LEGISLATIVE COUNCIL

Thursday, March 25, 1971

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Civil Aviation (Carriers' Liability) Act Amendment,

Fruit Fly (Compensation),

Local and District Criminal Courts Act Amendment,

River Murray Waters (Dartmouth Reservoir).

QUESTIONS

LAND TAX

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my further question this week about rural land tax?

The Hon. A. J. SHARD: The best information available indicates that the aggregate assessment for all rural land is about 25 per cent greater than the previous aggregate assessment based five years earlier. Had the Government not introduced special concessions for rural land it is estimated that the application of the existing rates of tax would, by virtue of the progressive scales, have increased the yield of tax by about 40 per cent. The present yield from land tax on rural properties is estimated to be about $1,100,000 a year, and in 1971-72 this would have risen to about $1,550,000. However, the amending Act passed earlier this session provided for significant concessions to be given in respect of rural land.

The tax is to be reduced for rural properties by 40 per cent of the rates now applying for properties valued up to $40,000, and for reductions equal to 2c for each $10 of unimproved value for properties valued at more than $40,000. For the latter higher-valued properties, the concession will be about 33 per cent at $50,000; about 18 per cent at $100,000; and about 10 per cent at $200,000. The effect of the concessions will probably be to reduce a potential yield of about $1,550,000 from rural land at the new assessment and at existing rates to about $1,000,000, or a little less.

As to the increases in valuations that have taken place in the various areas of the State, it is not possible to be precise. It seems that the increase in the far West Coast area and the South-East of the State has been higher than elsewhere and generally about three quarters or 75 per cent. For the central areas and Yorke Peninsula, the general picture is of a lesser increase—about one-third to 40 per cent. In the Lower and Mid Northern areas, the increase is less again, about 20 per cent on average, whilst for the Murray Mallee and Murray irrigation areas, there has been no increase overall.

The Hon. Sir NORMAN JUDE: Has the Chief Secretary a reply to my recent question regarding the availability of appeal forms?

The Hon. A. J. SHARD: Fresh supplies of appeal forms have been obtained and are available from the Valuation Department.

FIREARMS

The Hon. A. M. WHYTE: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. A. M. WHYTE: This morning's *Advertiser* contains an advertisement for a high-powered air gun, as a sportsman's special, selling at $11.90. I believe that a rifled air gun is a lethal weapon for two reasons: first, the velocity is very high and sufficient to kill at a considerable distance and, secondly, it makes very little noise. It seems wrong that such firearms could fall into the hands of children, despite the provision in the Act that a person must be over the age of 15 years to obtain a licence. Can the Chief Secretary ensure that this type of firearm is correctly advertised by a statement that it is a very lethal weapon?

The Hon. A. J. SHARD: I do not know how the Government could ask that this type of firearm be correctly advertised. I am aware of the problem of this type of weapon. Since I have been in office this time a Conference of Chief Secretaries has dealt with this matter. There was a feeling at the conference that much laxity existed in the issuing of firearm licences. When I submitted a report to Cabinet it was decided that, because departmental officers were to meet to endeavour to introduce uniform legislation throughout Australia, the Government would await the result of that meeting before coming to a decision. However, I shall examine this question to see whether anything can be done.

LOCAL GOVERNMENT CLERKS

The Hon. C. M. HILL: Has the Minister of Lands, representing the Minister of Local Government, a reply to my question of March 9 regarding the shortage of local government clerks?

The Hon. A. F. KNEEBONE: A reply has been supplied to me by my colleague the Minister of Local Government, in the following terms:

The Local Government Officers (Qualification) Regulations require that candidates for the Local Government Clerks Certificate shall possess passes in three Leaving subjects, including certain specified subjects, or shall possess passes in some other examination considered by the Local Government Clerks Examination Committee to be equivalent. The committee has no discretionary power to accept a candidate without those prerequisite requirements. On the committee's recommendation, draft amending regulations are being prepared and will be submitted to the Government shortly for consideration. The proposed amendment will enable the committee to accept candidates who do not hold these prerequisite standards but whom the committee considers to be suitable persons for admittance as candidates.

RAILWAYS INSTITUTE

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

Leave granted.

The Hon. C. M. HILL: Some time ago the Railways Institute building had to be demolished to make way for the new festival hall. At that time accommodation was found in premises on North Terrace as alternative accommodation and plans were put in train for the ultimate provision of adequate and appropriate accommodation. The provision of a first-rate building for the Railways Institute is most important as it is an amenity that the South Australian Railways has always had and deserves. First, what stage has been reached in the provision of a new Railways Institute building? Secondly, can the Minister tell me the name of the architect, the exact site of the proposed building and the estimated or contract price of the project?

The Hon. A. F. KNEEBONE: I cannot give the honourable member the answers now but I will get a report from my colleague and bring back replies as soon as possible.

INDUSTRIES ASSISTANCE

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to a question I asked recently about assistance to industries in South Australia?

The Hon. A. J. SHARD: Since this Government assumed office, the financial assistance that has been approved for individuals or companies wishing to establish their enterprises in South Australia amounts to $1,969,000 and the amount that has been approved to assist individuals or companies to carry on, expand, alter or re-site their enterprises in South Australia is $2,766,000. These amounts are made up of $103,000 by way of Government guarantees on loans from banks, $153,000 from the Country Secondary Industries Fund, and $4,479,000 being the value of land and buildings provided pursuant to section 25 of the Industries Development Act by the South Australian Housing Trust.

The Hon. R. C. DeGARIS: I thank the Chief Secretary for that information, and ask a further question. How many of the projects have been reported on by the Industries Development Committee?

The Hon. A. J. SHARD: I will endeavour to secure that information for the honourable member.

AGENT-GENERAL ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

As honourable members are no doubt aware, Mr. R. C. Taylor has been appointed Agent-General for South Australia in the United Kingdom, to take the place of Mr. K. L. Milne, whose term of office expires on March 20, 1971. Mr. Taylor's term of office commences on April 1, 1971, within a short time of which he will take up duty in London. The Bill increases the salary and expenses allowance payable to the Agent-General and renders him responsible to the Premier instead of to the Treasurer.

As the Act now stands, the salary has been £4,460 sterling a year since 1967 and the expenses allowance has been £3,375 sterling a year since 1970. It was a condition of Mr. Taylor's acceptance of the appointment that his salary would not suffer and, as the Public Service Board was to consider the Agent-General's salary and allowance when senior salaries are reviewed later this year, the Government believes that the increases proposed by the Bill should operate from the commencement of Mr. Taylor's term of office. It is proposed that his salary will be £5,000 sterling ($10,746 Australian) and his expenses allowance £4,200 sterling ($9,027 Australian).

The Bill also removes the control over the office of Agent-General from the Treasurer's Department and places it in the hands of the Premier's Department, where it now more properly belongs. The supervision and appointment of the Agent-General have in fact been largely carried out through the Premier's Department for some years, and it is felt that this situation ought to be regularized. Mr. Taylor has been led to understand that he will be answerable direct to the Premier. As the matters contained in the Bill must be in effect by April 1, I recommend that this Bill be passed with as little delay as possible.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 fixes the commencement of this amending Act on April 1, so that the existing provisions regarding salary and allowance are preserved until that date. Clause 3 amends section 4 of the principal Act, which deals with the office of Agent-General, by substituting the word "Premier" for "Treasurer" wherever it occurs. Clause 4 amends section 5 of the principal Act, which deals with salary and allowances, by deleting the two existing paragraphs which specify the rates of payment. New paragraph (*a*) provides for an annual salary of £5,000 sterling, payable from April 1, 1971, and new paragraph (*b*) provides for an annual expenses allowance of £4,200 sterling, payable from the same date.

The Hon. R. C. DeGARIS (Leader of the Opposition): I do not see any reason why this Bill should be delayed and I support the second reading. I am sure all honourable members would like to convey to Mr. Taylor their best regards in connection with his new appointment. In fairness, I must say that the retiring Agent-General for South Australia in the United Kingdom, Mr. K. L. Milne, performed his duties very efficiently. It is reasonable that the amounts for expenses and salary of the Agent-General be increased. We all appreciate how much work the Agent-General does and the responsibility of his office. Every member in this Council will wish Mr. Taylor well in his new appointment. Those of us who have had knowledge of him during the period of his residence in South Australia recognize him as a dynamic character who will carry on the work of Agent-General to the benefit of South Australia. I am not quite clear about the change mentioned in the second reading explanation, from which I quote:

Mr. Taylor has been led to understand that he will be answerable directly to the Premier.

I am not quite sure of the situation, but I assume it is the wish of the Government that this be so. I had somewhat different ideas, but I do not raise any objection to the matter, and I support the Bill.

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

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

That this Bill be now read a third time.

I thank members, especially the Leader, for their courtesy in passing this Bill so promptly. It is one that must go through quickly. I think I should reply to the point mentioned by the Leader about the transfer of responsibility from the Treasurer to the Premier. There is no doubt in my mind that the work of the Agent-General in industry and development is controlled by the Premier rather than the Treasurer. In previous Governments—and I say this without disrespect—sometimes one Cabinet Minister has been Premier and another Treasurer. Under that arrangement the Agent-General was responsible to the Treasurer, and personally I do not think that is desirable, so we are now providing for the change. I think this clarifies the situation and I am sure the Leader will agree with that contention.

I also thank the Leader for his remarks about the success of Mr. Milne as Agent-General. That is most pleasing to me, and gives me a little satisfaction to know that Mr. Milne has done an extraordinary good job as Agent-General in London. Many people have commented to me on this, and I might be egotistical enough to say I played quite a part in his appointment. It is very satisfying, after selecting someone quite away from the type of person we have known previously in our Agents-General over the years, to find that the man selected has done a really good job.

I agree with the Leader that Mr. Taylor will take with him the best wishes of all members. We wish him success in his work and we hope he will have a very enjoyable and successful time as Agent-General for South Australia in London.

Bill read a third time and passed.

AGE OF MAJORITY (REDUCTION) BILL

In Committee.

(Continued from March 24. Page 4287.)

Part XXX—reconsidered.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Hon. Mr. Story wished to

contribute to this debate but, because of indisposition, he is unable to be present. We should consider this question after we have disposed of the Local Government Act Amendment Bill. If that Bill is defeated (and many members have indicated their opposition to it) and this Part is passed, we will have the situation where this one council area will have 18 years as the age at which a person can be elected to the council, whereas for the rest of the council areas the voting age will still be 21 years. I have two courses: first, to oppose this Part or, secondly, to ask the Minister to report progress until a vote has been taken on the Local Government Act Amendment Bill.

The Hon. A. F. KNEEBONE (Minister of Lands): These provisions in this Part cover the rights of a person to become a member of the trust. Section 11 of the Renmark Irrigation Trust Act refers to an age of 21 years, but this amendment will reduce that age to 18 years. The Leader suggests that this would give the right to someone to become a member of the trust at the age of 18 years, and that this would affect the situation of councils. I understand that in local government the person has to be over 21 years in addition to owning property in order to stand for election.

The Hon. R. C. DeGaris: He can be an occupier.

The Hon. A. F. KNEEBONE: I understood the argument concerning the Local Government Act Amendment Bill was that a person should be entitled to vote because he owned certain property.

The Hon. R. C. DeGaris: Or was an occupier.

The Hon. A. F. KNEEBONE: I did not think anyone referred to the fact that the person should be over 21 years of age. I do not think any age was mentioned. How can that be lined up with the situation here? I see no reason for further delaying the Bill.

The Hon. R. C. DeGARIS: There is no reason to delay the Bill. The Local Government Act will reduce the age to 18 years if the Constitution Act Amendment Bill becomes law. If the Local Government Bill is defeated, the Renmark Irrigation Trust will have a different set of rules from local government outside. I maintain that we should deal with the Local Government Act Amendment Bill before further considering this Part relating to the Renmark Irrigation Trust.

The Hon. A. F. KNEEBONE: I agree that this is the way the Committee should approach the matter.

Progress reported; Committee to sit again.

Later:

The Hon. R. C. DeGARIS: I suggest that this Part be deleted. I am not expressing an opinion about a person of 18 years of age voting for the Renmark Irrigation Trust. Perhaps the Local Government Act could be amended later to alter the age from 21 years to 18 years. At this stage, I think it is probably safer and more consistent to delete this Part.

The Hon. C. M. HILL: Can the Minister say whether this amendment involves the question of qualifications of people to be members of the trust as well as qualifications for people between 18 years and 21 years to vote at trust elections?

The Hon. A. F. KNEEBONE: From my research, it seems that a ratepayer in the Renmark Irrigation Trust area of 18 years or upwards has been entitled to vote since 1936. The limiting factor is that at present a member of the trust responsible for its administration has to be 21 years of age. This amendment has nothing to do with voting rights. The Government feels that the present restriction should be removed.

The Hon. R. C. DeGARIS: This is a reasonable explanation, and I suggest that we accept it.

Part passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

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

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill has been a rather complex matter for the Council to deal with as it involves the cross-over with the Constitution Act Amendment Bill (Voting Age). I stated clearly throughout the debate that I believed that the age of majority and the age of voting should go hand-in-hand and that it would be foolish to have separate ages—one for voting and one for the legal age of majority. During the debates on both Bills certain difficulties arose on this score. We have before us, for consideration, disagreement between the two Houses on amendments to the Constitution Act. I believe that the third reading of this Bill should be adjourned

to ensure that we have one Bill settled before dealing with the other Bill; otherwise, we might be in a position of having two separate ages—one for constitutional voting and one for the age of majority. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

LOCAL GOVERNMENT ACT AMENDMENT BILL (FRANCHISE)

Adjourned debate on second reading.

(Continued from March 24. Page 4304.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): In common, I imagine, with most other honourable members, I understand that when this Bill was introduced it would be for the purpose of adopting the recommendations of the Local Government Act Revision Committee, which for several years had been considering the totality of the Local Government Act. But instead of that, what do we find? We find that about 29 of the 40 pages of the Bill are devoted to altering the voting system for local government in South Australia—a matter which, I understand, was not even dealt with by the committee, let alone being the subject of any recommendation by it. Some very high-flown language has been used in this debate, as no doubt was also the case in the other House. Even Abraham Lincoln was referred to.

The Hon. M. B. Dawkins: Incorrectly.

The Hon. Sir ARTHUR RYMILL: Yes. The Minister said:

> It is my firm belief that Government at all levels should be based on the principles of democracy as enunciated by Abraham Lincoln many years ago and accepted throughout the free world—

That was a wonderful start. The Minister continued:

> The purpose of this Bill to provide full adult franchise is completely in accord with the time-honoured principles of democracy in that it provides for government of the people for the people by the people.

Later, when referring to the present voting set-up, the Minister said:

> This is a travesty of democratic right and personal dignity that should have been rectified years ago.

I find all these statements rather fraudulent. I think the Bill is a cynical attempt by the Labor Party to cash in on its successful propaganda about one vote one value and about adult franchise being the only democratic and moral franchise, for the purpose of securing local government control by the Labor Party for ever. That, in my opinion, is the Bill's objective. It shows how false these catch-cries can be, and it shows how ridiculous it is to preach that adult franchise is the only proper form of franchise everywhere; and it is a perfect example of illogicality in applying that franchise.

I propose to give a few examples of this, particularly in relation to companies. I shall give an instance in regard to the Adelaide City Council, about which I claim to know a little. The two city wards, which are the business wards (of course, they have some residents, mainly in their lesser streets) between them provide nearly three-quarters of the total rates of the Adelaide City Council. Most of that three-quarters is made up of rates paid by businesses, and in particular by public and proprietary companies. The main ward is Hindmarsh, where nearly one-half of the total city rates is provided—again, mainly by companies.

The two biggest life assurance company buildings between them provide $206,000 a year out of the total $3,390,000, which would be, I should think, about 6 per cent or 7 per cent. The 10 major life companies between them provide $345,000 out of that $3,390,000, which is over 10 per cent of the total city rate. I am advised that, in respect of those big buildings paying that enormous amount of rates, there is only one man in Adelaide entitled to vote for any of those buildings. That man happens to live within the city of Adelaide and would have to give up his own vote for the purpose of voting for one of these companies. The reason is, of course, that these are big Australia-wide companies and, although they have local boards of directors, they are not directors within the meaning of this Act; therefore, the only member on the boards of those companies (who happens to be a member of the principal board of one of those companies) is the only man who could vote for any of those 10 buildings.

He lives in the city of Adelaide and already has a vote for the Lord Mayor and aldermen; so, if he transferred his vote to the insurance company, he would not get any vote for that company at all because he already possesses one in respect of those offices. It would mean that he would transfer his vote for a councillor from his own ward, which is a different one, to the Hindmarsh ward in the city. This is preached to us in these wonderful high-flowing terms of justice and

democracy, but all these companies providing these enormous amounts in rates will be totally disfranchised from that council. That is only an example of what applies throughout local government in South Australia.

We have had all sorts of examples given us. We have been told that this adult franchise has been the position of local government in England since 1870. I believe it not to be correct but, assuming it is, this is an entirely different thing, which once again shows the fatuousness of trying to say that one particular form of local government should be applicable everywhere. The form of local government in England is much more similar to the status of our State Parliament than it is to our local government, because local government in England controls such things as education and housing, which are controlled by the State Parliaments in this country. So the situation, even if it is correct, is simply not comparable.

It has been said that the United States was lost to Britain on the precept of "no taxation without representation". One could also say that he who pays the piper calls the tune. There was a very good letter in last Saturday morning's paper (I think it was) from a former Lord Mayor of Adelaide, Mr. L. M. S. Hargrave, who compared this with the Labor Government's advocacy of compulsory unionism. I know that the Minister who brought down this Bill in another place is one of the greatest advocates of that, because he has been reported in the press extensively on this in recent months. His argument, which I remember clearly, was that we should have compulsory unionism because people who were not unionists were getting the benefit of the efforts of those who were paying their union dues and, therefore, they should be forced to pay union dues themselves.

The direct analogy here, of course, would be that, if we give non-ratepayers a vote, they should be forced to pay some sort of rates to the council involved. That is the direct analogy, but it goes a little further than that. I think the Government in advocating this franchise is doing considerably worse things than are done by the people who, it says, do not join unions, because the other analogy is that this Bill sets out not only to give these non-ratepayers the benefits of the services of local government, for which the ratepayers pay, but also to give them "a vote in the union" (which is the council). Taking again the analogy of compulsory unionism, the Government not only says they do not have to pay but also gives them a vote in the union, an idea at which honourable members opposite will throw up their hands in horror; and, even worse than that, in certain cities like Adelaide, it could give the non-ratepayers complete control of the Adelaide City Council.

The Hon. R. C. DeGaris: It could lead to non-ratepayers dictating the level of rates to be paid.

The Hon. Sir ARTHUR RYMILL: That is so. It would mean in these circumstances that people not paying rates could dictate the level of rates to be paid by the people who do have to pay them. The example of England is not a very good one to cite because many local government bodies in England levy rates at more than £1 in the £1. I think it can be as high as 24s. or 25s in the pound annual value, whereas compared with that our rates here are fractional. It does not suggest to me that that example would be a particularly good one to follow.

Let me take a few other companies as examples—for instance, the banks. The Bill states that to get a vote for a company a person, in order to get a substitute vote, must give up his own vote in his own suburb; he can then vote for the company if he has 5 per cent of the shares of the company or if he is a director of the company; but he must give up his own vote in the same council or in another council to get this. Let us take the example of the magnificent new National Bank building in King William Street. The rates it will pay to the city council will be colossal. There is not one soul qualified to vote for that building or for the Bank of New South Wales building or for the A.N.Z. Bank building on the corner of King William Street and Currie Street. We could go through a vast range of people who make Adelaide a beautiful city through their contributions to rates yet they would have no say in the spending of that money or in the management of the city. If anyone thinks that that is logical, he should be examined.

I have given a few examples of the situation. If there is a resident caretaker in one of the buildings I have referred to, he and the whole of his adult family can get a vote, whereas the owner of the building has no representation at all. That is what this Bill means. It just does not bear examination in a logical way in any form whatsoever. As I have said, the Bill is mainly related to voting, except for some clauses related to other

important matters. However, the Bill is unseverable. I do not see how I can suggest amendments to the Bill in a satisfactory way. It should be taken away and redrafted by cutting out the voting provisions and then brought back with the sensible provisions. We could then have another look at it. I have no hesitation in saying that I will vote against the second reading.

The Hon. D. H. L. BANFIELD (Central No. 1): I support the Bill. I was surprised at some of the utterances made by members opposite. Of course, since this is a democratic country, they are entitled to make those utterances. When the Bill reaches the Committee stage, the Minister will refer to some of the points made, but I shall reply to some points now and I shall correct some of the things quoted or misquoted in various letters. Last night we were given excerpts from letters that suggested that all councils were opposed to the Bill. The Chief Secretary eventually got one of the speakers to admit that possibly the Prospect council, for one, was not against the Bill. I point out that, as far as local government is concerned, the Prospect district is not in any way a district favouring the Labor Party, any more than the Enfield district is not necessarily a district favouring the Liberal and Country League. Of course, politics do not enter into local government in any way!

It has been suggested that local government does not want politics to enter into this matter. However, local government itself is willing to play politics inside councils. When various speakers said that, if this Bill was passed, politics would enter into local government, I asked them what the position was in regard to the election of the Lord Mayor of Adelaide. We all know that anyone who wants to become Lord Mayor of this lovely city must get preselection from the L.C.L. If he does not, he has no chance of becoming Lord Mayor. The rule goes even further; one gentleman was told that he would get no further endorsement simply because he chaired a political meeting when a wellknown identity addressed the people of Adelaide. So, to say that politics do not enter into this matter is so much boloney.

The Hon. Sir Arthur Rymill said that the Bill was designed to give the A.L.P. control of local government for all time. Although his statement was incorrect, the honourable member obviously does not like the idea that people have had enough of L.C.L.-dominated councils, nor does he like the idea that, if people are given the right to vote for councils, perhaps the L.C.L. will lose its domination of various councils. The Hon. Mr. Dawkins said that this Bill was one of the worst Bills he had seen since he had been a member of this Council.

The Hon. M. B. Dawkins: I said it was the worst.

The Hon. D. H. L. BANFIELD: The reason why the honourable member made that statement was that this Bill alters the system of voting in such a way that the people will have an opportunity of saying whom they want to represent them in local government. The honourable member thinks that the proposed new system is bad because he especially has plenty to fear from full adult franchise. He would not be a member of this Council if a system of full adult franchise and compulsory voting had applied to elections for this place. So, the honourable member can be excused for his outburst of yesterday.

The Hon. Sir Norman Jude and the Hon. Mr. Whyte said that only ratepayers should have the right to vote, yet both honourable members are unwilling to have that principle applied to Legislative Council elections. Not all adults have the right to elect members of this Council, although all adults have to contribute towards the over-rated luxury of having us here. The Hon. Sir Norman Jude and the Hon. Mr. Whyte said that the people who pay should have the right to vote, but they deny that right to some of the people who pay towards our being here. Of course, that does not come into the matter because it is different! Those honourable members' principles can change from day to day and hour to hour, and we get two or three different stories within the one week.

I have received three or four letters from ratepayers of the Walkerville council. Further, I have received some signed letters from people who are supposedly ratepayers of that council; they signed forms sent to them by the Corporation of the Town of Walkerville. In other words, they were coerced into signing something and forwarding it to the Minister of Local Government. To show how much interest those ratepayers had in the district, I point out that they did not even alter the heading showing the name of the person to whom the letter was to go. Those people are not interested in local government: they are interested only in doing what two or three of their mates ask them to do. Only half a dozen ratepayers were willing to sign and

forward these letters, which ask honourable members to oppose the Bill. The letter sent out to ratepayers would have cost a great deal of money. They were not asked whether they wanted the money spent on putting the roads or footpaths in order, or putting the reserves in order. The Corporation of the Town of Walkerville is wasting the money of the ratepayers in sending out letters urging all ratepayers to vote against this Bill. It did not get a very good response. I quote from one letter which was addressed to me:

As a ratepayer in the Walkerville council area I am strongly in favour of the proposed changes to the Local Government Act whereby full adult franchise should be introduced. In my opinion the system is relevant to local government administration, and I ask you to take all steps to promote the Bill.

Another letter states:

As a ratepayer in the Walkerville council area I am strongly in favour of the proposed changes to the Local Government Act whereby full adult franchise will be introduced and the voting entitlement of owners or occupiers of property in more than one area will be reduced to a single vote. In my opinion this system is relevant to local government administration and I ask you to introduce this proposed amendment.

Mr. Russack yesterday quoted 89 per cent of a poll taken as being against the Bill. If a poll had been taken of 10 people it would mean that 8.9 people said they did not want the Bill.

The Hon. L. R. Hart: Would you be prepared to table those letters?

The Hon. D. H. L. BANFIELD: I do not doubt the honourable member when he quotes from correspondence he has received, and I assure him that I am willing to show him these signed letters. I am not reading letters that are in my own handwriting. I do not think it is very good that he should cast such reflections, and I do not think an honourable member is worthy of his place if we cannot trust each other in this place. I put that to the honourable member for consideration.

The Hon. L. R. Hart: I asked a simple question.

The Hon. D. H. L. BANFIELD: And it was a simple fellow who asked the question.

The Hon. R. C. DeGaris: And a simple answer.

The Hon. D. H. L. BANFIELD: I have a copy of a letter received in reply to that sent out from the Walkerville council. It is addressed to the Mayor and councillors of the Corporation of the Town of Walkerville:

Dear Sirs,

In reply to your undated form letter regarding the voting system for Council elections, I would be obliged if you would consider the following points.

(1) Your A: I support universal franchise and believe that a restricted franchise based on property or any other qualifications is undemocratic.

(2) Your B: As a foundation member of the S.A. Council for Civil Liberties, I have great difficulty in coming to terms with the idea of compulsory voting. On the other hand, in the absence of compulsory voting, community decisions are liable to be made by groups of activists, which is not necessarily always desirable. As you can see I am in two minds about this part and must give it further thought.

(3) Your C: For a person to have more than one vote purely on the basis of being a man of property seems to me iniquitous. The merit or standing of a citizen must not be determined on the basis of whether his grandfather managed to get hold of properties all over the metropolitan area or not.

(4) Your C (1): Your statement that the new voting system would increase administrative costs for the Council is extremely interesting. As a ratepayer I request that you send me a detailed analysis to back up this statement, and to explain precisely why a well designed new system should not lead to a lowering of costs rather than an increase.

I find the implication that an increase of cost automatically increases the rates unacceptable as it stands. I simply cannot believe that a modern and rational analysis of Council practices would not turn up considerable areas of possible savings.

(5) Your C (2): I note that you consider the introduction of party politics into local government to be undesirable, and wonder why. Party politics, let's face it, is the basis of all modern parliamentary democratic systems throughout the free western world, and there are of course countless local governments which function well on the basis of party political divisions.

I suggest members opposite cannot deny that, although they attempted to do so.

The Hon. G. J. Gilfillan: Can you name one?

The Hon. D. H. L. BANFIELD: One who suggested we do not want Party politics?

The Hon. G. J. Gilfillan: Name one council where Party politics apply.

The Hon. D. H. L. BANFIELD: One classic example is within the metropolitan area, where the Lord Mayor, to have a chance of reaching that position, must be endorsed by the Liberal and Country League. If that is not Party politics I ask the honourable member what would be Party politics, when one must go cap in hand to the L.C.L. to make sure of becoming Lord Mayor in this city of ours. The letter continues:

I am sure that you would not be ashamed to be the London County Council, to give but one example.

It appears that you think that party politics would mean that effective decision is made . . . elsewhere. This is simply not true unless the local decision makers deliberately abdicate their decision making powers to become puppets of a party machine or caucus.

I am at loss to understand what makes you think that the party political system discourages capable persons for seeking election. This is either a gross slander of all elected politicians in this and other democratic countries or a flight of fancy on your part.

(6) Your C (3): As it happens my paying rates does not entitle me to vote, as you well know. My wife through the accident of her birth and through co-ownership of our house does have this right and she whole-heartedly agrees with me that the basis upon which this right is given to her, and denied to me, is iniquitous. The fact that at present non-ratepayers and some ratepayers have no say in Council affairs is shocking. The Council is an instrument by which the community as a whole is supplied with a number of services and amenities. To restrict decisions in this area to those who pay rates, is equivalent to saying that only those people who pay income tax should have a vote in State or Commonwealth elections, which I am sure you would find unacceptable. The example of the much vaunted Greek democracy whereby a small minority of wealthy men banded together to retain their power over a large slave populace springs to mind.

The whole of your paragraph C (3) has the effect of a sly appeal to greed and egotism.

(7) Your C (4): Comments as above only more so.

(8) Your C (5): A situation in which one man has several votes in communal affairs and many others none is, as I have already pointed out, quite indefensible.

(9) Your C (6): You have a point here. I shall attempt to educate myself on the matter of compulsory voting by doing some reading and discussing it with my colleagues and friends.

(10) If you have read this far, I am grateful to you for your patience and would ask your indulgence for one last point; would you please inform me the precise number of these form letters you have sent out, why this form letter was not sent to my wife but to me, what was the total cost to the Council, *i.e.*, that is to me as a ratepayer, of this quite partisan political manoeuvre, and what action are other Councils in the Adelaide area taking on this issue?

Not everyone in the Walkerville council area is happy with the actions of the council. People feel, perhaps, that the council, along with others, should put its house in order.

The Walkerville council has spent this colossal amount of time, money and paper in sending out letters to ratepayers, very few of whom have acceded to the request. The Walkerville council has not held an election for five years. If the system is not tied up pretty well out there, I do not know what is. It really is not a democratic system where there is no election over a period of five years and people cannot vote.

The Hon. A. F. Kneebone: That shows how apathetic they are.

The Hon. D. H. L. BANFIELD: It is true they are apathetic, but this is the result of the manoeuvring of the council.

The Hon. A. F. Kneebone: It is the system that causes it.

The Hon. D. H. L. BANFIELD: That is right. For years people have been apathetic in relation to voting for the Legislative Council, but now they are waking from their apathy. In spite of the 89 per cent quoted by the Hon. Mr. Russack last evening who are against the Bill, we find that, in fact, few people are against it. A circular letter was sent out by the council to its ratepayers that stated:

As a ratepayer in the Walkerville council area I am opposed to the proposed changes to the Local Government Act whereby full adult franchise and compulsory voting will be introduced and the voting entitlement of owners or occupiers of property in more than one area will be reduced. In my opinion this system is not relevant in local government administration, and I ask you not to introduce this proposed amendment.

That was sent to each of the 3,000 ratepayers in the area of the Corporation of the Town of Walkerville, and had to be signed and forwarded to the Minister of Local Government. I have received letters from people objecting to this Bill, but I have also received an equal number from those who favour it. The Hon. Mr. Russack had to travel almost outside the State to obtain the figures that he quoted. He could not find a council to supply him with such figures until he had travelled a long distance. These figures do not tell us how many ratepayers went to the poll: no doubt some people voted in favour of asking this Council to throw out the Bill but no doubt others voted to have the Bill passed. Nothing reliable has been suggested in this situation. The Walkerville council certainly did not rouse its ratepayers to any extent, so that people living in that council area are consistent with regard to the possibility of allowing everyone the right to vote, and that is what they are doing in relation to Legislative Council elections. We can understand that, because half the members of this place, if they had to face an election with full adult franchise and compulsory voting, would not be here.

The Hon. JESSIE COOPER (Central No. 2) moved:

That pursuant to Standing Order 453 the document read by the honourable member during his speech be tabled.

The PRESIDENT: Is the motion seconded?

The Hon. D. H. L. BANFIELD (Central No. 1): I second it, and in doing so I appreciate the opportunity to table these documents. However, I do not appreciate the slur that possibly the correspondence is not correct. The letters are no different from any other correspondence that has been read in this place. It is a good idea that they should be tabled, and I think it would be a good idea that people should not attempt to cast a slur on other members in this Chamber.

The Hon. Sir Arthur Rymill: It sounds as though you have a guilty conscience.

The Hon. D. H. L. BANFIELD: I have no guilty conscience, otherwise I would not support the motion.

The Hon. Sir Arthur Rymill: It sounds like it.

The Hon. D. H. L. BANFIELD: I have seconded the motion. The honourable member should get up and support it if he wants to.

Motion carried.

The Hon. G. J. GILFILLAN (Northern): I did not intend to speak to this Bill because most points have been covered but, in view of some of the remarks made by the previous speaker, I think I should give my opinion on one or two aspects. Perhaps the preselection of the Lord Mayor of Adelaide may be undesirable, but it seems to be a custom throughout most of Australia that lord mayors obtain preselection. It seems to be more of a custom than of any desire to introduce Party politics into local government. Most members of Parliament visualize Party politics in local government as an attempt by a political Party to control the decisions made by councils. I believe the fears expressed by members that this could take place show sound grounds for concern. Members of Parliament see more than anyone else the working of a political Party machine in some instances, and the opportunity in local government for this to occur could become a real problem if payment of salaries was made to members of councils. Once such a position became one of personal gain we could see this control increased by some Parties conferring endorsement on persons for preselection. The endorsement of the Lord Mayor of Adelaide is a formality. I understand that last time there were two candidates and they were both endorsed.

The Hon. D. H. L. Banfield: They had to go to their Party to get that endorsement.

The Hon. G. J. GILFILLAN: This is not seen as political control: it is more of a tradition and it happens in other capital cities.

The Hon. D. H. L. Banfield: It is only a coincidence that it is a political Party that they have to go to!

The Hon. M. B. Dawkins: It happens in reverse in other capital cities, too.

The Hon. G. J. GILFILLAN: True. As one who has served for some years on a council and one who represents the largest electoral district in South Australia, I should like to say that within that district there are four local government associations. In the Northern District the associations are Upper Murray (known as the Riverland); the Mid North, the Northern Local Government Association, and the Eyre Peninsula Local Government Association, and they are all active. As members of Parliament we have the opportunity to attend association meetings and listen to the various debates. These associations discuss problems that exist on the Murray River, a closely-settled rural district relying on irrigation; problems existing in the far west of the State, which is rural and in some instances a pioneering area; and also, these areas include large industrial cities. Under the present situation in local government I do not know of any Party political domination throughout that area. I believe this has happened because we have a system of election in which it is difficult to bring force or compulsion to bear.

I abhor compulsion. I believe we are rapidly moving to a stage in this State where everything we do is either illegal or compulsory and that the right of the man in the street to make a personal decision is being taken away from him. The present system of voting in local government may not be perfect, but it suits the situation far better than the one proposed in the Bill. Local government is for local people. I believe that decisions should be taken by local people and that councils should not be dominated by itinerant people who are there temporarily and who are not contributing revenue to the council. The inhabitant occupier contributes something by way of rent of a property.

In at least one country city the Commonwealth Government owns considerable property and housing. If these votes under a common roll system were added to the votes of those people temporarily in the area it could produce a similar situation to that in the Adelaide city area, as described by

the Hon. Sir Arthur Rymill, where those people who have no permanent interest in the area could far outvote those who are responsible for the city council's finances. I believe that it is a pity we have the Bill before us. If the Bill were a genuine attempt to do something for local government, I believe that every honourable member would support it. However, as it stands, it alters the voting system to implement the Labor Party's policy, and this is bringing Party politics into an area where it should not be. Regarding the endorsement of the Lord Mayor of Adelaide, I do not altogether agree with the system used, but there is nothing to stop any other political Party doing likewise if it wished.

The Hon. A. F. KNEEBONE (Minister of Lands): I have listened with interest to the comments that have been made in the debate. Despite the Hon. Sir Norman Jude's objecting, after my second reading explanation of the Bill, that honourable members would not have sufficient time to study the Bill unless the debate were adjourned until the following Tuesday, members have had the opportunity to speak at length on the Bill. As the Hon. Mr. Banfield has answered many of the points that have been raised, I do not propose to answer all of the remarks made in this debate. The Bill does not pretend to be an extensive Bill in relation to the matters considered by the Local Government Act Revision Committee. No doubt a further Bill will be introduced for that purpose.

People are criticizing the Government by saying, "The Bill is the result of the committe's recommendations, but the Government has ignored the committee's suggestions." The Bill is not intended to be a complete answer to all matters referred to by the committee.

The Hon. R. C. DeGaris: Did the committee recommmend extension of the franchise?

The Hon. A. F. KNEEBONE: It suggested an extension of the franchise in local government.

The Hon. C. M. Hill: But nothing like the one in the Bill.

The Hon. A. F. KNEEBONE: No, but one honourable member said that the committee had not considered the matter of extending the franchise. The committee referred to an extension of the franchise and to a limitation of the franchise. The franchise provisions in the Bill are there because it is the Labor Party's policy that there should be adult franchise in local government. This was part of the Labor Party's policy in the last election campaign. People who voted for the Labor Party voted for it knowing that this was part of its policy. I do not know the number of people who are not entitled to vote in local government elections and whether the number would completely outweigh the number who are entitled to vote. Many ratepayers who now have a vote in local government voted for the Labor Party at the last election knowing that this provision was the Party's policy. Not everyone who voted for the Labor Party in the last election was entitled to vote for local government; many were ratepayers who supported the Party's policy.

The Hon. Sir Arthur Rymill put up a fantastic argument this afternoon and compared the Bill with the Government's policy of compulsory unionism. The Government has no policy of compulsory unionism. It has a policy of preference for trade unionists, and it has always had such a policy. When I introduced the Industrial Code when Minister of Labor and Industry, a clause in the Bill provided for preference for trade unionists. That has always been the Party's policy and it still is the Party's policy.

The Hon. Sir Arthur Rymill: I was referring to the Minister of Roads and Transport in particular. It is his policy.

The Hon. A. F. KNEEBONE: That might be his personal policy but he cannot advance it on behalf of the Government, because it is not the Government's policy. Many Government employees are not members of trade unions. I say, "Shame on them", because I have been a member of a trade union ever since I left school, and I support unions. Some unions do not believe in compulsory trade unionism, which has been introduced in New South Wales, where some of the unions are not happy about it. This question works both ways. Some unions are required to accept as members people they would rather not enrol. Consequently, some unions do not believe in compulsory unionism. I believe that all people should belong to their appropriate trade union in the same way as the employers think that all employers should belong to an organization such as the Chamber of Manufactures or the Employers Federation, which make every effort to enlist employers as members.

Incentive bonuses are paid to employers in the printing trade, about which I know a great deal. If they are not members of the printing organization, they have the business

tied up rather like the thing we heard about the other day that Bob Hawke was able to break. They have that sort of system where the paper suppliers and the suppliers of the needs of the industry give to the people who are members of the printing employers union a discount that other people who are not members of the union are not able to get. I should not be surprised if this sort of thing happened in every employers union—and they talk about us!

The Hon. A. M. Whyte: Do you have to be a member of a trade union to be able to shop at Bourke's?

The Hon. A. F. KNEEBONE: I could not catch that interjection.

The Hon. D. H. L. Banfield: He was not fair dinkum, anyway.

The Hon. A. F. KNEEBONE: Honourable members opposite talk about compulsory unionism but it is more prevalent on the employers' side than it is on the employees' side, believe me. I know something about that.

The Hon. R. C. DeGaris: Do you believe in the principle that with adult franchise for councils a person who is not financially responsible can commit a person to a large loan, for which he himself is not responsible?

The Hon. A. F. KNEEBONE: We have the situation of this Council passing legislation that affects the people who pay tax; it commits them to all sorts of expenditure, and yet they do not even get a vote for this Council. Members opposite are saying, "That is all right, but it should not happen in local government: if it happens in local government, we shall be the last bastion of this sort of franchise; if it happens in local government, there is a further argument for wiping out this sort of franchise for this Chamber."

Sir Arthur talked about those people who paid rates and taxes and were responsible for the loans that were made in local government; he said they should be the only people who should have a vote and they should be entitled to more votes the wealthier they were; it would be good-oh if that happened! I had it put to me (and the Hon. Mr. Banfield mentioned it in passing) by a university student once that the salvation of this country would be a person getting a number of votes according to the size of his income tax payments. He did not want to disfranchise anybody. The person on the basic wage would get one vote, but his wife would not because she did not pay any income tax. As we went up the scale, people got more votes according to the amount of income tax they paid. He said that would be the salvation of the country because the people who understood how to make wealth would be handling the reins of Government and holding all the power in Australia. He was really fair dinkum about it.

This is what happens in local government; it is just the same sort of set-up—and some honourable members say it is good-oh! The Hon. Mr. Gilfillan went back to what happened in the 1900's and said it would be a shame if anybody on a council was paid a wage for what he did, because that would be wrong.

The Hon. G. J. Gilfillan: I did not say a shame; I said it would be an opportunity to introduce Party politics into local government.

The Hon. A. F. KNEEBONE: That is what they said in 1900.

The Hon. G. J. Gilfillan: I still think that.

The Hon. A. F. KNEEBONE: They said, "Why should members of Parliament be paid?" If they were paid, they would have fellows like me in Parliament who relied on getting the salary of a member! That is what was said in 1900, and it is being said again for the same reason in regard to this Bill. Honourable members opposite do not want Labor people in local government. If we paid such people a salary, they could attend local government meetings held in the daytime. They are not paid, the reason being that the Liberals do not want them to attend local government meetings during the day. How far back are we going—to 1900? If the Liberals came out into the open and said, "We do not want to introduce Party politics into local government", very well, but they are saying, "We do not want the Labor Party to come into local government; we do not want the worker to come into local government, because it would be bad if that happened."

We hear about the Lord Mayor of Adelaide being preselected. Do not let us kid ourselves: all the councillors, except a few, are endorsed Liberal candidates for the Adelaide City Council. It is not only the position of Lord Mayor—don't give us that! That is the situation. That is the reason why honourable members are standing up here in this Chamber and saying, "We do not want this system to happen in local government", for the reasons I have given. The Liberals say, "We do not mind Party politics coming into it if it is Liberal Party politics but, if we bring Labor Party politics in, the Labor members may well outnumber the Liberals and that will be

the downfall of local government." I do not agree with that for the same reason that I do not agree that paying salaries to members of Parliament is a bad thing.

The payment of members made it easier for the workers to get into Parliament, which was not a bad thing. It resulted in the introduction into the Parliaments of Australia of people who were able to do something for the worker rather than having all the weight on the other side. In the various State Parliaments and the Commonwealth Parliament, we have been able to bring in people to act on behalf of the workers, who, as far as I am concerned, are the salt of the earth.

The Hon. G. J. Gilfillan: Do you think there should be no voluntaary work at the community level?

The Hon. A. F. KNEEBONE: No. I am saying that the fear of honourable members opposite is that the voluntary workers who go into local government at present will be outnumbered by other people if adult franchise is given for local government. We need not fear this to any great extent in some local government areas, because the Liberals have a grip on them now and they will hold their meetings when people who are opposed to their points of view have to take time off from work and lose pay to attend such meetings. The Liberals need have no fear there.

I believe in adult franchise for local government, and I have always said so, because it is the system that most fairly gives a voice in the management of the affairs of the community. Do not tell me that the person who does not pay rates is not indirectly contributing something towards local government expenses. Members opposite have admitted that the person who pays rent, the owner-occupier, does so. There are also other people who do not get the vote now: people living with their parents (they could be of any age) do not get a vote. Surely those people are assisting in the running of the household; they assist their parents in paying the rates. There are people who live with their parents and pay the rates; there are children who are keeping their parents and paying the rent, rates and taxes. In those cases, Mum and Dad are the nominal owners of the property and therefore they get a vote, although they are being kept, looked after and assisted in the payment of rates by other people who do not get a vote. That is an anomaly, but I am convinced that adult franchise is the answer.

The Council divided on the second reading:

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

Noes (14)—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, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

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

Majority of 11 for the Noes.

Second reading thus negatived.

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 3 and disagreed to amendments Nos. 1, 2 and 4.

Schedule of the Legislative Council's amendments to which the House of Assembly had disagreed:

No. 1. Page 1, line 11 (clause 2)—After "2" insert "(1)".

No. 2. Page 1 (clause 2)—After line 12 insert new subclause (2) as follows—

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

No. 4. Page 1—After clause 3 insert new clause 3a as follows—

"3a. *Enactment of s. 40a of principal Act*—The following section is enacted and inserted in the principal Act immediately after section 40 thereof—

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

(*a*) an elector for the House of Assembly:

or

(*b*) an elector for the Legislative Council,

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

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

Consideration in Committee.

Amendments Nos. 1 and 2:

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

That the Council do not insist on its amendments Nos. 1 and 2.

If these amendments were incorporated in the Bill it would be a recognition of the fact that the Commonwealth Government of Australia, not the State Government, would determine the appropriate voting age for this State. I mentioned earlier that already one State, namely, Western Australia, provides for voting rights to be exercised by persons of or over the age of 18 years. The system seems to be working satisfactorily there. There seems to be no reason why we should await the Commonwealth's pleasure in this matter, since the principle of voting at the age of 18 years is now well accepted. I therefore ask the Committee not to insist on these amendments.

The Committee divided on the motion:

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

Noes (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, Sir Arthur Rymill, and V. G. Springett.

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

Majority of 9 for the Noes.

Motion thus negatived.

Amendment No. 4:

The Hon. A. J. SHARD: I move:

That the Council do not insist on its amendment No. 4.

I opposed this amendment when it was put forward in the Committee stage, and I do not think I can add a great deal except to repeat that the amendment is, of course, quite foreign to the Constitution Act of this State, and is very much a stranger to that Act. The provisions relating to compulsory voting will be found in the Electoral Act, and an amendment of this nature can only cause confusion in the minds of the voters. In addition, it is, I suggest, patently absurd to provide for a voter to be obliged to cast his vote at one stage of his "voting life" and not at another stage. It is not for me to say whether it was designed to cause confusion, but I would hate to be a polling clerk who had to find out who was 21 years of age and who was 18, and I would hate to be on a Court of Disputed Returns.

The Hon. R. C. DeGARIS (Leader of the Opposition): This is probably the most important amendment. I do not quite understand the Chief Secretary's illustration of confusion for polling clerks. All this amendment says is that a person shall not be prosecuted if, being under the age of 21 years, he does not vote. I cannot see how the amendment could cause confusion, for the rolls will be there. Enrolment is voluntary at present, so we will have a situation where 18-year-olds in South Australia will have voluntary enrolment, and if voluntary voting does not go with it there could be great confusion. This would allow any one Party to find the people it wanted on the roll. Voluntary voting is the only answer.

If we take the views of the people in South Australia, particularly of those between 18 and 21 years, we find that the overwhelming majority favour voluntary voting. I would say that most young people oppose voting, but one thing of which we can be certain is that they do not wish to be compelled to vote. I consider that the Committee should hold to its amendments on this matter.

The Committee divided on the motion:

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

Noes (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, Sir Arthur Rymill, and V. G. Springett.

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

Majority of 9 for the Noes.

Motion thus negatived.

BUILDING BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 6, 7, 9, 12, 14, 15, 18, 19, 21, 22, 23, 26 to 36, and 38 to 40, and disagreed to amendments Nos. 1 to 5, 8, 10, 11, 13, 16, 17, 20, 24, 25 and 37.

Schedule of the Legislative Council's amendments to which the House of Assembly had disagreed:

No. 1. Page 2, line 22 (clause 5)—Leave out "within the State" and insert "to which this Act is, by proclamation declared to apply".

No. 2. Page 2, line 24 (clause 5)—Leave out "an area or" and insert "a".

No. 3. Page 2 (clause 5)—After line 36 insert new subclauses as follows:—

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

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

No. 4. Page 3 (clause 6)—After line 14 insert "or".

No. 5. Page 3, lines 19 and 20 (clause 6)—Leave out

"or

(c) any other work that may be prescribed,".

No. 8. Page 6, lines 13 and 14 (clause 8)—Leave out "or as the building surveyor may, by written notice served upon the owner, require".

No. 10. Page 7, line 4 (clause 9)—Leave out "but" and insert "and".

No. 11. Page 7, line 6 (clause 9)—Leave out "not".

No. 13. Page 7 (clause 10)—After new subclause (5) insert new subclause (6) as follows:—

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

No. 16. Page 8, line 27 (clause 13)—After "building" insert "erected after the commencement of this Act".

No. 17. Page 8, line 31 (clause 13)—After "classification" insert "(if any)".

No. 20. Page 10, line 9 (clause 17)—After "be" insert "reasonably".

No. 24. Page 13, lines 18 and 19 (clause 27)—Leave out "surveyor and the referees" and insert "council".

No. 25. Page 13, lines 20 to 27 (clause 27)—Leave out subclauses (2) and (3) and insert new subclauses as follows:—

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

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

No. 37. Page 22, lines 35 and 36 (clause 51)—Leave out the clause.

Consideration in Committee.

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

That the Council do not insist on its amendments.

The CHAIRMAN: Is the Minister moving the amendments *en bloc*?

The Hon. A. F. KNEEBONE: Yes, in the first instance.

The CHAIRMAN: I do not think the Minister can change his motion later.

The Hon. A. F. KNEEBONE: In that case I withdraw that motion and move:

That the amendments be considered *seriatim*.

Motion carried.

Amendments Nos. 1 to 3:

The Hon. A. F. KNEEBONE: I move:

That the Legislative Council do not insist on amendments Nos. 1 to 3.

These amendments are interlocked. When the Bill was in this Chamber previously the Hon. Mr. Hill moved that no new area could be brought within the provisions of the new Act except on the petition of a council. The Government considers this to be unduly restrictive. The Building Act is relevant to the safety of all persons in the community; therefore, the Government should have the right in appropriate instances to insist that the Building Act apply in a specific area when the kind of building work being carried on in the area becomes such that it is necessary for the safety of the community that the provisions of the Act should apply. I emphasize that this Chamber has just voted for a restricted franchise for local government; that being so, matters of general community importance should remain under the ultimate oversight of central government.

The Hon. C. M. HILL: The Minister's words should be enshrined by all those who support the principles of local government against State domination as a stated view of the present Government and its attitude towards local government. Throughout the debate the point was made that local government should have as much autonomy, power and rights as possible. Here we have a clear example of the Government stepping in and saying "We believe that, irrespective of what local government wants as to its areas coming within the the provisions of the Building Act, local government must bow down to our order." By this Bill the State is saying, "All local government areas of the State shall come under the provisions of the new Building Act." That is the very principle on which there is great contrast between the attitudes of the two principal Parties.

Speaking for local government, if I may, I say that local government objects violently to the State on this occasion endeavouring to tell it what is good for it. If the whole or part of an area at the moment does not come under the present Act, local government says, "We want to have the right to

approach the Government and to petition that our area, or part of it, come under the new legislation when we think it is necessary." Of course, that has been the practice until now. The amendments to clause 5, to which this Council agreed and to which the other place has objected, simply say this: keep the *status quo* and leave it to local government to decide on a change by taking the initiative by way of petition. I am greatly surprised that a more understanding attitude has not been taken by the other place. In other words, the new Act (and I think we all want to see a new Act) is to come into force, but we are saying that it must apply in those areas where the present Act applies and, when extension into new areas is necessary, the existing practice should still exist under the new Act. I strongly oppose the motion.

The Committee divided on the motion:

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

Noes (14)—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, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

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

Majority of 11 for the Noes.

Motion thus negatived.

Amendments Nos. 4 *and* 5:

The Hon. A. F. KNEEBONE: I move:

That the Council do not insist on amendments Nos. 4 and 5.

These amendments unduly restrict the definition of "building work" by preventing the Government from prescribing certain kinds of work as "building work" where it is in the public interest that building practices be brought under the provisions of the Act. That is why I ask the Committee not to insist on these two amendments.

The Hon. C. M. HILL: I oppose the motion. Fears were expressed during the debate on this Bill about how wide the Government wanted to make this definition of "building work". Whilst I appreciate the fact that the regulations can be disallowed, when we look at the definition in the present Bill, we see:

"building work" means work in the nature of—

(*a*) the erection, construction, underpinning, alteration of, addition to, or demolition of, any building or structure;

(*b*) the making of any excavation, or filling for, or incidental to, the erection, construction, underpinning, alteration of, addition to, or demolition of, any building or structure;

It seems to me that the definition is wide enough. Also, there is no definition of "structure". A structure includes a multitude of things that can be built. So, without the Government wanting this extra power, I think the definition is wide enough and sufficient in its present form.

The Committee divided on the motion:

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

Noes (14)—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, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

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

Majority of 11 for the Noes.

Motion thus negatived.

Amendments Nos. 8, 10 *and* 11:

The Hon. A. F. KNEEBONE: I move:

That the Council do not insist on its amendments Nos. 8, 10 and 11.

Amendment No. 8 would prevent a council in cases of complicated construction work from obtaining adequate details of the proposed structural work. Amendments Nos. 10 and 11 cast an onerous burden on a council in that they require it to state in detail the grounds upon which proposed building work has been disapproved. Plans may in some instances be completely misconceived, and to state every ground of objection to them would be an onerous and in some cases impossible task.

The Hon. C. M. HILL: Amendment No. 8 deals with the question of a building surveyor having independent power, apart from the council, to give notice to the owner. I believe that the building surveyor should make his report to the council, and only the council should deal with the ratepayer. In connection with amendments Nos. 10 and 11, if plans do not comply with the Act it should be incumbent on the council to tell the ratepayer in detail in what way those plans do not comply with the Act. I therefore oppose the motion.

Motion negatived.

Amendment No. 13:

The Hon. A. F. KNEEBONE: I move:

That the Council do not insist on its amendment No. 13.

This amendment is unnecessary, as it is possible at present to make an appeal under clause 24.

The Hon. C. M. HILL: I do not oppose the motion. I have had a further opportunity to consider the matter, and I now agree with the Minister that a later clause in the Bill does provide an opportunity for an appeal of this kind. It now seems to me to be unnecessary that this special appeal should be provided for in the Bill.

Motion carried.

Amendments Nos. 16, 17, 20, 24, 25 *and* 37:

The Hon. A. F. KNEEBONE: I move:

That the Council do not insist on its amendments Nos. 16, 17, 20, 24, 25 and 37.

Amendment No. 16 completely ruins the proposed classification system, which must be applied to existing buildings, because such buildings could be subjected to extensive alterations, completely altering the character of the building. Amendment No. 17 is consequential upon the previous amendment. Amendment No. 20 is unnecessary. Under the general law a person acting under statutory authority is obliged to act reasonably. Amendments Nos. 24 and 25 provide for an appeal to the council where an owner, builder or architect claims that the provisions of the Act should be modified in their application to his particular building. It would be quite impracticable for the council to hear these applications. They should be heard, as the Bill provides, by the building experts (that is to say, the referees and the surveyor). It is impossible to accept amendment No. 37. It would mean that every time the Government wanted to erect a building it would have to seek the approval of a local government body. It is inappropriate that the central Government, which must represent the public interest as a whole, should be subject to veto and delay in urgent building projects as a result of the divisions of a sectional body such as a local council.

The Hon. C. M. HILL: I oppose the motion. We have not been given much detail about the classification system. Who will classify every building in the State, when will it be done, what will be the cost, and who will pay that cost? These are the questions about which the Committee must know more. Regarding the amendment to clause 27, again the principle is involved of the council being the authority that should have the controlling power, and not the building surveyor.

In regard to the final amendment, relating to the Crown being subject to the Act, I still maintain that, if a Public Service department has no fears about the type of construction it wants to erect conforming to the Act, it should have no objection to submitting its plans to local government. From my experience in that field, I know that if the plans are in order there will be no undue delay caused by local government. I oppose the motion.

Motion negatived.

ADJOURNMENT

At 5.2 p.m. the Council adjourned until Tuesday, March 30, at 2.15 p.m.