told me that he would introduce such a Bill and I said, "Look, young fellow, you are playing with fire, and fire is something I know something about." As a result of reactions to the Bill, he retreated under the heat and watered down the Bill. So we find that, under certain conditions, councils can opt out of certain voting conditions.

As I say, I am flattering the Minister of Local Government; he did introduce the Bill, and I am certain that he is at present regretting it. When local government started off in our mother country a few centuries ago, it was composed of groups of local citizens who voluntarily banded together for the good of their district. If we follow the history of that system through the years and into this country up to the present, we find that we still have voluntary assistance, whereby people give hours and days a month in the service of councils. They give their time freely and with pleasure to assist the people around them who are contributing their money. I will not say they are contributing voluntarily, but they are contributing with a certain amount of satisfaction, if their money is spent reasonably. They voluntarily elect their representatives to spend the money they contribute. That is surely the basis of the philosophy we live by. District councils are localized bodies that do not have tremendous power. Let us compare them with the trade unions. Do the trade unions allow the people in this place a vote on trade union matters?

The Hon. D. H. L. Banfield: Of course they do, if the person is a union member.

The Hon. Sir NORMAN JUDE: The honourable member will have plenty of opportunity to speak during this debate. Councils have localized power, compared with that of trade unions. However, even trade unions do not suggest that their members should vote compulsorily; if they did, perhaps we would not have as much trouble as we have today in this State. Three, four, or five years ago a prominent member of this Council, the then Minister of Local Government, for whom I have great admiration, set up the Local Government Act Revision Committee, and some years later (in July, 1970) a child was born. What a lusty baby! It cost $17,000 to print. The total cost, apart from printing, was about $40,000. In setting up the committee the idea of members of Parliament, regardless of Party, was that the principal Act had become so cumbersome that we would have to have an entirely new Act that was up to date. In addition, the committee was to investigate methods of rating and it came to light with this lusty baby that contains much valuable material.

It is a tragedy to think that the Government of the day, instead of introducing a minor Bill to make certain desirable amendments to the principal Act, went viciously into a new system of franchise that is not even dealt with in the committee's report. Surely a minor Bill could have been introduced to make necessary improvements; that would have been the way to tackle the matter. Instead, we get under a partial camouflage a Bill of about 160 clauses, some of which may be desirable. I have not considered all the clauses. I have no intention of considering the minor ones at this stage. However, I understand from some of my colleagues that some of the clauses are acceptable. Under this partial camouflage, this vicious Bill, reeking of the narrowest Labor Party political platform, and for which Government members claim they have a mandate, has been introduced. I do not recall any broad mandate on those principles. An election speech does not necessarily give a mandate to turn the whole State upside down. Nevertheless, the Labor Party appointed the committee, which produced its report at a cost of about $60,000. The Hon. Mr. Banfield can answer that in due course. The councils may opt on certain matters, but the councils have spoken (and not merely mildly dissented) with vehement indignation. Previous Ministers of Local Government, particularly the Hon. Mr. Bevan, gave unstinted praise to those who served him in local government without fear or favour. The vapourings we have heard in the past week or two about democracy would turn in the speakers' mouths and ears if they thought about them. So I suggest that the Government withdraw the Bill (that would be the proper thing to do) and not see it defeated under the pressure of common sense.

The Hon. D. H. L. Banfield: You aren't threatening defeat of the Bill, are you?

The Hon. Sir NORMAN JUDE: I suggest the Government then think about a new Local Government Act based partially on the sound recommendations of the committee and let Parliament have time to consider a Bill at length, because it is a major operation. Any honourable member who thinks otherwise and considers that such a Bill can be debated within a few days of the end of a session, does not know the proper and desirable processes of legislation. Consequently, I oppose the Bill forthwith as being an unworthy measure. The Bill has been a fantastic waste of the Parliamentary Draftsman's time; he could well have served the State in other matters requiring more immediate attention.

The Hon. L. R. HART (Midland): From time to time measures come before the Council that attract the attention of the people of the State. Honourable members may recall other occasions where legislation brought forward has affected the welfare of the people of the State, and they have been prepared to come forward and express indignation at and opposition to such legislation. The Bill before us is another Bill that comes into this category. I do not know of any other legislation that has attracted such opposition from organized bodies in this State. It has been suggested in the past that, when there has been opposition to a certain measure before the Council, the opposition has been organized. On this occasion, the opposition to this Bill has not been organized but has come from organized groups of people, namely, the councils themselves—the people whom the measure affects.

The present Local Government Act, which was assented to in October, 1934, consisted at that time of 908 sections. One could well say that it was a voluminous Act. The Act was reprinted in April, 1961, incorporating all of the amendments made prior to that date. One would have to do considerable research to know how many times sections in the Act have been amended since 1934 (possibly several hundred times would be somewhere near the mark). It is therefore obvious that the present Act has become cumbersome and hard to follow. I think the situation was summed up very well by the Local Government Act Revision Committee, in the report of which item 18 states:

The existing Act is too complex and confusing. In far too many cases its provisions can only be found by engaging in a paperchase through numerous sections that are often hundreds of sections apart and that have no cross-references.

It is on that basis that the need exists for the revision of this Act. What did the committee recommend? Did it recommend all of the things in the present Bill? Did it recommend it was urgent that the provisions in the Bill should be introduced forthwith? No, it did not recommend any of these things. It made a number of recommendations, but it did not set out any priorities. The priorities in the Bill are those of the Government, not those that the local government organizations in the State required or requested. These are the priorities as the Government sees them. Item 17 in the report states:

The present Act is too cumbersome. Many of its procedures, although appropriate for the 19th century conditions for which they were originally drafted, are out of touch with the need for speedy decisions which is a characteristic of the present age.

Item 19 states:

Local government develops best by evolution, not revolution. Accordingly, care must be taken to ensure that all changes that are effected are in the proper course of development of local government and are within its practical attainment.

Item 20 states:

The present Act embodies principles which have worked effectively. They should be preserved.

I do not think anyone in his wildest dreams would say that the Bill before us preserves the principles of the Local Government Act as we know it today. The Committee suggests that any improvements to the Act should be not revolutionary but should come by evolution.

It has been suggested that politics exist in local government and that the Liberal and Country League is involved in such politics. I should like to put the record straight on the question of the L.C.L's. involvement in local government.. There is a certain amount of involvement by a district committee that is set up for the specific purpose of carrying out a preselection among its financial members who are desirous of contesting a seat in local government. Is there anything wrong with that? If there is a group of people interested in contesting a seat in local government is there any reason why they should not group together for the purpose of holding a plebiscite and deciding which of the financial members should be entitled to contest the seat? Provision is made in the Constitution of the Liberal and Country League for this specific purpose, and I shall read clause 28:

Any district committee and/or portion of a district committee within a municipality may form a municipal district committee, and such municipal district committee may, with the approval of the council, endorse candidates for and take part in municipal elections. Notwithstanding anything contained in the Constitution no member who is not financial and who at the close of nominations is not enrolled on the voters roll for the municipality for which the selection is to be made shall be eligible to vote on any ballot for the selection of any municipal candidate.

There is only one such district committee operating in South Australia, the Adelaide Municipal District Committee, which carries out the very function I mentioned earlier. It merely carries out preselection to decide which candidate could seek election. There is no further involvement by the L.C.L. in South Australia in such an election. I hope this makes the situation clear to honourable members.

It has been said during the course of this debate and by interjection that South Australia is a decadent State, 50 years behind the times. Queensland was mentioned, the inference being that it was a progressive State in that it had only one Parliament. Has any member not heard of the Greater Brisbane City Council? Queensland has two Parliaments, not one; the Greater Brisbane City Council is a Parliament on its own. If anyone doubts that, look at the money involved, and let him suggest we adopt a similar scheme in South Australia. Look at the salaries paid to these people. The Lord Mayor of Brisbane gets a salary of $11,282 and an electoral allowance of a similar amount, giving a total of $23,564. Against that the Premier of Queensland receives a mere $15,795, about $8,000 less than the Lord Mayor of Brisbane. The Lord Mayor does not take all of his electoral allowance; I believe he takes only sufficient to cover superannuation payments, but being a wealthy man perhaps that is to his advantage, because he could be brought into a higher taxation bracket.

The Deputy Lord Mayor receives $7,000 a year, and there are five chairmen of committees each receiving $7,000 a year. There are 28 aldermen each receiving $5,835 a year. Members tell us there is only one Parliament in Queensland. There is only one as we know it, but there are two bodies, each acting as a Parliament. The ordinary member of Parliament in Queensland, with huge areas to cover, receives only $7,560, about $2,000 more than an alderman, who only covers the metropolitan area. Let us hear no more of this tommy rot about South Australia being behind the times and Queensland being a far better State.

Many provisions of this Bill have been strongly opposed by local government authorities, the people who should know. The provisions in the measure are Labor Party policy, and perhaps we should admire the Labor Party for its courage in bringing forward this legislation, but at the same time we should deplore its lack of discretion. I refer to clause 71 in the Bill, as did the Hon. Mr. Dawkins, which sets out to amend section 287. This lays down how a council shall expend its moneys. The amendment provides that a council may expend its revenue in subscribing (if the Minister approves in writing of expenditure for that purpose) to the funds of any organization that has as its principal object the development of any part of the State including, or comprised within, the area of the council, or the furtherance of the interests of local government in the State or Australia. I wish to emphasize these words: if the Minister approves in writing of expenditure for that purpose.

Turning to clause 72, covering the provision of homes and services for the aged and infirm by local government, we see this:

A council may expend any portion of its revenue in the provision of dwellinghouses, home units, hospitals, infirmaries, nursing homes, chapels, recreational facilities, domiciliary services of any kind whatsoever, and any other facilities or services for the use or enjoyment of aged, handicapped or infirm persons.

Nobody objects to the principle that a council may become involved in the provision of care for the aged and infirm. A council may expend any portion of its revenue for this purpose, and yet, if it wants to join the Local Government Association or some other body with principles equally high, then it must obtain permission in writing from the Minister.

One warning in relation to the provision of homes for the aged: I am not suggesting councils should not be involved, but there is a danger. Many bodies provide facilities, domiciliary care, recreation services, and so on, for the aged. Most do it on a charge basis. They attract people who are in a position to make some contribution. The only people in this category who would be left for local government to care for would be those not in a position to make any contribution towards their upkeep.

The Hon. A. J. Shard: Are there any such people as those you describe?

The Hon. L. R. HART: I know what the Minister is referring to. These people will have a pension.

The Hon. A. J. Shard: That is right.

The Hon. L. R. HART: But there are categories of people who have money other than pensions and are able to pay the full cost of the provisions or facilities they enjoy. I am not opposed to local government being involved in this, although local government could find itself involved in a situation here that would cost the ratepayers much money.

The Hon. A. J. Shard: I disagree with the honourable member there.

The Hon. L. R. HART: A council could get itself emotionally involved in this sort of work; it could involve its ratepayers in huge sums of money in the capital cost of various undertakings which, once provided, would have to be maintained. Before councils enter into this field, they should be careful to make sure that they are able to carry these things through.

The Hon. C. M. Hill: That provision for the aged people should be brought down in a separate Bill for a full-scale debate, standing on its own, instead of being mixed up with all the other rubbish in this Bill.

The Hon. L. R. HART: Yes. Perhaps the Minister could give me this information when he replies to the debate. Will the councils providing these facilities qualify for the subsidies available from the Commonwealth Government and the State Government, as other bodies do?

The Hon. A. J. Shard: To my mind, without any doubt.

The Hon. L. R. HART: I am pleased to hear that. I wish that could be made clear, because without the subsidies provided by the Commonwealth and State Governments these facilities could not be provided by local government. Other aspects of the Bill have already been debated. At this stage I indicate that I am not prepared to support it in its present form. I may have to vote against it on second reading unless some further suggestions lead me to change my mind.

The Hon. A. M. WHYTE (Northern): It is hard to devote much time to this Bill, because it can be summed up so quickly. We have never before been confronted with a Bill that does so much to wreck our democratic type of government in South Australia. True, the people who serve in local government realize that from time to time points arise that they would like to discuss with their Minister with a view to the Act being revised.

In 1965 the Hon. Stan Bevan, the then Minister of Local Government, had a committee appointed to investigate the whole Local Government Act. That committee worked for some five years to compile a voluminous report. It contains so many recommendations that it would take a long time for any one council to consider them fully. The present Minister of Local Government was generous in his statement when this report was tabled, when he said:

> 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.

The Hon. C. M. Hill: He gave local government six months to consider it, and then he brought in this Bill.

The Hon. A. M. WHYTE: Perhaps he wrote this Bill after a heavy night out, because he did not give much consideration to the recommendations. If this measure was allowed to come into operation, it would create utter chaos. When we consider the amount of work that members of local government do, and the time, the labour and the thought that they conscientiously contribute, we must appreciate that, if we disrupt all that and power is handed over to a central group of a few people to run the whole State in local government matters, it is just too silly for words. Some arguments that have been put up to defend the Minister's action do not ring true—and I do not think the Minister himself believes them, either. However, having written the Bill, he must make some attempt to defend it.

Local government is constituted by people who are concerned about their district; they act to the best of their ability on behalf of those people who elect them and they are always under the close scrutiny of the electors. Having spent some years in local government, I know how difficult it is to do everything that is required of one who serves on a council or a corporation. People expect the revenue available to be spent in so many directions that it is impossible to accede to all requests. Local government is so valuable that we cannot afford to change it from its present form. The franchise is something that has got underneath the Minister's skin, as he has indicated so many times that it is not right for people who have an equity in a district but do not live there to choose their spokesmen. He says that is all wrong, that everyone who likes to come along can take over local government. He says that is good. A council or a local body of ratepayers differs very little from any other association,

such as the football league, the Kindergarten Union, or even the Australian Labor Party itself.

The Hon. D. H. L. Banfield: That certainly means something.

The Hon. A. M. WHYTE: Yes, of course; I am pleased that the honourable member has interjected and indicated just how much the A.L.P. means to him. He would be somewhat upset if the A.L.P. suddenly made a ruling that an L.C.L. member could go along to one of its meetings and vote. The Government is saying that someone can come into a district and be entitled to the same vote as a person who has lived there all his life, whose whole livelihood depends on that district.

The Hon. D. H. L. Banfield: If a person buys a property in a district, within 10 minutes he can be a ratepayer; he does not have to live there all his life.

The Hon. A. M. WHYTE: He would be entitled to vote if he bought a property. Residents within an Engineering and Water Supply Department camp that was set up in a small community could play a dominant role in electing the chairman of a district council.

When I became aware of the general nature of the Bill I did not study it thoroughly. Some clauses in it are in accordance with the recommendations of the Local Government Act Revision Committe, but the whole Bill should have been based on that committee's report. The Minister said that councils would be given six months in which to study the report, but there was no point in giving councils that time if the Minister did not want to know their views, anyway. Councils have done their best to study the report. Some councils were so appalled at the draft of this Bill that they immediately issued protests.

Local government has functioned well in the whole of Australia, particularly South Australia. In some States local government has been robbed of its power. I shall quote an instance of what can happen when local government loses its local control. A gentleman told me that in New South Wales one property owner paid $22,000 a year in rates, yet it was 22 years since that property owner had had a grader on his road. That is the sort of thing that can happen when there is centralized power. I hope we never see such a system in South Australia. At present councils control their local areas, and local residents take a close interest in their councils. This system works so well that I cannot understand why the Minister should have concocted a Bill that will establish a system that is exactly the opposite; it will take away from local people a voice in community matters.

The Hon. R. C. DeGaris: If everyone in the district had to contribute rates, would you have any objection to full adult franchise?

The Hon. D. H. L. Banfield: Or, would you exclude 15 per cent of the people, as you have done in connection with elections for this Council?

The Hon. A. M. WHYTE: The Leader has made a very good point, but it is unlikely that everyone in a district will be a ratepayer.

The Hon. T. M. Casey: Do you think that politics might creep into such a system?

The Hon. A. M. WHYTE: That is the very danger of this Bill. Local government is not concerned with politics.

The Hon. T. M. Casey: Do you know that the Burnside council has withdrawn from the Local Government Association?

The Hon. A. M. WHYTE: It may have had a confrontation with the association. We must remember that the association is not local government.

The Hon. T. M. Casey: It might have withdrawn because it was fed up with politics.

The Hon. C. M. Hill: I believe that 137 councils are members of the association and only four councils are not members.

The Hon. A. M. WHYTE: If a council thinks that it is being infiltrated by politics and if it thinks it can avoid that by withdrawing from the Local Government Association, it should do so. However, I believe that local government is not in any way political. Anyone who attempted to introduce politics into the councils that I know about would fall far short of meeting the requirements of local residents.

The Hon. D. H. L. Banfield: Surely the fact that the Lord Mayor of Adelaide is selected by the Liberal and Country League shows that politics do enter into local government.

The Hon. A. M. WHYTE: What does it matter? If a council has a good man, why condemn his politics? This Bill is one of the most poorly concocted pieces of legislation with which we have had to deal. It does not serve the purposes that the Minister said it would serve. I believe the Bill would go a long way towards centralizing power in a small group and would disrupt the type of government the State has enjoyed for so long. I oppose the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

ADJOURNMENT

At 9.46 p.m. the Council adjourned until Thursday, March 25, at 2.15 p.m.