LEGISLATIVE COUNCIL

Thursday, October 28, 1971

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

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

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

QUESTIONS

KENT TOWN TREES

The Hon. C. M. HILL: As major road construction work is taking place in Dequetteville Terrace opposite Rymill Park, can the Minister of Lands obtain from the Minister of Roads and Transport an assurance that none of the trees on the eastern side of that street will be removed?

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

CONFERENCE PROCEDURE

The Hon. F. J. POTTER: I wish to direct a question to you, Sir, but before doing so I seek leave briefly to explain it.

Leave granted.

The Hon. F. J. POTTER: In the last two days we have had two lengthy conferences involving this Council which have extended, yesterday anyway, into the early hours of the morning. While the conferences were proceeding, the bells, of course, remained silent and those honourable members who were not managers of the conferences were compelled to wait at Parliament House until the bells rang. It seems to me (and I think my views are shared by many other honourable members) that a more satisfactory procedure could perhaps be adopted in this Council, and perhaps even in another place, whereby prior to the last week of the session (when special considerations apply) while the conferences are in session the remaining members could be allowed to go home to sleep and the bells be not rung until a certain fixed time. I do not see anything in Standing Orders that would prevent this procedure from taking place. For instance, instead of members having had to return to the Chamber for a minute or two in the early hours of this morning, the bells could possibly have been rung as late as 2 p.m. today. Will you, Sir, consider discussing this matter with the Leader of the Government in this Chamber, and possibly even with the Premier and the Speaker in another place, to see whether some better method could be adopted in relation to conference procedures?

The PRESIDENT: Some comment having been passed last evening regarding Standing Orders, I have already considered this matter to some extent this morning. Without having had time to give it mature consideration or to study it, I can see one or two points that are relevant to the matter of conferences. First, conferences must be held while the Council is in session. The Council does not adjourn while conferences are being held: its sitting is merely suspended, and that suspension is a matter for the Leader of the Council, when he moves that the sitting of the Council be suspended to enable a conference to take place. He moves his motion in that manner because no-one can say how long the conference will last. All that is necessary is to move the motion that is always moved (that the sitting of the Council be suspended until the ringing of the bells) unless the Council decides to sit while the conference is on. It seems to me that all that is necessary is to move that usual motion and then he can inform members that the bells will not ring until a certain time; that could have been done in the case of previous conferences, and it could have been done last evening. Honourable members could have been told that the bells would not be rung until a certain time and that, until that time, they could go home and go to bed. The sitting would have been suspended, but not adjourned. Of course, if the sitting had been adjourned, the conference could not have gone on.

Another practical consideration is that a problem could arise in getting honourable members to be managers at a conference. If honourable members knew that everyone who was not a manager would be going home to sleep, they might not be so keen to be managers at conferences. However, I think this problem regarding conferences could be solved.

The Hon. Sir ARTHUR RYMILL: I seek leave to make a short statement before asking a question of you, Mr. President.

Leave granted.

The Hon. Sir ARTHUR RYMILL: I regret to say that I have been on many conferences—far too many, and too seldom not on them. My experience has been that, if one is engaged on a conference, one is engrossed in it and has something to do, whereas, if one is cooling one's heels, it is very frustrating. The conference started at 7.45 p.m. yesterday and, when the sitting was

resumed at about 3.45 a.m. today, all that was done was to present a very brief report that could have been initialled by the managers, anyhow. In other words, honourable members, except for the managers, had to sit around doing nothing for about eight hours. I relish your suggestion, Mr. President, that in future it could be indicated that the bells would not ring before a certain time. That would be much better for the working of Parliament, because honourable members would not be so tired the next day and would be able to get on with the business of the Council more efficiently. Will you, Mr. President, further consider the matter and possibly confer with the Chief Secretary?

The Hon. A. J. Shard: We conferred last evening and we were in agreement.

The PRESIDENT: The matter was discussed with the Chief Secretary, but I think, when he interjected, he interpreted the honourable member's question differently. I am willing at all times to discuss any problem with the Chief Secretary or any other honourable member or, if necessary, it could be considered by the Standing Orders Committee. This matter, of course, affects both Houses. I am certainly happy with the Hon. Sir Arthur's suggestion and I am prepared to discuss it with the Leader of the Government.

The Hon. Sir ARTHUR RYMILL: I seek leave to make a short personal explanation.

Leave granted.

The Hon. Sir ARTHUR RYMILL: I do not want to be misunderstood on this matter. I know that the procedure that was adopted last night is the procedure that has been followed ever since I have been a member of this Council. However, from the long conferences that we have had recently we have learnt that the procedures could be improved by the modification that has been suggested. I point out that I am in no way criticizing the Chief Secretary. On the contrary, he and I discussed this matter last night, and we both agreed that these procedures, time honoured as they are, could be improved.

The Hon. A. J. SHARD (Chief Secretary): I seek leave to make a short personal explanation.

Leave granted.

The Hon. A. J. SHARD: This point has worried me for a long time. As Sir Arthur Rymill has said, he and I discussed this matter last night. As you know, Sir, I also discussed the matter with you. I think possibly we can tidy up the Standing Order on the question. If the suggested procedure could be adopted, I would be the happiest person in the world to see my friends go home and get some sleep, even if I had to work. I do not think any problem would be created if only those members directly concerned with the Bill in question remained here. I should like to take the matter up with my colleagues in the other House in order to see whether, on another such occasion, a different procedure could be adopted and the necessary arrangements made.

The Hon. R. C. DeGaris: What about the staff of the House?

The Hon. A. J. SHARD: We will review the whole situation. Some of the staff would have to remain, but others could go home. Rather than keeping all members around the place for up to seven or eight hours, I think a more satisfactory arrangement can be made.

POLICE PENSIONS BILL

Read a third time and passed.

STAMP DUTIES ACT AMENDMENT BILL (RATES)

The House of Assembly intimated that it had agreed to the recommendations of the conference.

In Committee.

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

That the recommendations of the conference be agreed to.

I do not wish to go into detail regarding the amendments that were discussed at the conference. However, I think it should be said that, as usual, the managers from this Council and from the other House worked hard and considered the merits of the suggested amendments in resolving their differences.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion, once again having been involved in a very long conference which was, in many ways, a congenial one, with some differences of opinion occurring. The conference has given rise today to a number of questions which may lead to some improvement in procedure in future. When one goes to a conference on a Bill of this complexity it is not an easy matter for a decision to be reached unless all the facts are thoroughly sifted.

As a House of Review, I believe it is our role not to be obstructive to a Government's financial measures or to the financial measures required by the House of Assembly. At the

same time, I believe that, as a House of Review, we have a duty to make sure that the Government does not exceed its financial requirements. As a result of the conference the Government, I am sure, is assured of its required revenue from the measure of $4,150,000, and yet the compromise reached makes concessions in two areas in relation to the stamp duty on registration of commercial vehicles and on the conveyance of land. The rate of 3 per cent in the original Bill which began at a value of $12,000 on conveyances of land does not now apply until the value of $100,000 is reached. I support the remarks of the Chief Secretary.

Motion carried.

STATUTES AMENDMENT (ADMINISTRA-OF ACTS AND ACTS INTERPRETATION) BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2452.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This very short Bill permits the Minister responsible for an Act to delegate to another Minister his responsibilities and powers under that Act but, as pointed out in the second reading explanation, such delegation does not derogate from the power of the Minister primarily responsible, and he can still act personally in that matter. One can think of many reasons why it is perhaps not necessary, but desirable, to have some power of delegation, but it seems rather strange to me that, having delegated that power, the original Minister can still act personally regarding his Ministerial responsibility which he has delegated.

One can see many reasons why such a delegation of powers is desirable. From my experience as a Minister I know of one such area, mentioned in the second reading explanation, and that is the question of the Underground Waters Preservation Act. If one examines this matter, one sees that it is reasonable that the total Ministerial responsibility should rest with one Minister. I instance the case of the northern Adelaide Plains, where there are restrictions upon and the metering of water drawn from underground; in those places where water can be drawn from underground, the Mines Department has a certain responsibility, as does the Engineering and Water Supply Department, for the supply of water.

Surely this must be confusing to the water user in that area. In situations like that, where several Ministers are involved, it is reasonable that powers should be delegated. In a case like this, it may well be that powers should be delegated from the Minister of Mines to the Minister of Agriculture or the Minister of Health in regard to establishing Ministerial responsibility, thus avoiding complications and misunderstanding among the people of the area. There are, indeed, areas where such a delegation of powers is desirable.

Nevertheless, I issue this warning, that this power of delegation could be used by the Government to ridiculous lengths. In some cases, rather than overcoming confusion and oiling the wheels of administration, the delegation of powers could create a situation that could be made even more confusing. We have an instance of this confusion already in respect of the Minister of Mines and the Minister of Environment and Conservation. At the moment there seems to be a lack of understanding by the public of which Minister is responsible for what in a certain field. Whilst there are areas where such delegation of powers is understandable and desirable, nevertheless it can be taken to ridiculous lengths. I point that out as one area in which any Government, of whatever complexion, should take care in delegating powers under the provisions of this Bill. I see no reason to say any more on the Bill. I approve its passage and support the second reading.

The Hon. C. R. STORY (Midland): I support the second reading of the Bill for much the same reasons as the Leader has given. I think it is a very good thing, because we in our Party have had some difficulties in Government in this respect. Probably one of the classic examples at present is the case of the Minister assisting the Premier, who is administering several portfolios at the one time. I imagine it must be awkward in Executive Council when the Premier is out of the State or out of the country for his authority in a certain portfolio to be delegated to a certain Minister. Also, I think a relevant point, raised by the Leader, is duplication. The Bolivar effluent scheme is a typical example of where a delegation of power from Minister to Minister would push that scheme forward more rapidly than hitherto. I see no objection to the measure. Therefore, I support it.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members who have spoken to this Bill and appreciate their co-operation in taking it through. In reply to some of the things that have been said, let me say that this amending Bill does not affect the position referred to by the Hon. Mr. Story.

where the Premier leaves the State or the country for a time. The same procedure will continue as previously. It happened during the term of the previous Government, it has occurred in the case of our Government and I know only too well that, where a Minister is out of the State or overseas for any period of time, the same procedure will obtain of appointing an acting Minister in his place. This has happened to me on more than one occasion: I have been acting Minister of Agriculture, acting Minister of Local Government, acting Minister of Roads and Transport and acting Chief Secretary. That procedure will continue.

The procedure envisaged in this Bill, as the Leader has said, will deal with the case where more than one Minister has under his care some part of the administration of an Act. For instance, the Leader referred to the Underground Waters Preservation Act. There are many other Acts that concern the Minister of Lands, the Minister of Works and the Minister of Mines; and, under the Mining Act, the Minister of Environment and Conservation is involved as well as the Minister of Development and Mines. These are the sorts of cases where the delegation of powers under the administration of the Act as a whole will belong to the Minister primarily responsible for the administration of that Act. That is the purpose of this Bill. Difficulty has been experienced in this matter in past years: we hope this Bill will solve some of those difficulties. It has no ulterior motive behind it. I am sure that, whichever Party is in office in the future, this legislation will be watched closely so that the power of delegation is not taken too far, as the Leader has said. I thank the Leader for his consideration of the Bill and am sure that, no matter which Party is in office, it will not go too far under the powers conferred by this Bill.

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

FOREIGN JUDGMENTS BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2453.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which is basically a machinery measure designed to introduce arrangements for the registration and enforcement of foreign judgments. Under the Administration of Justice Act, in the past registration has depended largely on reciprocal arrangements with certain selected countries from the British Commonwealth, and it seems that, in the present state of world communications, that system is outmoded. I note that the Bill has been submitted to the judges of the Supreme Court, to the Law Society and to the Law Reform Committee for investigation, and all have approved it without amendment. In those circumstances, little needs to be said.

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

MINING BILL

Adjourned debate on second reading.

(Continued from October 27. Page 2522.)

The Hon. E. K. RUSSACK (Midland): In supporting the second reading of this Bill, I do not intend to say much, as most aspects have already been commendably covered by previous speakers. Very good reasons for introducing the Bill were given by the Minister in his second reading explanation, in which he stressed the importance, because of today's changing situation, of the law regarding mining being upgraded and updated. Reference has been made to primary production and the importance of minerals in this field. Minerals are where one finds them and, therefore, much efficient exploration must be carried out to find them.

In recent years, other States have greatly expanded their mining interests. I refer specifically to Western Australia, in which mining activity has boomed recently. It is therefore important that much attention be given to exploration and the development of mining in South Australia. Indeed, we acclaim the great assistance of mining in the development of this State in years past. I think the Hon. Sir Arthur Rymill said recently that the early settlers of this State knew much about the minerals here.

Much has been said about this matter by previous speakers. I refer especially to the Hon. Mr. DeGaris, who went into much detail. A former Minister of Mines whose knowledge of this matter is extensive, the honourable member expressed opinions and stated facts in such a logical way that honourable members were enlightened on the general aspects of the Bill.

Prior to 1889, mineral rights went with private land. Thereafter, the minerals on such land became the property of the Crown. The Government now desires that minerals shall become the property of the Crown. Where private mines have not been developed, an earnest endeavour must be made during a period of two years to develop such mines.

If advantage is not taken of this provision and minerals are found and developed on a freehold property, the owner of that property can apply for a royalty which, I understand, is to be 2½ per cent of the value of the minerals mined. The Hon. Mr. DeGaris asked that certain questions on this matter be answered.

I also commend the Hon. Mr. Whyte, who has a wide knowledge of opal mining and who expressed very well some of the problems and difficulties experienced in opal mining. I should like to stress the point made by him regarding compensation not only for the loss of material possessions in exploring for minerals but also for the loss of livelihood, which can involve considerable sums. The Hon. Mr. Hill referred to private land reverting to mineral land, and said that consideration should be given to the royalty rights remaining with the title of the new owner. I, too, stress that this seems most desirable. As this is a lengthy Bill, containing 92 clauses, it is clear that it is a Committee Bill and that much discussion will ensue in Committee. The Minister made the following interesting point in his second reading explanation:

The Bill introduces an important new principle in dealing with the restoration of land damaged by quarrying of extractive minerals. These minerals are defined in the Bill as those used for construction purposes such as stone, sand, clay, etc., and the Bill provides for a special royalty on this material of 5 per cent payable whether the materials are quarried from private land or Crown land. This royalty is to be paid into a fund to be known as the Extractive Areas Rehabilitation Fund. . . . The 5 per cent royalty will yield an annual sum of between $200,000 and $300,000.

The Minister suggested that the plan was unique in Australia. It is necessary that all bodies, except local government, be obliged to meet that royalty, so that it can be used to rehabilitate quarried areas. I shall keenly participate in the Committee debate, during which amendments will undoubtedly be moved. I am certain that the Bill will emerge from this Council a very good piece of legislation.

The Hon. H. K. KEMP secured the adjournment of the debate.

BARLEY MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 27. Page 2510.)

The Hon. C. R. STORY (Midland): I support the Bill. Barley marketing has undoubtedly been successful in South Australia and Victoria since those States joined together for that purpose in 1947. Prior to that year various attempts were made to achieve orderly marketing of barley. The Yorke Peninsula barley pool played a very important part in getting a pool of growers together. When Victoria and South Australia joined together for this purpose, the position was considerably strengthened. One of the great difficulties over the years has been that we have been unable to interest New South Wales particularly and perhaps a small portion of Queensland in joining the Australian Barley Board. I believe that at present we are very much nearer to getting New South Wales to do that than we have been for a very long time. If I am correct in saying that, it is a very good thing for the industry.

The Bill makes several alterations to the principal Act, the main one being that, since Victoria now produces more barley than it used to produce, it is thought expedient and fair that that State should have one more grower member on the board. There will now be five grower members—two from Victoria and three from South Australia. I pay a tribute to the General Manager of the Barley Board, the Chairman of the board (Mr. Walker), the original Chairman (Mr. Spafford, who was once the Director of Agriculture) and to a later Director of Agriculture (Mr. Strickland). Those men administered the Act very wisely and made extensive oversea trips. They have been selling our barley year in year out. South Australia produces about 90 per cent of two-row barley and 10 per cent of six-row barley, and I believe that it is excellent that we can grow barley of such quality and that it can be used for malting purposes. When I visited Ireland I inspected Guinness's brewery. Great claims are made for that firm's stout, and they point out that the stout gets its character from the Liffy River. If anyone saw the raw effluent discharged into that river, he would never again drink Guinness's stout.

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

The Hon. C. R. STORY: I did, and of course the water comes from crystal-clear ponds many miles away from the town, and it is piped to the brewery.

The Hon. A. J. Shard: Was it as good as it is reputed to be?

The Hon. C. R. STORY: I could get into difficulties here, because two honourable members we can think of in this Chamber are closely connected with two firms that make the best stout in South Australia. I was told by the Deputy Chairman of Guinness's brewery (Lord Moyne) that, under an arrangement with the Southern Ireland Government, the firm had

been forced to use mainly Irish-grown barley in recent years. The firm was delighted when it was previously able to make its product from South Australian barley, and Guinness's stout and beer were considered to be of the highest grade in the world. That was a very great compliment to South Australian barley.

The Hon. Sir Arthur Rymill: Have you consulted the Deputy Chairman of the South Australian Brewing Company?

The Hon. C. R. STORY: No. However, I would be honoured, as would other honourable members, if the Deputy Chairman could arrange a visit to the company and consult the appropriate gentleman at his place of work. Perhaps we could also arrange to "Re-Cooperate" at some other time. This Bill does three essential things. First, it increases by one the number of board members, and that additional member shall be a Victorian. It does not matter very much to the barley growers of this State whether the Returning Officer for the State is known by that title or by the title "chief electoral officer". There are two essentials. It alters the definition of "barley" so as to include not only the grain but also barley on straw, barley in the head and barley in the bale. This is an effort by the board to prevent certain people from getting around the existing legislation. Some people who have leased paddocks of barley have been able to avoid going through the board. This Bill will correct the situation to a very large degree on an intrastate basis, although I do not think we will ever overcome the situation created by section 92 of the Commonwealth Constitution. Another aim of the Bill is to strengthen the hand of the board in dealing with illegal sales of barley. I think the Government is doing the proper thing in this matter.

Victoria for a long time has thought that it should have its own accounting system. That State claims that it has a little better malting barley than we have, and on average that may be true. Although one must not get too parochial, there are certain pockets in South Australia where the quality would be equal to anything that Victoria has and perhaps even better; but overall Victoria considers that it has a better average. It does not really make very much difference to the growers in South Australia, because the whole thing averages out, but it makes Victoria happy. I think that if we can make Victoria happy and also get New South Wales and Western Australia equally happy we may one day be able to form an overall Australian Barley Board.

I cannot see anything wrong with this legislation, although I will have several queries for the Minister when we reach Committee. By and large, I think the Bill is a sensible approach. Although South Australia has always nominated the Chairman of the board, we have always conferred with the Victorian Minister of Agriculture as to whether Victoria considered that person suitable. In my experience as Minister, there was never any query from Victoria on this matter. The representative of the maltsters in South Australia has been on the board for a very long time, and he, too, has played a big part in keeping the quality of barley generally up to standard. I think anybody who wants an object lesson in efficiency should visit the Adelaide Showgrounds when the barley qualification tests are being done. Such a visit would be really worth while for anybody engaged in the agricultural industry.

At present Australia is producing more than 74,000,000bush. of barley annually, and of that total we in South Australia are up around the 26,000,000bush. mark. I think Victoria produces between 6,000,000bush. and 7,000,000 bush. Therefore, we are not small fry in this matter of barley. New varieties have played a tremendous part in the increase in our overall yield per acre. We have the clipper variety, and we have new methods of rolling down to preserve the blow-out. I think all these things have contributed greatly to the standard of the industry.

I think I should mention that we have had as a member of our board a person who has won a world championship prize for barley. I refer to Mr. Jim Honner, of Brentwood. That is a very great honour indeed. Also, the increased plantings of barley and the increased production is assisting tremendously our growers who are under wheat quotas. This is playing an important part in the economics of many growers. It is unfortunate that last year fairly severe frost damage occurred in the Pinnaroo-Lameroo area and around Karoonda. This meant that the growers there did not benefit to the extent that growers in some other parts of the State benefited. Barley growing is a very important industry on Eyre Peninsula, on Yorke Peninsula, and in the Murray Mallee, and it is one that we should do everything possible to foster.

The board should be encouraged in its efforts to continue selling our barley. Our principal markets have to be watched. It is obvious that they have to be watched even more carefully now, because one of our principal customers and one which has been very good to

us has received rather a severe set-back in the last few days. I support the Bill.

The Hon. A. M. WHYTE secured the adjournment of the debate.

DOOR TO DOOR SALES BILL

Adjourned debate on second reading.

(Continued from October 27. Page 2523.)

The Hon. C. M. HILL (Central No. 2): One of the great dangers in legislation of this kind is that reputable firms and reputable people who are involved in the industry of door-to-door selling become ensnared in the net of red tape and restrictions.

That is a great pity because, in those instances where people are conducting their business affairs properly and where purchasers are keen and willing purchasers, a Bill of this kind adversely affects normal day-to-day business activity and practice.

I have heard other honourable members say, in addressing themselves to this measure, that it would have been a better approach if the Government had introduced a simple system of registration of salesmen, rather than adopting this approach. I agree wholeheartedly. If a simple process of registration was enforced the vast majority of these door-to-door salesmen (and by that I mean the large group carrying out business in a reputable way) would not be restricted from carrying on as in the past. However, the Government has brought forward the approach contained in this Bill.

I believe it should be a question of doing one's best to see that the least possible restriction is placed upon the activities of the people to whom I have referred. I was interested to read in correspondence from the Direct Selling Association of Australia that 5,000 South Australians are employed in a full-time or part-time capacity as door-to-door salesmen. I have no reason to doubt that figure, which indicates that far more people are involved and would be affected by this legislation than many people would think.

I do not quibble with the general principle of giving some protection to people who are persuaded unfairly to purchase certain goods that are, to them, unnecessary articles. It is simply a matter of obtaining the best possible machinery by which the intention of the Government can be put into effect.

I intend to refer to three clauses only. Some honourable members have given notice of their intention to move certain amendments; I propose to move some if others do not move them. In the Committee stage some facets of this legislation must be considered closely in an endeavour to achieve the aim I have expounded of placing the least possible restriction and restraint upon the reputable operator. Clause 6 contains a list of groups exempted from the provisions of the Act. I am particularly interested in the exemption in subclause (1) (*h*) dealing apparently with some form of goods and articles the Government may exclude but has not as yet specifically defined. Subclause (1) (*h*) refers:

to any contract or agreement, or any contract or agreement of a class, for the time being declared by proclamation to be a contract or agreement or class of contracts or agreements to which this Act shall not apply.

Subclause (2) provides:

The Governor may by proclamation declare that this Act shall not apply to any contract or agreement or any contract or agreement of a class and may by proclamation revoke or vary any such declaration.

I should like the Government to be more specific as to what is meant by words put together in that way. It seems to me one group of people which should be assisted by exemptions is the group I call account customers or the group where there is some established business practice between the caller and the customer. It is a pity such transactions are not excluded.

The likelihood of improper practice is negligible in a case where a reputable caller, representing a reputable firm, makes it a regular practice to call, say, every six months on a household in an endeavour to transact some business in the form of selling household articles, and so on. Once some such contact has been established I see no reason to fear a sale being made as a result of undue pressure. It is a completely different case from an unknown salesman from an unknown firm calling upon an unsuspecting housewife and endeavouring to sell some of his wares. Every endeavour should be made to assist people where a close and established business relationship already exists.

I was interested to see that, on page 60 of the report to the Standing Committee of State and Commonwealth Attorneys-General on the law relating to consumer credit and moneylending, the report to which the Minister referred honourable members, the Law School Committee recommended the exclusion from door-to-door sales legislation of:

(i) sales made at the door pursuant to some continuing relationship between the consumer and the seller, as apparently commonly happens at present in the case of some retail stores and their customers, and

(ii) sales made pursuant to a pre-existing revolving charge account.

Close examination should be made of this definition of the continuing relationship between consumer and seller and the definition of a pre-existing revolving charge account. If, under this arrangement, a continued and established business relationship exists between a caller and a householder, I see no reason why that case should be covered by this legislation and I believe it ought to be included in the exemptions.

In many cases the purchaser is looking forward with great interest to the caller knocking on her door so that she can discuss the possibility of buying some articles. In cases where the business transactions are established and where there has been some precedent and some continuity of relationship, or some credit account arrangement, irrespective of whether the call is made in metropolitan Adelaide or in a country area, such business transactions should be exempt from the legislation.

Clause 7 deals with the question of the deposit. Honourable members have spoken already on this matter, which is one of extreme importance. Subclause (3) reads:

The vendor or dealer shall not accept or receive from the purchaser under a contract or agreement to which this Act applies any deposit or other consideration, whether monetary or otherwise, until he is satisfied that the purchaser has not, pursuant to this Act, terminated and no longer has the right to so terminate the contract or agreement.

A penalty of $200 is provided. Every day business transactions are taking place between door-to-door salesmen and their customers. Goods are being handed over and deposits are being paid in exchange for such goods. This is a practice which should be allowed to continue. It is rather naive of the Minister to point out that the salesman does not have to leave an article with the customer, that he could make a contract and take away the article for eight days to see whether the purchaser wished to rescind the contract.

We know in practice that if an article such as an electric radiator or a vacuum cleaner is purchased under conditions of this kind it is not unreasonable for it to be handed over and for a deposit to be paid. If a deposit is paid, it must be refunded if the person concerned rescinds the contract. However, interfering with established, normal and proper practice in regard to deposits, as this Bill does, is taking it too far.

The third and last matter to which I refer concerns clause 8, subclause (4) (*c*) of which provides:

The purchaser shall be under no duty to the vendor or dealer in relation to those goods whether as bailee or otherwise other than a duty not to destroy or dispose of those goods.

If we look at this in a balanced way and from all points of view, the purchaser should feel some sense of responsibility about taking reasonable care of those goods during the period in which he can decide whether or not he intends to proceed with his purchase. It is grossly unfair, where a firm or salesman carries on his business properly, makes a sale and explains the whole position of the eight days' time within which the purchaser can change his mind if he so wishes, for the purchaser not to exercise reasonable care with the article in question. If the article is handed back, undoubtedly it should be in as new condition.

When we simply lay down, as I have just indicated, that all the purchaser needs to do is not to destroy the goods or not to dispose of them, we are not being as fair as we should be to the reputable vendor or the reputable salesman who is carrying out his duty as part of the ordinary business of buying and selling goods in the proper way.

Those three matters should be looked at carefully in the Committee stage. However, I do not oppose the general principle of protecting those few people who have suffered (and I am the first to admit that) from improper practices; in fact, I wholeheartedly support it. However, the Government is going the wrong way about trying to do just that. Again, I refer to the far better approach of the registration of door-to-door salesmen. But, having adopted the course it has, I think it is only fair and just that the Government should endeavour to consider the rights, obligations and normal business points of view of both buyer and seller. I support the second reading.

The Hon. H. K. KEMP secured the adjournment of the debate.

FILM CLASSIFICATION BILL

Adjourned debate on second reading.

(Continued from October 27. Page 2525.)

The Hon. C. R. STORY (Midland): I rise to conclude my remarks on this Bill. As I said yesterday, any form of censorship or classification, as I see it, is always a difficult task. Just as groups of people are widely diverse in their thinking, so do I believe that individuals are diverse in their thinking. Anyone is entitled to ask, "What is an average person?" He can also ask, "What is a normal person?"

If there is anyone sufficiently smart either in this place or elsewhere to answer those two questions, we are over the hurdle in respect of censorship. Full regard must be had in these matters to a person's temperament, nationality, environment, upbringing, educational standard, sexual mentality, mental development and previous experience with society, and society's treatment of him. All these problems, and many others, must be taken into account when a person or a panel decides on the future of a film.

As I said yesterday, and repeat now, the way in which people generally approach each other is fairly common; and particularly do we see that in Parliament, with two old gaffers sitting up and chatting to each other.

The Hon. T. M. Casey: How long ago was that?

The Hon. C. R. STORY: Gaffers have been going on for a long time.

The Hon. T. M. Casey: But what about "old gaffers"?

The Hon. C. R. STORY: There could be either older or younger gaffers. We hear one old gaffer addressing the other, "All the world is queer save thee and me, and even thee is a queer type." That is the sort of thing we are faced with. What takes one person to great flights of panic leaves other people absolutely cold. I will elaborate on that shortly. I do not think it can be denied, either, that films and plays as well as books and poetry that a very few years ago would have been banned by most people in this State are now performed and sold freely. Education systems have changed; they have changed so much in one generation that there is a greater understanding, and "the birds and the bees" attitude ceases to exist. But, in saying that, I do not in any way condone the permissiveness that is being encouraged in some quarters in this very State at present; nor do I agree with the Premier, the Chief Justice, the Attorney-General and people of their type who say that the people should be allowed to see what they like, or else they should not attend at all.

They cannot get out of it as easily as that; it is not as simple as that. I think people are completely irresponsible when they talk in that manner. Whereas once ladies in small groups whispered in each other's ears that their married daughters were in a certain condition or that there was about to be a blessed event in the family, it is now quite commonplace for children in junior schools to talk freely about their mother's pregnancies. It is necessary, therefore, to have a rethinking of the way of life and of the way in which these young people should be treated. It is with this feeling in mind that I approach this legislation with much apprehension.

It appears that the Minister referred to in the Bill (the Attorney-General) has not proved himself to be of strong character in protecting the public's morals, and that he would rather pass the buck to someone else here or in Canberra. The force of adverse opinion which came upon the heads of the Government and particularly the Attorney-General when they agreed to the staging of *Oh! Calcutta!* and their final backing down after the majority recommendation of the Supreme Court is an extremely good illustration of this. The Attorney has been reluctant to take positive action in dealing with what I consider in many cases to be pornography, until public opinion has forced the issue. *Portnoy's Complaint* is a good example: it was to be sold openly when it was first brought out, and then it could be sold only if kept under the counter. To me, that is an absolute shambles, as the sale of such books should be either allowed or disallowed unconditionally.

Unless the Attorney-General is willing to exercise the power given to him under the Bill, the legislation will only be window-dressing, and we might just as well do what New South Wales, Victoria and, I believe, Western Australia have done: accept the censorship of the Commonwealth Censorship Commission. The only purpose in having a Minister to administer legislation such as this is that he is supposed, if he receives a complaint either from the police in relation to a live act or from the Inspector of Places of Public Entertainment in relation to a film, to be the arbiter who must decide whether or not the exhibition of the picture or the play should proceed. However, he has been reluctant to take action in either case. I do not believe all members of Cabinet hold the view that this is a good Bill. I believe that only certain Ministers do.

America reconsidered its X classification (which is the equivalent of our R) after an 18-month trial period, and in Great Britain an X classification has just come into operation. New South Wales has amended its old Places of Public Entertainment Act, something that South Australia could have done, rather than introduce completely new legislation in which the Inspector of Places of Public Entertainment, who was referred to in the previous Act, does not even get a mention. The present legislation has been administered very well by

former Attorneys-General and Chief Secretaries, to whom any complaints were sent.

The other States have completely handed over their rights to the Commonwealth without any strings attached. Only a few days ago, in reply to a question from me, the Attorney said:

The conference to which the honourable member refers in his question was a conference of Commonwealth and State Ministers responsible for censorship matters. Matters discussed at the conference covered a wide range and the Film Classification Bill was only one of them. Two conclusions emerged from the discussions relating to the Film Classification Bill: (1) a target date for the operation of the restricted classification was set as November 15; (2) it emerged that it was important that there should be power for the Commonwealth Film Censor to require the submission of advertisements for his approval. If he so desires, the Minister can override the Commonwealth classifications. Only a couple of days ago a friend of mine rang me, saying that he had received from a television station an offer of two seats to view a film which is currently showing in Adelaide. Being an intellectual type and fond of music, he decided he would like to see the film. I took the opportunity of missing my lunch today so that I could view this film, which is classified as suitable for adults. If that film has been severely cut by the censors, Lord help us if the R classification films are let through.

The Hon. C. M. Hill: Without cutting?

The Hon. C. R. STORY: Yes, uncensored. If such a film is shown here, it will be for general exhibition, provided that persons between the ages of six and 18 years are not permitted to see it. It will certainly have an R classification, but it will be for general exhibition. I wish to refer to the picture that I viewed this morning.

The Hon. T. M. Casey: Was that suitable only for adults?

The Hon. C. R. STORY: I do not know how the film would be classified. If it were viewed by two of the gentlemen I mentioned yesterday who wrote copiously about censorship, they would say it was art in its very best form. If the film were viewed by the people who wrote the book decrying Mr. Chipp, the Commonwealth Minister for Customs and Excise, and his censorship board, they would certainly disagree completely to its being exhibited. The people who wrote the third book I mentioned yesterday would have said, "Let the people make up their own minds, because they are grown up." I do not want to advertise the film. Because there are concession prices for pensioners at the 11 a.m. session, I saw quite a few older people at the theatre. However, there was quite a number of young people of high-school age. I do not know why they were there, but they may have been attracted by the advertising material. The advertisement for the film says:

From the tormented mind of Tchaikovsky came the world's most beautiful music! " 'The Music Lovers' is the film not to miss this year—the most exciting, excessive, beautiful, baroque, romantic . . . outing of 1971 so far. Glenda Jackson's sensual, sex-starved Madam Tchaikovsky is one of the *tour de force* acting stints of all time."

That is the lead-in to the advertisement. Those who know something about Tchaikovsky will know that he was a homosexual who was married, but left his wife. Both Tchaikovsky and his wife went insane. The scenes in the enclosed section of the mental home where his wife was accommodated were, to say the least, nauseating, grotesque and degrading. Further, the final scenes showing the composer himself, then suffering from cholera and very badly marked and dying, were grotesque. It seemed horrible that this film should be given such a great billing.

I am afraid that we will get much more of this type of advertising if we do not watch out. We will get all sorts of names like *The Naked Bunyip* that do not mean much to anyone. The show *Dad's Army* is one of the most humorous and simple pictures that has entertained me in serial form. I thought it was always screamingly funny, but they could not miss the opportunity of getting a bit of filth into the advertisement for that film, one of the most simple of films. It depicts the Home Guard during the Second World War in England. An old captain, on being difficult with an air raid warden who wanted to borrow his soldiers, said, "Keep your hands off my privates." I cannot understand why people are allowed to get away with that sort of thing.

I asked the Chief Secretary to ascertain whether the Inspector of Places of Public Entertainment or any other person in authority had been asked to view the film *The Music Lovers*. I asked whether the Attorney-General had been informed that some people did not think it was a suitable picture. What action has been taken? Under this Bill a Disney film would probably be classified in the general category; I think all parents like to take their children to such a film. However, a theatre proprietor is prohibited from showing the trailer of an R film during a programme featuring

a Disney film, because R films cannot be shown to people under 18 years of age. So, that will create difficulties for the industry.

There is a great shortage of good films. Under the present classifications about 70 per cent of all films shown are classified as being for adults only. At least 50 per cent of that 70 per cent would be severely cut by the censor under the present law. It is estimated that probably 50 per cent of the films that will be classified R will be allowed to come through the normal channels of drive-in theatres and fully enclosed theatres, but children between the ages of 6 years and 18 years will be excluded.

It is interesting to note that, since censorship laws in the United Kingdom have been altered to include the X classification, the Chief Censor has been under so much criticism and has worried so much about his work that, although he receives a high salary and has held an important position, he has been forced to resign. That happened early this year, and is relevant to the present situation here. One section of the Government seems to require more permissiveness, but does not wish to be criticized for allowing people between the ages of six years and 18 years to see pornographic films and literature and to be able to see plays that are considered unsatisfactory by run-of-the-mill people.

This section wants certain groups of privileged people to be able to go ahead with more and more permissiveness, yet, at the same time, it is tightening every law in the State to protect someone against something else. As I have worked since I was 14 years old among navvy gangs, I am sure there is not one four-letter word that I do not know explicitly, although I do not use them in normal discussions. Many of my friends in this Parliament would know the same words and what they mean. If my children, big as they are, used the words in my home in ordinary conversation, they would get a good clip under the ear. However, in films and university newspapers this great swing towards permissiveness and the use of four-letter words is evident. Another point about this legislation is the fact that it is normal for an operator to complete his apprenticeship at the age of 21 years, but under this legislation he would be unable to begin this work at the age of 16 years and would have to wait until he was 18 years old, otherwise he would breach the law with regard to the showing of R classification films.

What is the situation concerning clubs and hotels, since the 1967 laws were altered in respect of places of public entertainment? It seems to me that a special category has been included in the legislation that will enable groups of people to be given a special permit to show special films. Adelaide has film festivals, most of which one would not be proud to be associated with, because, although some films are good, others are not. I particularly draw attention to my two amendments. The Minister has several amendments on file and they have been explained as being necessary because of the alteration in requiring that the Minister can ask for details in writing of the type of advertisement that will go with the caption of the film. I support that aspect of the legislation. I should like to have my amendment to clause 5 included in order to give protection to the operators of the theatres. Obviously, this Bill was hastily drafted, because many amendments now have to be included.

Many times a film will break and the proprietor will have to join the film. Therefore, I shall move an amendment that will allow him to join that film, even if part of it has to be cut, provided there is no additional material included in the film. I hope the Minister considers that a reasonable and fair proposal. My other amendment is to clause 6 and adds a further defence to the charge, as it provides:

> (*ab*) the child to whom the charge relates was not observed entering the theatre by the defendant, or a person to whom the responsibility of admitting persons to the exhibition of the film was entrusted;

Many times drive-in theatre proprietors have found large parts of the chain mesh surrounding the theatre cut by bolt-cutters. The gangs that enter the theatre are not those in the 18-year-old range but the more adventurous children between 10 years and 14 years of age. It seems quite wrong that a proprietor should have to be responsible for people who have entered by some back-stairs method. Unless the child has in his possession a ticket to say that he was admitted through the gate, then I do not think the proprietor should be held responsible for the child being on his property. Secondly, people are known to smuggle in children in boots of motor cars, under rugs and so on.

By and large, I am not very happy about the Bill, but if the Attorney-General, in administering the Bill, does his job properly, and if there is proper supervision of the censorship, perhaps we can give this a trial. However,

if this is not a success, I implore the Government to be honest and to bring it back and have it rescinded, so that we can put ourselves under decent and sensible censorship people of our own in South Australia. Let South Australia not only be very proud of its new conservation consciousness and environmental cleanliness, but let us try to keep the State morally clean as well.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from October 21. Page 2402.)

The Hon. C. M. HILL (Central No. 2): During each session as we sit in this Chamber we find before us an amendment to the Local Government Act. Over the past five or six years the main principle behind this has been the need to keep local government legislation up to date, whilst at the same time behind the scenes the complete revision of the Act has been taking place. Honourable members will recall that the Local Government Act Revision Committee commenced its sitting during the years of Government between 1965 and 1968. Now its report has been made public and has been circulated to councils for views and comments. As I understand the position, it was expected that the replies would have been received at the Local Government Office by July last, and that subsequently some more rapid progress would be made towards the complete revision of the Act and the production of a new Act, thereby repealing the existing one.

I do not know whether that is still the intention of the Government. I have noticed with some interest that the Secretary for Local Government has just been appointed to an important position with the Adelaide Festival of Arts organization. I do not know whether any replacement has been made, but I hope that the work of the Government on the complete revision of the Act has not been handicapped by the appointment of Mr. Bray to his new office, and that it will not be long before we hear more from the Government on the progress being made in this important direction.

Whilst that is taking place, it is proper that the Act should be updated from time to time. The provisions of the Bill before us do not fit exactly into the series of improvements we have seen from session to session; indeed, the measure before us comprises matters which were considered during the previous session in a much larger Bill to amend the Local Government Act. That Bill included the question of a complete change of franchise within local government, and quite properly it was rejected by Parliament. Now the clauses of that earlier Bill that did not deal with franchise have, in the main and in broad terms, been grouped together and brought forward in the measure before us. I think the Local Government Act could be considerably improved by the incorporation of some of the changes proposed.

Like many other Bills, this in the main is a Committee Bill. It is simply a group of different matters affecting different sections of the Act, and the only way in which it can be reviewed properly is to take it clause by clause, or to take groups of clauses together, and comment upon them. That is the way in which I have approached my review of the measure.

I appreciate that an effort has been made by the Government to help councils which have, in recent years, been seriously affected by the increase in Government ownership of property within their areas. In clause 2 we have a further definition of "ratable property":

(1a) 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 land and buildings, held by or on behalf of the Crown, or any part of any such land and buildings, occupied, or if unoccupied, intended for occupation within a period of twelve months, as a dwellinghouse or for any other purpose, not being a public or educational purpose.

The more one looks into that clause, the more queries arise as to what is meant by it. In his explanation the Minister indicated that the intention is that, whereas in the past Government-owned houses unoccupied at the time the local government body adopted its assessment have not been rated for the ensuing year, with this proposed change if it is the intention of the Government department owning the property to see it occupied during the ensuing 12 months, then the council may rate the department for the property.

That is laudable; it is a genuine effort to help local government in this one respect. Looking further into it, however, one must query what is meant by "occupied" and by "occupation of the property". How will it work when it is based simply on an intention to occupy during the next 12 months? Is it intended that local government should rate all these properties and then wait for the owner department to appeal and to say

that it does not intend to occupy within the next 12 months, or is it intended that the council should ascertain first from the Government department that owns the house whether or not the Government intends to occupy it?

That latter example can be a dangerous procedure. I have heard recently of one example where a departmental officer and the Minister concerned told some people that a certain house or houses once purchased by acquisition would not be occupied, and since that statement was made one of the houses has been occupied. I am not being critical here but am citing that as a genuine example of the Government's intention changing.

It means that, if the council seeking the department's view on whether or not it intends to occupy receives the answer "No" and does not adopt an assessment for that property, then, of course, it will fail to receive rates on it for that year, whilst at the same time that house may, because of a genuine change of intention by the department, become occupied within the following 12 months. So this matter needs further explanation and probing a little further because, whilst the intention is there, local government must know how it is to go about the process of assessing vacant properties of this kind.

I mentioned earlier that the definition of "occupation" must be clarified. In some areas, particularly in the District Council of Gumeracha, there have been considerable purchases by Government departments for the purposes of safeguarding the catchment area of the Adelaide Hills. Some of the areas purchased have not been occupied by lessees after the date of purchase, by arrangement with the new landlord, namely the Government department, but that land has been occupied on the basis of agistment. The arrangement, broadly, is that on a three-monthly basis a charge has been made on the basis of the stock being agisted. I should like to know whether agistment, which is becoming widespread in some areas, means that that land is occupied. If it is, that will place a district council such as Gumeracha in a far better financial position than the unfortunate state in which it now is because of the many Government acquisitions within its boundaries; and the same process will continue because more and more acquisitions of this kind will be made throughout the whole catchment region of the Adelaide Hills in the years to come. It may well be argued that the person owning the cattle is not the occupier, that it is the Government department that owns the property that is the occupier.

I should like some further explanation of the definition of "public purpose"? What do we really mean by "public purpose"? It may be that the employee of a Government department occupying a property could be regarded as being a member of the department and therefore as occupying that property for a public purpose.

I come now to the Woods and Forests Department and its planting of pines. Is this a public purpose? It has, as one of its intentions, profit-making and, if a department that enters into a profit-making venture of growing pines can be rated, I am happy with that position. I know that councils that have such newly planted forests in their areas would be happy, too. But is the growing of pines by the Woods and Forests Department a public purpose? Is the land that is being newly planted with pines now in the Adelaide Hills ratable in the future?

These are matters I am touching upon briefly, but it is important that local government be given a reasonable, fair and just opportunity to rate because, if it has to reduce its aggregate rate because of large Government acquisitions in its area, it means that those private persons who live in the area and remain ratepayers have to pay more in rates. A council with fewer ratepayers on its assessment book cannot reduce its service charges.

Therefore, it is not only just a council as a body that we are considering: it is the financial position of its ratepayers. I ask that further explanation be given of whether the changes proposed in this Bill in regard to the definition of "ratable property" help some of the examples upon which I have touched. I know that this is important to local government.

Clause 5 deals with amalgamations. This has always been a vexed question for local government. In this Bill, the Government has taken a new approach to the matter: any one council that feels that it should become involved with the annexation of areas adjacent to it and any one council that feels that it should have within its new proposed area part of an adjacent council area may petition for such a change. I submit that this is an alternative method to having a boundaries commission for local government.

The policy of the previous Government was not to take this course; it was to continue maximum discussions between councils where there seemed to be a need for some change in

boundaries. It believed that all parties concerned in local government, by the process of discussion around the table, would eventually arrive at decisions that would be agreeable and amicable for all parties concerned. I know that is not a way in which fast change can be considered, but it is a way in which all those who are directly affected by a change can have maximum discussion in the initial stages. We left it to the councils concerned to initiate the move, in the first instance, and that was an important principle. We believed that the initiation for amalgamation had to come from the people in the local area, in the first place.

As a result of this proposed change, there will be much activity in the whole realm of local government. Unfortunately, I think it will mean that many of the big and powerful councils will make their wants known and there will be considerable objection and much feeling and ill will among the people living in adjacent areas. A considerable change will come to country towns because in many instances there are small municipalities within the country towns and large district council areas surrounding those towns, and within those district council areas there are houses that in fact really belong to the township.

As regards clause 5 (2), a serious problem may arise in that, if a council wishes to annex part of an adjoining council area within its own boundary, it must give notice in writing of the petition to every owner or occupier of ratable property within the portion to be annexed. This means that the council must in some way (I assume by some means of subterfuge) get someone to look at the neighbouring council's assessment book and obtain a list of the names and addresses of every owner and occupier of ratable property in the area concerned. I do not believe that is right in principle.

A council should not have to go to lengths such as that. A better method ought to be found by which the council could perhaps advertise its intention or send notices to the occupiers of those properties. A council should not have to go to the lengths of sneaking into the adjacent council office and obtaining a complete list of occupiers and owners. This aspect should be examined closely in Committee.

Because of the method that the Government is adopting in relation to amalgamation, in most instances, particularly in country towns, the people in the area that it is intended to annex will object, as the rates they are at present paying will undoubtedly be less than those being paid within the housing areas of the council trying to swallow them up. There will be many objections of that kind, and the adjacent council will also object violently.

The Bill provides that such a council can lodge its objection, and the Government must then refer the matter to a judge in a similar manner to the procedure that now applies. His Honour Judge Johnston has conducted inquiries of this kind in recent years. Indeed, only recently he has been involved in the matter between the Enfield and Walkerville councils, and a few years ago he did a splendid job in an inquiry concerning the region around Keith which wished to sever from the large Tatiara District Council that had its headquarters in Bordertown.

It will be an extremely difficult task for His Honour or whoever the Minister chooses to hold such inquiries in future. Indeed, as I see it, the task of the commissioner will be identical to that of a boundaries commission. I am fearful of the pressures that will be placed on the shoulders of the person conducting such an inquiry, and I wonder how this Government proposal will ultimately finish up. It seems to me that, if the Government really wants to help in this way and if it feels that the present method of facilitating amalgamation is unsatisfactory, it should seriously consider going the whole hog and forming a boundaries commission. Personally, I am not in favour of that.

Although an attempt is being made to localize the problem, I do not think it will be successful. There will be much criticism of the Government within local government when this proposed machinery is set in train and the new method of bringing about amalgamations becomes law.

I refer now to the matters covered in clauses 6, 7, 9 to 12, and 16, and the question of the reduction of age to 18 years, first, to qualify to enrol in local government; secondly, to hold office in local government; and, thirdly, to become a member of the office staff or administration of local government. I do not object to this. Indeed, I think it is proper that this change should be made.

I also believe it is proper for me to voice in this Council the objection to the proposed change that has been expressed to me by the Local Government Association, which fears that the change is a further thin edge of the wedge in local government to change the franchise and ultimately to lead to compulsory voting. The Local Government Association believes that the ratepayer concept in local government is a different concept altogether from

that of enrolment for State anod Commonwealth elections. It cherishes the ratepayer concept and it fears changes of the kind proposed in the Bill.

Clauses 13 and 14 deal with the counting of votes at local government elections by the deputy returning officer and the returning officer. These provisions should be supported. Previously, a member of a council could not resign from that council without its licence or consent. Clauses 8 and 15 amend sections 54 and 139 respectively of the principal Act. Section 54 contains the words: "resignation with the licence of the council by notice posted or delivered to the mayor or to the chairman or to the clerk". The words "with the licence of the council" and "to the mayor or to the chairman or" are to be deleted by the amendments, with which I agree.

I do not believe it is fair or just that a council should have the right to prevent one of its members, who wants to stand for higher office and, therefore, to oppose a sitting alderman or mayor, from going before the ratepayers to try to be elected to that higher office. I remember a case when a council opposed the application of one of its members to resign. It was suspected that the council wanted to retain the existing mayor. Looking at the matter in an unbiased way, I thought then that the Act was wrong in this regard. The amendment corrects this matter.

Clauses 17 to 22 deal with the matter of memorials when the ratepayers within portion of an area petition to have a particular public work built for that area and thereby incur a special and separate rate to assist payment for that purpose. I believe the definition of "portion" should be examined more closely. It seems to me that a small group of ratepayers that becomes intent upon having a certain public work such as a swimming pool could well arrange the support of the majority of ratepayers in a certain portion of an area when drawing up a petition and obtaining signatures. I believe that the portion of the area could include other people than those ratepayers who would benefit by the work.

Before this whole process of memorials takes shape, the council should lay down the boundaries of the portion of the area involved, and then interested ratepayers could begin to obtain signatures for their petition from within the area defined by the council. That matter ought to be closely looked at. Clause 23 gives officers of a council the right to sign cheques.

Clause 24 deals with the right of councils to employ social workers; that will involve expense for the ratepayers, but it is necessary work at a local level. If councils employ social workers carefully, an admirable service will be provided for the community. The same clause amends section 287 of the principal Act by placing restrictions on councils that wish to contribute to any organization that has as its principal object the furtherance of the interests of local government generally throughout Australia.

The Adelaide City Council donates money to such an organization and, as a result of its association with the organization, it can serve Adelaide better. The Minister, for some unknown reason, has inserted in the Bill a provision that his consent to such a contribution must be obtained. I believe that that is an insult to local government, because there is absolutely no need for it. Ratepayers act as a check on matters such as this and, of course, the councillors involved are responsible people. So, any interference by the Minister is unwarranted.

In clause 24 (*c*) we see a gross interference with local government. The effect of the clause is that expenditure can be undertaken by a council on promoting a Bill before Parliament only if the Minister approves in writing of that expenditure. I believe the provision also encompasses the ability of local government to promote amendments to Bills before Parliament.

If a council wants to approach its local member of Parliament to introduce a private member's Bill to assist that council, it cannot even go to its solicitor without first obtaining the Minister's approval, because to go to the solicitor would involve expense. In fact, it is highly questionable whether the council could even employ any of its own staff to investigate such a matter without first obtaining the Minister's consent to the expenditure involved. The provision is completely undemocratic, because any council ought to be able to promote a Bill before Parliament without any restriction. Clause 24 provides:

> Section 287 of the principal Act is amended . . .
>
> (*c*) 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)";

Section 287 (1) (*k*) of the principal Act deals with the expenditure of revenue by local

government; it provides that expenditure by local government can be made for—

promoting any Bill before the Parliament which may be necessary or desirable for the benefit of the area.

It is after the word "promoting" that the passage in clause 24 (*c*) is to be inserted. I strongly oppose the amendment because it savours of keeping councils under the thumb of the Minister of Local Government. It completely usurps the initiative that most of us want to see councils displaying, so that they can govern their communities unfettered by too much restriction from either the Minister of Local Government or the Government of the day.

Clause 24 (*c*) means that a typiste in a council office cannot even type a memorandum dealing with an idea from the Town Clerk about an amendment to legislation that he believes is in the best interests of the council. No such work can be undertaken by a typiste because office work involves expenditure. Before people can even breathe a word about a change in legislation, they must go along cap in hand and seek the Minister's approval.

The Hon. D. H. L. Banfield: Aren't you exaggerating just a wee bit?

The Hon. C. M. HILL: This matter will be dealt with in detail before the Bill is passed.

The Hon. M. B. Dawkins: It's political interference.

The Hon. C. M. HILL: Clause 24 also deals with the allowances and expenses of council members. I know that some people object to this provision because they believe it is the thin end of the wedge that may lead to remuneration for councillors and mayors. However, I do not object to the provision, because the services of a person on a limited income may be lost to the community if he is not reimbursed for some expenses. Consequently, some expenses should be borne by councils. Clause 25 deals with the very important question of homes for the aged. Because this clause will have wide repercussions, it needs to be discussed in detail. I therefore seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 4.51 p.m. the Council adjourned until Tuesday, November 2, at 2.15 p.m.