

LEGISLATIVE COUNCIL

Thursday, March 28, 1974

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:

Harbors Act Amendment (Property),
South-Eastern Drainage Act Amendment,
Supreme Court Act Amendment.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

The Hon. A. F. KNEEBONE (Chief Secretary): I have to report that the managers attended the conference but that no agreement was reached. It was evident early in the conference that there was apparently no room for compromise. It was a matter of either the Legislative Council giving way or the other place giving way: there was no middle path between the two alternatives. The conference did not take very long. It was put to the managers from the Legislative Council that perhaps we would reconsider the amendment made to the Bill in this Council, but it was indicated by the managers from this Chamber that we had been instructed by the Legislative Council to support the amendment it had moved to the Bill. The conference broke up on that note. There was no room for compromise.

The Hon. R. C. DeGARIS (Leader of the Opposition): I should like to add to what the Chief Secretary has said. The conference was not a long one. One would have thought that the House of Assembly, in requesting the conference, may have been prepared to compromise, but no compromise was offered on the Bill to the Council managers. As the Chief Secretary has said, the conference was short. There was no compromise situation that could be developed and therefore, unfortunately, no agreement could be reached.

The PRESIDENT: No recommendation has been made from the conference. The Council, pursuant to Standing Order 338, must resolve not to further insist on its amendments or to lay aside the Bill.

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

That the Legislative Council do not further insist on its amendments.

In doing so, I must reiterate one or two things I said during the second reading debate and in Committee. The Government still insists that it has a mandate for what has been proposed in the Bill. As long as I have been a member of the Australian Labor Party, it has been one of our planks to have an insurance commission to cover all types of insurance. At the time we introduced the Bill that brought about the establishment of the commission, the Premier made certain remarks about not desiring to go into life insurance on the recommendation of various people that we should not do so. Subsequently, after advice from the General Manager of the commission, and after its establishment, the recommendation of the commission was that the Government should enter the life field.

It could be argued, as it has been by the Opposition, that we changed our minds. However, before the last election we indicated in our policy speech that it was our desire to enter the life insurance business. This was stated in all our policy speeches before that election, and people who voted for the Labor Party knew full well that that was part of

its policy. My Party was returned to Government and we have said here, and in other places, that as a result of that we have a mandate to do what is proposed by the Bill. Many things have been said about the insurance commission's showing a trading loss over the period it has been in operation. In the Committee stage I explained the insurance accountancy in that respect and pointed out that private insurance companies had gone through the same procedures. I also indicated that the insurance commission had invested over \$6 000 000 in that period. Those are not the actions of a small company on the brink of going broke or of going broke if it did not enter the life field.

I cannot say much more than I have already said on this matter. The Council should reconsider its attitude so that the Bill is not lost. There are only two alternatives: either we lay the Bill aside or we do not further insist on our amendments. I say those few words sincerely, in the hope that the Council will not now further insist on its amendments.

The Hon. R. C. DeGARIS: I cannot support the motion. I do not wish to canvass the reasons I have given why the Council should stand firm in this matter. I have already indicated that we granted a conference to the House of Assembly in the belief that the House of Assembly had some compromise to offer. However, no compromise was offered to the Council. It appears that the Council, in its own way in trying to do the right thing, has placed the Government in the position of having to lay the Bill aside in this Chamber. I make that point because it is important when considering the history of this legislation. When it came to the point of disagreement with the House of Assembly, I pointed out that I could see no area of compromise but was prepared to grant a conference so that we could listen to any compromise offered by the House of Assembly.

I emphasize quickly three points. First, no benefit can be seen for any policy-holder insuring with the State Government Insurance Commission. That fact has been well canvassed and the figures have been given to this Council. Secondly, the Government is not justified in attempting to bolster the losses of its present insurance operations by premiums received for life insurance. The only obligation that any society or Government commission should have in life insurance is to make sure that the investments of the life part of the business go entirely and absolutely to those policy-holders who insure with such society or commission.

Thirdly, there has been talk about a mandate. This has been discussed many times previously in this Council, but I ask the Council to examine the "mandate" and what the Premier himself said three years prior to the "mandate" at the last election for the Government to enter the life field because the operations of the State Government Insurance Commission had been "extraordinarily successful"! I do not believe that was a fair mandate given by the people because, if the people had understood that the present operations of the S.G.I.C. were running at a loss of about \$400 000 in each quarter, they would have thought differently. The Chief Secretary said that \$6 000 000 has been invested; of course, because the premiums are in the commission's hands before it must meet all its obligations and liabilities. It is reasonable, from the Auditor-General's Report, to assume that the commission has lost \$1 000 000 in the last 18 months and is losing at the rate of about \$400 000 for each quarter at present. With those few remarks, I re-emphasize the points I made earlier and regret that I cannot support the motion.

The Hon. Sir ARTHUR RYMILL (Central No. 2): A mandate must be clear. It is difficult enough to discover mandates. When they are obscured by words and representations it is difficult for anyone to say that a Party has a mandate. Prior to the last election, or the one before that, it could be said there was a mandate for life insurance. The Premier later said that life insurance would not be profitable and that he did not want it whereas, apparently, in his policy speech he said that he did want it. As the Leader said, the Premier claimed that the Government office had been successful, but I do not know how one measures success in the business world: I thought it was measured by profit, whereas the commission has lost \$1 000 000 up to date.

The Government office has issued many policies, but I challenge the Chief Secretary's suggestion that the Government has a mandate for life insurance, because it has been blowing hot and cold on the matter, surely, one cannot obtain a mandate in that way. The Bill applies not only to life insurance by the commission but, as has been pointed out, there is another fairly vital clause, namely, the authorization for the office to invest in investments other than trustee securities. You said, Mr. President, that we had the choice of not insisting on our amendments or of laying the Bill aside. The Chief Secretary has moved that we do not insist on our amendments, a motion which I will surely oppose.

Does this mean, Sir (I ask you this, because I will not be able to speak again, as we are not in Committee), that, if we do not pass the Bill, it will be automatically laid aside, or can we insist on our amendments and give the House of Assembly another chance to retain that part of the Bill relating to investments? If the Bill is laid aside, of course, that part goes, too. It seems to me that there could be no advantage to the House of Assembly, if this course is open to us, in not keeping the Bill in relation to the parts that we have passed, except to throw more contumely on this Council. The only purpose, other than political in those circumstances, would be to try to get in the first leg of a double dissolution if after the next House of Assembly election another Bill of similar effect is introduced. There will be at least two more sessions of this Parliament, unless there is a double dissolution on some other ground, in which the Government can put up the life insurance proposal, thus getting in the first leg it might want, anyhow.

It seems to me that there is no sense in the House of Assembly's throwing away a valuable part of the Bill, unless it is a matter of sour grapes. By its conduct up to date it may be that this course is not open. I ask that question of you, Sir, because the motion has not been moved that it be laid aside. The Chief Secretary moved that we do not insist on our amendments. I should like to know what will happen to the investment clauses of the Bill if we vote against the motion and insist on our amendments? Does it follow automatically that the Bill must be laid aside? If that is so, then as far as I am concerned that is what must happen, unless there is any chance that we can send it back to the other place after insisting that our amendments remain.

The PRESIDENT: If the honourable member looks at Standing Order No 338 he will see that it provides as follows:

If a conference be held with the House of Assembly, the Bill shall be brought back by the managers, and if the recommendations from the conference be not adopted by the Council, or if no recommendation be reported by the managers, the Council shall either resolve not to further insist on its requirements, or shall order the Bill to be laid aside.

No compromise exists as far as the Standing Order is concerned

The Hon. C. M. HILL (Central No 2): I want to comment on the matter that has just been raised because if the State Government Insurance Commission is not permitted to invest in equity stocks the Government's financial results may be seriously affected.

The Hon. Sir Arthur Rymill: Or it may be an advantage to the Government.

The Hon. C. M. HILL: It may be, but I would assume it would invest wisely—

The Hon. Sir Arthur Rymill: It might still be an advantage if the whole market collapsed.

The Hon. C. M. HILL: I just want to—

The Hon. A. J. Shard: It would be a sad case if the same happened here as happened to investments in the United Kingdom in recent times.

The Hon. C. M. HILL: Generally speaking, the insurance industry in this country during 1973 suffered severe losses because of price cutting and other reasons. Indeed, the market generally may not improve much throughout the current year. I will not mention any names, but I have been told on good authority of two companies (and I am talking about old established companies) that have lost about \$10 000 000 each in their Australian operations. A third company set aside \$5 000 000 half way through the year to meet losses expected to occur last year and has now found that it was \$2 000 000 or \$3 000 000 short in its estimate. I know also of another company whose losses are reaching \$1 000 000. These are all experienced companies.

In my view it is therefore a great pity that the commission is not to be given the opportunity to invest its funds as it sought to invest them under the provisions contained in this Bill. It is my view that if the commission were given that chance its losses (and it will undoubtedly report further losses) would not be as much as they would be if investment income were increased by the wider range of investments provided for in the Bill.

I do not want the blame for not passing the Bill put on to this Chamber, nor do I want the Government claiming that it has not had the opportunity to widen the scope of investment for the commission. From what has already been said this afternoon it seems that the commission will still be restricted in its investments, and that is brought about by an entirely separate issue. The point ought to be made very clear that this Chamber passed that investment provision in the Bill giving the State Government Insurance Commission the right and the scope to widen its investments, thereby improving its financial position in the future. Therefore, it will not be any fault of this place if the commission's results in the future are not good, the blame must rest entirely with the Government.

The Council divided on the motion.

Ayes (6)—The Hons D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Noes (11)—The Hons J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, and C. R. Story.

The PRESIDENT: There are 6 Ayes and 11 Noes, a majority of 5 for the Noes. The Bill is laid aside.

CLASSIFICATION OF PUBLICATIONS BILL

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the report of the conference on the Bill be taken into consideration on motion.

Just before the Council met, when the last draft of the conference report was handed to the managers, a couple of drafting errors had to be corrected. Because I do not have the final draft at present, I hope that honourable members will support the motion

Motion carried.

Later:

At 3.15 p.m the following recommendations of the conference were reported to the Council:

As to amendments Nos. 1 and 2:

That the House of Assembly do not further insist on its disagreement to the Legislative Council's amendments.

As to amendment No. 3.

That the Legislative Council do not further insist on its amendment but make in lieu thereof the following amendment:

Clause 5, page 2 lines 22 and 23—Leave out subclause (2) and insert subclause as follows:

- (2) The Board shall consist of six members appointed by the Governor of whom—
 - (a) one shall be a legal practitioner;
 - (b) one shall be a person skilled in the field of child psychology;
 - (c) one shall be a person with wide experience in education, and
 - (d) the three remaining members shall be persons who possess, in the opinion of the Governor, other proper qualifications to participate in the deliberations and functions of the Board

and that the House of Assembly agree thereto.

As to amendment No. 4:

That the Legislative Council do not further insist on its amendment but make in lieu thereof the following amendment:

Clause 12, page 5, line 16—Leave out "in private or public"

and that the House of Assembly agree thereto.

As to amendment No. 5:

That the Legislative Council do not further insist on its amendment but make in lieu thereof the following amendment:

Clause 12, page 5—Line 26—After "shall" insert

"—"

(a) "

After line 29 insert paragraph as follows:

and

- (b) have due regard to the nature of the publication under consideration and to all other relevant factors that bear upon the classification or conditions that should be assigned to, or imposed in respect of, the publication.

and that the House of Assembly agree thereto.

As to amendment No. 6:

That the House of Assembly do not further insist on its disagreement to the Legislative Council's amendment.

As to amendment No. 7:

That the Legislative Council do not further insist on its amendment but make in lieu thereof the following amendments:

Clause 13, page 6, lines 15 and 16—Leave out subclause (5).

After clause 14 insert a new clause as follows:

14a. (1) The Board may of its own motion, or shall on the application of any person, review any classification or conditions assigned to, or imposed in respect of, a publication and may vary that classification or those conditions in such manner as it considers appropriate.

(2) Where an application is made under subsection (1) of this section, and the Board has within the preceding three months reviewed the classification or conditions assigned to, or imposed in respect of, the publication to which the application relates, the

Board shall not be obliged to proceed with the review until the expiration of three months from that previous review.

and that the House of Assembly agree thereto.

As to amendments Nos. 8, 9, 10 and 11:

That the House of Assembly do not further insist on its disagreement to the Legislative Council's amendments.

As to amendments Nos. 12, 13 and 14

That the Legislative Council do not further insist on these amendments but make in lieu thereof the following amendment:

Clause 19, page 8—After line 35 insert subclause as follows:

(2) In any proceedings in respect of an offence relating to obscenity or indecency constituted by the sale, distribution, delivery, exhibition or display of a publication, it shall be a defence for the person charged with the offence to prove—

- (a) that the publication has been classified under this Act,
 - (b) that the circumstances alleged to constitute the offence took place before the date on which the classification came into force;
- and
- (c) that the defendant exercised restraints, or observed conditions, upon or in relation to the sale, distribution, delivery, exhibition or display of the publication that were not less stringent than the conditions (if any) imposed by the Board.

and that the House of Assembly agree thereto.

As to amendment No. 15:

That the Legislative Council amend its amendment by leaving out all words after "amended" in new clause 22 and inserting in lieu thereof the following passage "by inserting after subsection (4) the following subsection: (4a) In deciding whether to consent to a prosecution under this section, the Minister shall take into consideration any relevant decision of the Classification of Publications Board"

and that the House of Assembly agree thereto.

The Hon. A. F. KNEEBONE (Chief Secretary): I point out that the Premier has assured me that the board will have members of both sexes on it. I therefore move that the Council now adopt the report.

The Hon F. J. POTTER (Central No. 2): I support the Minister's motion that the Council agree to adopt the report of the conference. In doing so I should like to say that the conference, which lasted the whole morning, was a very good one because everyone applied himself to the difficult problem with which he had to deal. Let no person underestimate the difficulty of this problem, because it is something that has plagued other countries as well as our own and has been found to be very difficult indeed to solve. On the whole question I believe we achieved some very good compromises and that we shall now have a Bill that will do something to improve the situation that at present is causing concern.

The PRESIDENT: Order! I should interrupt the honourable member at this stage, because the Minister has made his report and the recommendations of the conference must be dealt with in Committee.

The Hon. A. F. KNEEBONE. I am sorry that I did not move the appropriate motion that the Council now consider the message I move:

That the President do now leave the Chair and the Council resolve itself into a Committee of the whole to consider the recommendations of the conference.

Motion carried.

In Committee.

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

That the recommendations of the conference be agreed to.

The conference was conducted in a good atmosphere and met for some hours, during which time the managers from this Chamber put their points forcibly and were

listened to by the managers from the House of Assembly. The House of Assembly managers put forward their reasons for not agreeing to our amendments. The managers from both Houses explored all avenues of compromise. The managers from this Chamber held some strong views in regard to some of the amendments that they thought should be retained. In the general trading we came to what I believe is a good and reasonable compromise, which will have the effect of saving the Bill.

The Hon. F. J. POTTER: I will not repeat what I said previously when I was correctly interrupted by you, Sir. However, I should like to say once again that I support what the Minister has said. I believe we have reached a fair compromise that will save the Bill and which will go a long way towards satisfying many of the people in the community who have recently been disturbed by objectionable forms of literature being circulated in the community.

To some extent this Bill is an experiment. Throughout Australia, the States and the Commonwealth Parliaments have been moving into this sphere and experimenting with ways and means of dealing in a fair manner with objectionable types of material. Some of the other States, particularly Victoria and to a lesser extent New South Wales, have already tried systems that have not been very successful. In the light of experience gained from the operation of this type of board in Victoria and New South Wales it will be interesting to see whether, in what we have done today, we have perhaps solved the problem in this State. I hope this Chamber will accept what was agreed in the conference. The legislation will be largely experimental and I will wait with interest to see who comprises the board and how they carry out their functions. I will also view with interest whether or not, as a result of this Bill, undesirable literature is prevented effectively from being sold and circulated in South Australia.

As the Minister said, some strong views were expressed by the managers of this Chamber at the conference. I do not believe that the result achieved today, although it was agreed to in the interests of compromise and unanimity, will satisfy entirely each of the managers who represented this Chamber at the conference. Of course, on such a difficult subject it is not easy to get complete agreement on all aspects. However, the conference managers from both Houses are to be congratulated on the real attempt they made to get to grips with this whole matter.

The Hon. J. C. BURDETT: I support the motion. I must say that I was very disappointed with the attitude of the managers from the House of Assembly to some of the Council's amendments. I was particularly disappointed that they were not prepared to allow members of the public any kind of appeal from the board to an outside body. All we are left with in the Bill is a kind of weak-kneed appeal from Caesar unto Caesar. I agreed to the compromise against my better judgment in the hope that the Government might now be prepared to do something to prevent the present flood of obscenity in this State. The Government claims that the Bill in its amended form will enable it to do just that. I will watch carefully to see how effective this Bill is in achieving that result.

The Hon. M. B. CAMERON: I support the motion. It seems to me that a reasonable compromise was reached between two points of view. When speaking originally to amendment No. 3 I believed then that it would restrict the Government too much. However, it seems that the problem has been met because the board can now include people who did not fall within the provisions of the

original Classification of Publications Bill because they did not have a particular skill that was outlined in a detailed manner. They have now been brought in under the provision for the three remaining members of the board. That seems reasonable to me.

Clause 12 will provide that adults are entitled to read and view what they wish. That is a reasonable attitude for this Parliament to take, because I do not believe that an adult in a mature society should have dictated to him what he should or should not read. The amendments to try and bring politics back into this Bill have obviously been dropped, except in the last amendment where even there the Minister has to consider any relevant decision made by the Classification Board. I believe that is a good thing and that it should be one of our aims to get this matter out of the field of politics and into the hands of experienced people. I hold very strong views on this matter, and I will continue to hold such views on all subjects associated with censorship. I do not believe that politicians are necessarily the most expert people in the world on censorship. I support the motion and I congratulate the managers on their work at the conference.

The Hon. C. M. HILL: The Hon. Mr. Cameron may have left the impression, when he dealt with the question of adults being entitled to read and view what they wish, that that was a part of the Bill to which the managers agreed, but that aspect was dealt with in clause 12 (2) of the original Bill, which provides:

(b) that members of the community are entitled to protection (extending both to themselves and those in their care) from exposure to unsolicited material that they find offensive, and in a case where the application of those principles would lead to conflicting conclusions, shall exercise its powers in a manner that will, in the opinion of the Board achieve a reasonable balance in the application of those principles

So, the provision might have been taken out of context if I had not mentioned that point. Further, the managers from this Council were still not satisfied that that ought to be the total situation in regard to criteria. As a result of representations from this Council, the following new paragraph, referring to the board, is to be inserted in clause 12:

(b) have due regard to the nature of the publication under consideration and to all other relevant factors that bear upon the classification or conditions that should be assigned to, or imposed in respect of, the publication.

This opens the door for the board to pay special attention to the cheap form of periodical publications on bookstalls; they are publications of the poorest kind. It is that type of publication that readily falls into the hands of the young. By its amendment this Council has tried to see to it that that form of cheap publication will be looked at very carefully by the board. As one of the managers, I agree with those who have said that the Bill in its new form is an improvement and that the situation in regard to pornography should improve considerably in this State as a result of the Bill in its final form.

Our original goal was that anything that could be done to improve the situation should be done. I believe that the Bill in its final form will improve the present situation. The Council managers maintained the principles that they applied when they drew up the original amendments. The amendments have been altered somewhat, but the principles have been maintained. The principle of people having a right of appeal has been maintained. Admittedly, it is not the kind of appeal that some of us would have liked to see, but nevertheless some right of appeal is provided for.

Another problem that has been tackled is the case of publishers who may market their literature before the board has time to classify it; although the provision relating to this matter is not in its original form, a happy compromise has been reached.

The Hon. F. J. POTTER: I think it is in a much better form.

The Hon. C. M. HILL: Yes. Regarding the view of some members of the public that the Minister has not given his consent for prosecutions to proceed under the Police Offences Act on sufficient occasions, that Act is now being amended in such a way that the Minister shall take into consideration, when he is considering whether to authorize a prosecution, any relevant decision of the Classification of Publications Board. So, it pinpoints the problem that we have been discussing. Finally, I should like to say how much I admired the determination of the Hon. Mr. Burdett in bringing forward in debate the representations made to him by members of the public. I also compliment him on the firm attitude that he displayed during the conference.

Motion carried.

Later:

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

QUESTIONS

DOWNY MILDEW

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to my question about downy mildew?

The Hon. T. M. CASEY: The Director of Agriculture reports that the effects of downy mildew on the 1974 vintage are most severe in the Barossa Valley and the Riverland. Other non-irrigated areas, while still affected, have suffered only minor crop losses. Many growers have applied copper fungicide sprays as precautions against the disease. The Australian Wine Research Institute has advised that no special method of winemaking is necessary to remove the copper. The copper is precipitated during fermentation and does not result in contamination of wine. Other grape quality problems resulting from the effects of downy mildew and rain damage are moulds, rots and other spoilage. The need to harvest early before full maturity, particularly in the Barossa Valley, will cause weight loss and lower grape sugar levels. There will be some deleterious effects on vines defoliated by downy mildew, which will result in immature canes, poor budburst and lower yields next season. The Director points out that, had growers adequately heeded the department's warnings and carried out the spraying programme recommended in 1973-74, most of the losses suffered this season could, in the opinion of departmental officers, have been avoided. The Agriculture Department is taking steps to ensure that growers are properly advised regarding spraying programmes next year which should commence in October.

HOUSING

The Hon. M. B. CAMERON: Has the Chief Secretary a reply to my recent question about housing at Mount Burr?

The Hon. A. F. KNEEBONE: At the time the Housing Trust took over the houses previously owned by the Woods and Forests Department, it was agreed that they would be retained as housing for Woods and Forests Department employees, and that consequently they would not be sold. The department sold some houses before they became the responsibility of the Housing Trust, and this has led to a

number of recent inquiries. The only way the trust can guarantee that houses will be available for employees of the Woods and Forests Department is to retain them as part of the total rental stock. Even if these houses are sold to employees of the department only, they will eventually be sold on the private market and other accommodation will have to be provided for new employees. While employees may feel that they are being deprived of the benefits of home ownership by this policy, it is pointed out that they pay concessional rentals below those paid by ordinary trust tenants. Employees of the Woods and Forests Department who are interested in purchasing trust accommodation are always at liberty to apply for a normal trust purchase house if they wish.

LONG SERVICE LEAVE

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Treasurer.

Leave granted.

The Hon. R. A. GEDDES: I have been informed that under the Public Service Act at present a person is not eligible for long service leave until he has been in the Public Service for 10 years; there is no pro rata payment for a period less than that. Does the Government intend to amend the Public Service Act to enable long service leave payments to be made to officers after their seventh year of service?

The Hon. A. F. KNEEBONE: I shall have to refer that matter to the Treasurer. As this is the last day of the session, I will forward a reply to the honourable member by letter.

VIRGINIA WATER

The Hon. M. B. DAWKINS: Recently I asked the Minister of Agriculture, representing the Minister of Works, a question regarding water quotas in the Adelaide Plains area, particularly Virginia. Has he a reply?

The Hon. T. M. CASEY: The Minister of Works states that a study of all aspects of the water resources of the Northern Adelaide Plains and the implications of underground water restrictions is nearing completion. When all information has been examined, plans for the most beneficial use of the water resources of the plains will be formulated. If any cuts in underground water quotas are shown to be unavoidable, a review of the current restrictions will be carried out in the most equitable manner which can be devised.

MAYLANDS DRAINAGE

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking a question of the Minister of Health, representing the Minister of Local Government.

Leave granted.

The Hon. M. B. CAMERON: My question relates to a drain constructed along Clifton Street, Maylands, which extends to Magill and is responsible for the drainage of a large area, extending possibly for five miles (8 km). The residents in this street are being charged \$1 a foot (.3 m) because their properties are adjacent to the drain, and they claim they do not get benefit from it, whereas residents further up, who are receiving the benefit of the drain but whose properties are not adjacent to it, are not being charged a direct moiety. Clearly, the latter residents pay something extra for the benefit through their rates, but nevertheless they do not pay the extra cost involved in the moiety. My questions are as follows: first, are the people whose properties are not adjacent to such deep

drainage but who receive the benefit of it charged a moiety; secondly, are councils required, before charging a moiety on such projects, to prove benefit to the residents concerned; and, finally, if the answer to the second question is negative, does the Government intend to legislate to include such a requirement in the Local Government Act?

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to my colleague and try to get a written reply for him.

MONITORING SERVICE

The Hon. C. M. HILL: Has the Chief Secretary a detailed reply to my recent question regarding the Government's proposed monitoring service?

The Hon. A. F. KNEEBONE: I have been informed by the Premier's Department that there is nothing to add to my reply given here on March 21. No additional staff will be required for the monitoring service, which operates automatically. The facilities are for the purpose of recording what is said in the various media about matters which affect the governing of the State and also providing a tape-recording so that the media may be properly informed of these matters. The initial cost will be \$6 000 to \$7 000 for equipment. The cost of maintaining the equipment will be small.

The Hon. Sir ARTHUR RYMILL: I seek leave to make a brief statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. Sir ARTHUR RYMILL: When the Chief Secretary replied to the previous question, I thought the answer was not altogether frank, mainly because it was someone else's and not Frank's!

The Hon. D. H. L. Banfield: Puns again!

The PRESIDENT: Order!

The Hon. Sir ARTHUR RYMILL: He replied that no extra staff would be involved, because the information would be automatically taped. It would be interesting to know how this machine will not need servicing or how it will automatically know when there are statements, talk-backs, or things of that nature coming on the air. After the tapes are run, surely it will be necessary for someone to examine them, or perhaps the Ministers will run the risk of strangling themselves with this multiplicity of tape, because all of it will have to be read (spelt "read" and not "red", although some of it will be red). I do not know (and I should like an oral reply from the Chief Secretary) who will operate this machine—

The PRESIDENT: Order! I am finding difficulty in following the question. I am not helped by conversations among honourable members. The Hon. Sir Arthur Rymill

The Hon. Sir ARTHUR RYMILL: I should like the Chief Secretary to say who will operate this machine or these machines. Who will service these machines? Who will examine the tape? How much tape is it expected there will be from the running of this machine? Will the machine discriminate in relation to taping programmes relating to political matters or similar things, or will it tape everything that comes on the air? All in all, I am asking how it will be possible to have machines like this operating without additional staff.

The Hon. A. F. KNEEBONE: Apparently, I had better take up making puns. As the Hon. Sir Arthur Rymill has said, "Words is words". I am asked to give a frank answer: perhaps the earlier answer was a "Don" answer. However, I will endeavour to get the honourable member the information he desires and, in the words of the Hon. Frank Walsh, "I will send him a letter in writing."

The Hon. M. B. CAMERON: Will the Chief Secretary make sure that the machine that will be used for monitoring has not the brand name "His Master's Voice" on it, with its unfortunate connotations?

The Hon. A. F. KNEEBONE: I will endeavour to see that that is done.

AGRICULTURE DEPARTMENT ADMINISTRATION

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

Leave granted.

The Hon. C. R. STORY: Recently I asked whether the Minister had received a report from the investigation into the Agriculture Department carried out by Sir Allan Callaghan. The Minister said he had received a report, and I asked whether or not he intended to make it public. He then said the matter would be referred to Cabinet in the near future and that he would make a statement after that had happened. My first question is this: has Cabinet reviewed the situation and what is its decision on the matter? Secondly, over the past 12 months to 18 months the portfolio of the Minister of Agriculture has shed the Fisheries and Fauna Conservation Department to another Minister, it has lessened its responsibilities in agricultural education, and it has now shed another department, the Chemistry Department. Can the Minister say whether this means a running down of the department and the portfolio of Minister of Agriculture with a view to merging with some other department or removing the department altogether?

The Hon. T. M. CASEY: The Callaghan report has been to Cabinet, and it has been referred to the Treasury. The matter is being discussed with the Public Service Board. I assured the honourable member that when Cabinet had had a good look at the report I would make a statement: until that is done I will not be making any statement. I am sure the honourable member is most disappointed, because already the Leader of his Party is trying to make some stabs in the dark about exactly what is contained in the Callaghan report. I understand he went on the air at midday today. But be that as it may, if he can get political capital out of that, good luck to him. The honourable member has asked the second part of the question on a previous occasion, and I am sure if he refers to *Hansard* he will be able to read my reply.

The Hon. C. R. STORY: I seek leave to make a brief statement with a view to continuing the questions I have asked of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: Although I do not think he has done it intentionally, the Minister has misled the Council. I have never asked a question along the lines of the question I have asked today regarding the Agriculture Department, nor have I asked at any stage about the Chemistry Department. I have not previously asked whether the Agriculture Department is being phased out, nor have I at any stage that I know of mentioned the matters of fisheries and fauna conservation. I should like the Minister to answer the questions I have asked.

The Hon. T. M. CASEY: I apologize to the honourable member if I did not answer the whole of his question. I will give him his due: the Chemistry Department might not have been referred to in previous questions he has asked. However, I know specifically (and I will back my memory on this) that the honourable member asked me on one previous occasion a similar question and raised the matter of whether Roseworthy Agricultural College, as

it was then, was to be taken away from the Agriculture Department as a separate department under the Minister of Agriculture and placed under the control of the Minister of Education. On that occasion I said that was true, because it was to become a college of advanced education. On the second matter, when a Minister of Fisheries was appointed, the administration of the Fisheries Department went to that Minister. The honourable member knows that the Fisheries Department was merely administered by the Minister of Agriculture; there was not at that time a Minister of Fisheries. The same situation applies with conservation of flora and fauna. When the Minister of Environment and Conservation was appointed, naturally the administration of those matters went to him. I do not know what the honourable member is driving at. I do not think there has been any run-down of the Agriculture Department. It is simply that a Minister has been appointed to take over matters of fisheries as well as environment and conservation, two departments that originally were administered by the Minister of Agriculture. Naturally, they have been handed to the appropriate Ministers. That is the best way I can answer the question.

IRRIGATION

The Hon. J. C. BURDETT: Has the Minister of Agriculture a reply to the question I asked on March 13 on irrigation?

The Hon. T. M. CASEY: I have been informed by the Minister of Works that the application rate for vegetables presently shown on licences to divert water from the River Murray is 1 117 mm with an additional allocation for onion growing of 153 mm, making a total of 1 270 mm. Several cases have occurred where the plantings have been changed from onions to other vegetables, and the application rate has been reduced accordingly. Where diversions have changed from other vegetables to onions, the additional 153 mm has been allowed. As from June of this year, all diversions that have had a meter installed on the distribution works will be covered by a licence showing a quantity of water and not an acreage and an application rate.

DIRECTOR OF FISHERIES

The Hon. C. R. STORY: Has the Minister of Agriculture a reply from the Minister of Fisheries to a question I asked on March 5 last about the Director of Fisheries?

The Hon. T. M. CASEY: The Minister of Fisheries states that the position of Director of Fisheries was advertised and no suitable persons applied. The position was readvertised, and the present applications are being assessed by the Public Service Board. In regard to Murray River fishing, certain amendments to the proclamations are being prepared at the present time in relation to fishing in the Murray River at its mouth. These include changes to equipment. No other amendments are under review for fishing in upper areas of the Murray River, either for equipment or for yabbying, although it is expected that some changes may become necessary following research by a senior research officer (fresh water) who is being appointed at the present time. The department will not be in a position to reassess the situation before 1975.

LOCAL GOVERNMENT FINANCE

The Hon. C. M. HILL: Has the Chief Secretary a reply to a question I asked recently about the Government's attitude to the Commonwealth Government's policy of wanting to make direct financial grants to local government?

The Hon. A. F. KNEEBONE: The Government has no objection to the Australian Government's proposals to allocate funds directly to local government.

FLOODING

The Hon. R. A. GEDDES: On behalf of the Hon. Mr. Whyte, I ask whether the Chief Secretary has a reply to a question asked by my colleague about flooding in the northern parts of the State.

The Hon. A. F. KNEEBONE: For some time the Pastoral Board has been concerned at the lack of mail and supply services to station homesteads in the far north-eastern interior of South Australia and also the township of Birdsville, which are expected to be isolated by Cooper and Diamantina River floodwaters for some time. Consequently, discussions were entered into with officers of the Postmaster-General's Department in Adelaide. At a meeting held between the two departments on March 25, the board explained the geographical effects of the flooding in the area and put forward suggestions aimed at alleviating the isolated situation of other homesteads afflicted, in addition to those on the Birdsville track. Postal Department officers indicated that they would review the entire situation of mail services to both Birdsville and Strzelecki track areas in the light of the information given and the suggestions made. The provision of mail and supply services to these areas under the conditions existing is a complex matter, and the board will provide me with a further report when its inquiries have been completed and the intentions of the Postmaster-General's Department are known.

The Hon. R. A. GEDDES: I wish to direct a question to the Minister of Lands, and I seek leave to make a short statement before doing so.

Leave granted.

The Hon. R. A. GEDDES: Yesterday, the Hon. Mr. Whyte pointed out the difficulties of station managers and owners living in the flooded areas on the other side of the Cooper Creek now that the punt has been removed because of floodwaters, and the exorbitant cost of transporting food to the area. Following the Minister's reply to the Hon. Mr. Whyte regarding mail services, will the Minister take up with the Pastoral Board the obvious problems that will confront these people for some months to come with the high costs of freight, to see whether the Government can assist in some positive way to alleviate their distress and difficulties?

The Hon. A. F. KNEEBONE: I draw the honourable member's attention to the reply I gave earlier. I specifically referred to the provision of mail and supply services to these areas under existing conditions as a complex matter. The board will provide me with a further report when its inquiries have been completed. Those comments refer to mail and supply services.

LAMB PRICES

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to a question I asked about Samcor?

The Hon. T. M. CASEY: The General Manager, South Australian Meat Corporation, has informed me that, if a stoppage occurs on a sale day, a conference is held on the spot between Samcor's market executives and the attending stock agents to decide the proper course of action. If a stoppage occurs at any time, the policy is to inform the Minister, the trade and the Stock Agents Association immediately. However, it is not the policy of Samcor to make announcements regarding industrial unrest that may or may not lead to a stoppage.

HERBICIDES

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my recent question about the branding of tins or containers containing the insecticide or herbicide 245-T?

The Hon. T. M. CASEY: The Director of Agriculture reports that his department is aware of the statement issued by the National Health and Medical Research Council referred to by the honourable member. At the instigation of the South Australian representative, the Technical Committee on Agricultural Chemicals, the body which considers and recommends to States labelling requirements for agricultural chemicals, has listed for discussion possible label requirements to implement the recommendations of the N.H.M.R.C.

At present no such warnings are mandatory for labels in any State in Australia, the United States of America or, as far as is known, any country in the world. It is considered that the normal agricultural use of this chemical presents no danger to pregnant women or other human beings. The Director of Agriculture reports that 245-T has been shown to be teratogenic. This is according to the type of test to which it is subjected. A very large number of chemicals when subjected to the same test also show teratogenicity. Such chemicals as aspirin can cause similar effects in this test but these have not yet been subject to the same degree of malignancy as 245-T.

The department is in possession of a report on 245-T made by a panel of expert toxicologists, who have shown that there is no danger to health in the uses of 245-T as used in America. The uses in Australia are very similar and thus we have no reason to believe that there is any danger in the use of 245-T. The statement that 245-T "is recognized as being harmful to pregnant women and as being a potential danger to unborn children" has not been proven to the department's satisfaction. In the normal use of 245-T, pregnant women do not become exposed to what are considered to be massive dangerous doses.

The ban on using 245-T close to homes was actually made in Canada, and, I believe, it has since been revoked, which allows the use of 245-T close to homes. Such a ban is, however, desirable because 245-T can cause damage to plants other than those being sprayed, and is not what might be called a desirable herbicide for use in or around homes. It is emphatically pointed out that this is because of its herbicidal properties and not because of the toxicological properties.

In reply to the point made by the National Health and Medical Research Council advising that women of child-bearing age should not be exposed to 245-T, I point out that no registration authority in Australia (and as far as I can determine, any registration authority in the U.S.A. or anywhere else in the world) has thought fit to conform to the requirement of putting this warning on the label of the chemical. In the normal use of 245-T there is no hazard to human beings or other animals. One of the important conclusions reached by the panel of experts investigating 245-T in America shows that the use of 245-T actually improves the environment for birds and other native species by encouraging better feeding areas for birds and other animals. This applies particularly where 245-T has been used to control woody plants, that is, blackberries and scrub on rights of way or at roadside edges.

DECENTRALIZATION

The Hon. J. C. BURDETT: Has the Chief Secretary a reply to my recent question about decentralization?

The Hon. A. F. KNEEBONE: The South Australian Government has for some time been exploring the matter of incentives for industrial development. The existing incentives include uniform power tariffs, construction of factories by the South Australian Housing Trust under

lease-back conditions in both metropolitan and country locations, and guarantees and loans available through the Industries Assistance Corporation. In some cases the assistance is made available in the form of direct Government equity in the enterprise. The Government is determined not to generate further incentives on an across-the-board basis; instead, however, we are developing incentives which will apply specifically to Monarto and the iron and green triangles. This matter is currently being explored by the Development Division, consultants to the Monarto Development Commission and the Regional Growth Centres Liaison Committee.

FRUIT FLY

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

Leave granted.

The Hon. C. R. STORY: I am sure everyone is seized with the importance of the work being done by the Agriculture Department in its attempts to eradicate fruit fly in the metropolitan area. However, I was perturbed this morning to read that an industrial dispute had caused the fruit fly strippers not to proceed with work at present. Can the Minister say whether any action has been taken on his part to see that the men are back at work as soon as possible and that no undue delay is caused by anything that might be regarded as frivolous in the way of an industrial dispute?

The Hon. T. M. CASEY: I understand a meeting was held this morning, and when I rang the department my officers were attending that meeting. I have had no further information, but I assure the honourable member that I look on this matter as one of great importance and I will do whatever I can to help things along.

FISHING

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question about the fishing industry?

The Hon. T. M. CASEY: My colleague, the Minister of Fisheries, has advised me that it is understood from inquiry of the Department of Primary Industry in Canberra that the committee set up in 1973 by the Australian Government to consider the effects of revaluation on industry has not, as yet, released its report. The submissions on the South Australian fishing industry are therefore still under consideration by the committee. No indication could be given when finality would be reached.

WINE INDUSTRY

The Hon. M. B. CAMERON: Has the Chief Secretary a reply to a question I asked on the wine industry?

The Hon. A. F. KNEEBONE: The Premier has made both personal and written representations to the Commonwealth Government on the impact of the Budget decisions on the South Australian brandy industry, and these representations are continuing. Also, a working party has been set up in South Australia to prepare proposals for the long-term reconstruction of the grape-growing industry, and in particular the Upper Murray river section of it.

LAND AGENTS

The Hon. F. J. POTTER: On March 13, I asked the Chief Secretary some important questions concerning when the Land and Business Agents Bill was likely to come into force. I have not received a reply. Will the Chief Secretary furnish a written reply as soon as the information is available?

The Hon. A. F. KNEEBONE: Yes. I must apologize that I have not got it with me today, but I shall see that a written reply is made available to the honourable member.

WATERLOO CORNER

The Hon. M. B. DAWKINS: Last week I asked the Minister of Health, representing the Minister of Transport, a question regarding Main Road No. 410. If the Minister cannot get me a reply today, will it be provided by letter as soon as possible?

The Hon. D. H. L. BANFIELD: I shall endeavour to oblige the honourable member.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 27. Page 2760.)

The Hon. G. J. GILFILLAN (Northern). I support the second reading of this Bill, although with one or two reservations. It is a measure brought to us in the last hours of the session and, I understand, after very little consultation with local government. I think that is a pity, because such legislation, which affects the Local Government Act, affects whole communities and should be presented to Parliament in sufficient time for detailed consideration to be given to every facet of it. I deplore not only the late hour of its introduction but also that those representing local government have not been properly consulted regarding the intentions of the Bill. In the main, it introduces a number of small amendments to the principal Act, many of which are described as drafting amendments, but which are fairly extensive drafting amendments in their import.

For instance, clause 6 amends section 83 of the principal Act by striking out from subsection (1) the words "and Local Government". That section of the Act defines those people who examine a person to ensure that he is qualified to have a local government auditor's certificate. The section provides that those people shall include the Auditor-General, an officer of the Highways and Local Government Department appointed by the Minister for the purpose, and another person also appointed by the Minister. We are well aware that the Highways and Local Government Department has now become two separate departments, but it seems strange that this measure deals with local government affairs yet the Local Government Department is the one struck out.

Many of the amendments are quite minor, but I am concerned that clause 7 introduces something new to local government, taking away its democratic right to conduct its meetings at times to suit itself. The provisions of this clause make it almost impossible for many councils to have regular day-time meetings if there is one dissenting councillor; in fact, any one councillor could block the transfer of night meetings to the day-time by simply staying away from a meeting. The clause states:

Ordinary meetings of a council may commence before the hour of 6 p.m. on the day on which they are appointed to be held if the council resolves at a meeting at which all members are present that the meeting should so commence and no member of the council objects thereto. So it is not only a matter of the unanimous vote of the council; it must also be a meeting at which every councillor is present. It is untenable that a local government body should be prevented from holding its meetings at a time to suit itself.

Conditions vary. Many councils meet in the evening because that suits most of the councillors present, and those councillors making up the council. On the other hand, in many councils throughout the State councillors have to travel long distances to attend a meeting, and a night meeting would be most inconvenient for them; but it could be that in a very large council area one or two town wards could be involved and the councillors representing those wards would prefer night meetings; but most of the councillors could be put to a great disadvantage. In some instances, it would be almost impossible to find councillors to serve if they had to travel long distances. It could take only one councillor being absent to prevent a council meeting in the day-time.

Some councillors find it convenient to meet in the morning, lunch together with their officers, and continue the meeting in the afternoon to finish their business. Section 144 of the Act merely states:

Ordinary meetings of the council shall be held at the office or at such place or places as the council appoints for the purpose, and at least once in every month.

The implication of that is clear, that it is left to the council itself to arrange its meetings at the most convenient time and at the most convenient place.

There are also the officers who work for the council: some consideration must be given to their convenience. I am concerned about this move and also about the publicity it has received. It has been turned into a doctrinaire issue by people on both sides—those supporting it and those against it. It has turned into a doctrinaire issue before Parliament, whereas it should be left entirely in the hands of the council concerned. I know that some people find it difficult to attend council meetings in the day-time, while others find it difficult to attend meetings at night. This concerns not merely employees or some businessmen: many other people serve in public life who find certain times for meetings most inconvenient.

I know of many people who are councillors and who get time off from their employment; and many employers give time off willingly. Often, a private arrangement is made whereby an employee gives some service in return, but I have never met in local government any demand for such an arbitrary clause as the one proposed. Whoever dreamed up this clause had a very slight knowledge of local government procedure. Both the clause and the explanation of the clause imply that the whole function of local government is to attend the regular meetings. Anyone who has been in local government and taken any active part in it knows that attending regular meetings is only a small part of the overall obligation of serving on a council. There are many other facets—a tremendous amount of committee work, inspections, local government conferences, and keeping in touch with a whole range of activities in the local government sphere. Regular meetings are only a very small part of the overall obligations of a councillor.

In the following clause, clause 8, there are some anomalies about long service leave and superannuation. Some clerks are moving up the scale, which is common in local government. Many begin as district clerks in small councils, gain a certificate and, as vacancies occur in the larger councils through retirement, they move up to the larger councils, which could mean a change of clerks in at least another half a dozen councils because, as a position is filled so another one becomes vacant, resulting in an accumulation of long service leave accruing to a clerk until he reaches the position where it can prejudice his future

employment, because he has so much long service leave owing to him that he can become a great financial burden to a council. I will say no more about it, because I understand that the Hon. Mr. Potter, who is far more versed in superannuation and long service leave than I am, will deal with this matter. He already has amendments on file.

I have checked the rest of the Bill against the Local Government Act, and it does not appear to have anything nearly as important as the two clauses I have mentioned. In several areas, the Bill changes "owners of ratable property" to "ratepayers", and "ratepayers" is defined at the beginning of the Act. The Bill also widens the area where hides and skins can be stored. Again, licences for sale yards can be obtained in the area of a council and not merely the area of a municipality. I am not sure what happens when some sale yards are on railway property and are incorporated in trucking yards, but I am sure the Railways Commissioner would be immune here, as he seems to be immune from rates in other fields. I support the second reading to enable the Bill to go to Committee but I strongly object to clause 7 in its present form. It can be amended with common sense. I also indicate my interest in the proposed amendments to clause 8.

The Hon. C. R. STORY (Midland): I support this Bill with some reservations. Like the previous speaker, I have a definite reservation about the clause dealing with the time at which councils shall hold their meetings. One thing we should be proud of in local government in this State (and, after all, local government in Australia is older than responsible Government) is that over the years it has played an important part in the proper government of the country, it has been the third tier in the overall development of proper and orderly conduct. This is one of the few occasions on which an intrusion has been made into local government, an absolutely dictatorial intrusion in my opinion. This has happened only during the regime of the present Government. Honourable members need cast their minds back only one session, when the Minister of Local Government brought forward dictatorial provisions in a Bill that contained some very important improvements to local government. So, under the guise of improving the lot of local government, the Government gives something away with one hand and snatches it back with the other hand, in order to get the Bill through the Council hastily. That is not the way to legislate, particularly with regard to local government.

I have the highest regard for local government and the way in which it goes about its work, and to place such a restriction on it is just not on. Honourable members have placed amendments on file that I will closely study and, in all probability, will support. I do not agree with what has been published in the local press during the past 24 hours on this subject. I think that the clauses in the Bill before us have not been well thought out, one in particular, or that local government has been consulted sufficiently, if at all, on this legislation. Before a Minister introduces a local government Bill, he should hold full and frank discussions with local government leaders. Local government is a well-established and authoritative organization, and the Minister would be unwise not to take the advice of people who know how to run their own business. However, the present Minister does not do that: he simply charges in, and this Bill is a typical example.

As we do not want to waste much time on this measure, we should dispose of the parts we do not like. If necessary, we should amend the clauses which do not have merit and thoroughly support the clauses which benefit local government. I dissociate myself entirely from the sentiments

that have been published in the daily press regarding the motives of some people regarding evening meetings; I think they are completely irrelevant. Each council knows its own requirements, and I hope that good sense will prevail in deciding whether to hold morning, afternoon or evening meetings. I do not support the Bill entirely in its present form. I will study the amendments and, if necessary, vote against certain clauses.

The Hon. M. B. DAWKINS (Midland): I protest at the late arrival of a Bill such as this in the dying hours of the session when we do not have sufficient time to discuss it thoroughly and when, I understand, local government has had little opportunity to study it. At the end of last week I was present at a local government conference when this matter was aired unofficially. It was the first that many people in local government had heard that the Minister intended to introduce a local government Bill in the last three days of the session. Here we are on the last day of the session debating this measure.

I support clause 3, which seeks to amend the definition of "ratable property" in the principal Act, so that land held by the Crown under a lease will become ratable property. At present, land held by the Crown under lease ceases to be ratable property for the purposes of the principal Act. I commend the new provision. As far as I can ascertain, it does not extend as far as I would like it to extend. I am aware of councils, particularly in the old Midland District, which suffered very considerably over the years by having considerable areas of Crown lands within their boundaries. Lands occupied by the Woods and Forests Department, by what was then called the Agricultural College Department and by the Agriculture Department were held for laudable purposes but they were a considerable handicap to the councils which had the misfortune to have those facilities within their boundaries, because of the lack of rate income from these considerable areas. I would have liked to see clause 3 remove that anomaly, but I do not believe that it does in the form in which it is worded.

Clause 4 refers to a deputy mayor. New section 49a (1) provides that a municipal council may at any meeting choose one of the members of the council to be the deputy mayor; this is an insertion after section 49 of the principal Act. Personally, I would like to see those district councils that have been granted mayoral status be given that opportunity. I am aware that these district councils are now able to appoint a deputy chairman, but there are slowly increasing numbers of district councils consisting of former municipalities which have amalgamated with a surrounding district council and which consider it desirable to retain the status of mayor, which was made possible by an amendment to the Act, made during the time the Hon. Mr. Hill was Minister, which enabled the Minister to give a council permission to do this.

I believe that a council that has been granted the status of having a mayor should also be able to elect a deputy mayor, who would be known by that title and not as deputy chairman. I do not intend to move an amendment at this stage of the session, but I suggest that the Government should consider this matter so that possibly something can be done about it when the Act is next before us. My colleagues who have already spoken have referred to clause 7, which seeks to amend section 144 of the principal Act by inserting two new subsections. The present section 144 provides:

Ordinary meetings of the council shall be held at the office or at such place or places within the area as the council appoints for the purpose, and at least once in every month.

This is now to be known as section 144 (1). New subsection (2) provides:

Subject to subsection (3) of this section, ordinary meetings of a council must commence on or after the hour of 6 p.m. on the days on which those meetings are appointed to be held.

It may be the prerogative of Parliament to include such a requirement. However, I think it is dictation to councillors, who are, and have been for many years, voluntary servants of the public. I realize that new subsection (2) is qualified by new subsection (3), to which the Hon. Mr. Gilfillan has referred in detail. It provides that ordinary meetings of a council may commence before the hour of 6 p.m. on the days on which they are appointed to be held if the council resolves at a meeting at which all members are present that the meeting should so commence and no member of the council objects thereto. I understood that the present Government was a great believer in democracy and thought that anyone who got more than 50 per cent of the vote was entitled to have the sway. However, in this case the Government is saying that all members of a council must be present, and that only one member of a council of eight, 10, or 18 members, whatever the case may be, has to stop away to stop the will of the council being carried out.

If all the members of a council are present, the Government goes further in its undemocratic way and says "no member of the council objects thereto", which means that only one member of the council has to object and the motion cannot be carried. If that is democracy—and this Government is in favour of democracy—I do not know what is, because I have never seen democracy outlined in this way before. I believe that subclause (3) should be amended to read as follows:

That ordinary meetings of a council may commence before the hour of 6 p.m. on the days on which they are appointed to be held if the council resolves at a meeting that the meetings should so commence.

That would allow the situation the Government has provided for in subclause (2) but would also provide in subclause (3) that the council itself would have the right by an ordinary democratic majority vote to say that the council shall meet at an hour earlier than 6 p.m. I believe that is the democratic right of a council which is serving the people and, moreover, serving them in an honorary capacity.

I believe we have two alternatives: one is to delete the clause completely (which perhaps would negate the wishes of the Minister entirely); and the other is to do as I have suggested, that is, to make clause 3 democratic instead of its being the completely undemocratic provision it now is. It is not my intention this afternoon to deal with this Bill in great detail, because I believe that can be done in the Committee stage if necessary. On previous occasions, when it has been my privilege to examine the Local Government Act, it has been my practice to consider the clauses in considerable detail and to compare it with the appropriate section in the principal Act, but I do not intend to proceed in that way now.

Clauses 12 and 13, which refer to the insurance of a spouse and which amend sections 288 and 289 of the principal Act, give additional power for the expenditure of revenue by municipal councils and district councils. The provision to insure against personal injury of the spouse of a mayor is widened to include the spouse of any other member or officer of the council or of anyone who performs the function of the spouse of the mayor or other officer of the council. I believe that the original concept of this provision was reasonable. Mayors and chairmen

of councils frequently attend functions at which their wives have to be present, and it is reasonable that a person who performs a duty in a social capacity should be covered by insurance.

I wonder whether the widening of this clause (which seems to take in just about everyone connected with a council) is not just another instance of this Government's losing its sense of proportion and going too far. The provisions in the principal Act were reasonable, but the suggested provisions could be far too wide and could possibly be open to abuse or some use that is unwarranted. As I said earlier, it is not my policy this afternoon to discuss the Bill in detail. While some of the clauses of the Bill are good, those that I have mentioned certainly need to be considered further.

The Hon. Mr. Gilfillan discussed clause 8, which refers to superannuation. The Hon. Mr. Potter has done considerable work on this aspect and it is therefore not my intention to deal with it, but will do so in the Committee stage if necessary. At this stage, in order that the Bill can pass into the Committee stage, I will support it.

The Hon. C. M. HILL (Central No. 2): I do not wish to repeat the points that have been raised by other honourable members in the debate, but I must place some emphasis on clause 7, which deals with the proposed change to make it compulsory for future council meetings in South Australia to be held at night unless there is a unanimous vote to the contrary. It is fair and reasonable for a system to exist or to be evolved in which as many people as possible from all walks of life are given an equal opportunity to serve in local government. The hard fact of life, however, is that a system could never be evolved that would suit everyone. The fairest result that could come from such a situation is that a majority of the members of a council should be able to decide when the meetings should be held. Such a situation occurs in the metropolitan area, to the best of my knowledge, and applies to all corporations other than the Corporation of the City of Adelaide. Therefore, the very people to whom the Minister referred in his second reading speech, those he is aiming to assist, are assisted in this situation.

The Hon. M. B. Dawkins: They are able to make their own decision at present and are not being dictated to.

The Hon. C. M. HILL: That is the situation regarding a vote for the time of meeting, however, I was discussing the point of the gentlemen to whom the Minister was referring in his second reading explanation. He called them "ordinary working men", and said that he wanted to help them by making it compulsory for council meetings to be held at night. I expect he is referring to those gentlemen who work for wages or salaries in metropolitan Adelaide and who, naturally, cannot attend day-time meetings. However, these people at present stand for council elections in the knowledge that the meetings are held at night anyway, so on that basis he cannot assist them.

The Hon. D. H. L. Banfield: There are plenty who can't stand in Adelaide because of the present situation.

The Hon. C. M. HILL: I will deal with that shortly. I said that Adelaide was an exception in the group of metropolitan corporations to which I referred. The Minister also referred to small shopkeepers. He said he wished to allow them to become involved in this form of community service. Many small shopkeepers who carry on business in metropolitan Adelaide close their shops at 5.30 p.m. each night and in their areas council meetings are held at night. Who is the Minister really trying to help?

It seems to me that the people to whom he has referred could attend council meetings at night at present anyway, if they wished. I believe the same situation applies (although I stand to be corrected by the Minister) in corporations in regional towns and cities. In those areas townspeople are involved; those who work during the day and who have shops that close at the usual time can give their service to local government.

Under our present ward system most ratepayers in most district council areas are rural people, and most of them would prefer meetings in the day-time. So, I am trying to fathom the real intent behind this measure, because I cannot accept the reason that the Minister gave—that he is trying to help these people.

Regarding the Adelaide City Council, under the Bill as it stands a motion can be moved that meetings shall be held in the day-time. If the Bill passes, the meetings must be held at night unless the council, by unanimous vote, agrees that they be held during the day-time. One councillor in 19 can vote and cause the meeting to be held at night. This, I take it, is the Government's interpretation of one vote one value: one vote would override 18 in the Adelaide City Council.

Year in year out, session in session out, and election in election out, we hear this cry of one vote one value, yet this Government has the audacity to throw this principle overboard entirely and say that one vote can outweigh all others in the council, thereby ensuring that the will of the Minister is carried out.

The Hon. R. C. DeGaris: It is a fairly permanent will, isn't it?

The Hon. C. M. HILL: I hope it will not be too permanent because, if this is the kind of heavy hand that the Minister will foist on local government, I do not think he will be Minister for very long. This Bill has been introduced without its being referred to local government for its views. After the Minister had given an assurance that proposed legislation amending the Local Government Act would first be referred to the Local Government Association, the first time the association heard about this Bill was on the radio. The radio announcement followed the introduction of the Bill in another place.

There is something deeper behind this Bill. If this Government is willing to throw the principle of one vote one value to the wind to this extent, there must be something far more sinister than has already been disclosed. I believe that that sinister intent is to open the door for politics to be introduced in local government in this State. The door is to be opened by this Government, so that the Labor Party can move into local government and take over councils.

The Hon. D. H. L. Banfield: Was the Liberal and Country League in local government?

The Hon. C. M. HILL: There was a time when the Liberal Party was in local government, and there was a time when the Labor Party was in local government, too.

The Hon. D. H. L. Banfield: So, you mean that the Labor Party will move back into local government.

The Hon. C. M. HILL: The Liberal Party is not making any moves in that direction, but the Labor Party is doing so, through this legislation.

The Hon. T. M. Casey: Do you believe that politics should be in local government?

The Hon. C. M. HILL: No.

The Hon. D. H. L. Banfield: How was the Lord Mayor of Adelaide once nominated?

The Hon. C. M. HILL: I have admitted that the Liberal Party at one time endorsed candidates for one place, and the Labor Party had candidates for the Norwood council at one time.

The Hon. Sir Arthur Rymill: And for the Adelaide City Council, too.

The Hon. C. M. HILL: And for the Marion council.

The Hon. A. J. Shard: The Labor Party at one stage had candidates all over the metropolitan area. Don't pull your punches on that.

The Hon. C. M. HILL: I am glad to hear that statement. That situation does not apply at present. Indeed, provision does not exist for it in the constitutions of both major Parties.

The Hon. A. J. Shard: Members of the Liberal and Country League in the Adelaide City Council have been endorsed by that Party.

The Hon. C. M. HILL: At one time they were, but not under the present constitution.

The Hon. A. J. Shard: But hasn't your Party a smaller committee to endorse candidates?

The Hon. C. M. HILL: It has all been dispensed with. They do not have the right to do it now, under the constitution.

The Hon. A. J. Shard: Since when has that been the position?

The Hon. C. M. HILL: It was changed two or three years ago. It was only three or four years ago that the Labor Party removed such a provision from its book of rules.

The Hon. D. H. L. Banfield: I'll bet it was more than three or four years ago.

The Hon. C. M. HILL: At any rate, let us look at the future. Something more is in the Government's mind than has been stated in the Minister's second reading explanation. I submit that the Government is planning to enter local government, and it will be a sorry day when that happens. In other States politics are in local government almost to the extent that they are in State government. That certainly applies in Brisbane, and even in Sydney and Melbourne Party politics overrule the whole local government scene. Many of us want to resist that situation occurring here, and the only way I can resist it at present is by not accepting this clause.

The Hon. D. H. L. Banfield: You are out of step with other States.

The Hon. C. M. HILL: Yes, and I am proud of it on this point.

The Hon. D. H. L. Banfield: You were going to tell me about the Adelaide City Council.

The Hon. C. M. HILL: I dealt with Adelaide. This provision highlights the Government's interpretation of one vote one value.

The Hon. D. H. L. Banfield: You said you would say why that council had to sit during the day.

The Hon. C. M. HILL: At present the Adelaide City Council meets in the day-time because most of the councillors prefer it. To the best of my knowledge, in all corporations, with the exception of the Corporation of the City of Adelaide, meetings are held at night, because that is the will of the people. The Minister says that he is trying to help ordinary working men, but they are already assisted in metropolitan Adelaide at present. Therefore, I will not support the provision.

I will support an amendment laying down that, if a normal majority or a constitutional majority decides the time of meeting of the council, that time ought to be the time when the meeting is held. I challenge the Minister to

deny that that is a democratic means of deciding the question. I challenge him to explain how he reconciles his principle of one vote one value with the principle that is provided for in this Bill, under which one vote on a council can override the totality of all the other votes. I support the second reading.

The Hon. M. B. CAMERON (Southern): I shall speak on other clauses, but I shall refer first to clause 7, which I support as it stands. I do not see that the arguments put forward for changes are in any way relevant; the arguments of some honourable members would only put the situation back to what it was. The Hon. Mr. Dawkins said it was democracy if a majority of council members decided on a particular time for meetings, but surely democracy begins at the beginning. How on earth can people vote on a time of meeting when in the first place they cannot stand for council because the meetings will be held during the day? The ordinary man cannot stand.

The Hon. Sir Arthur Rymill: How can they tell that?

The Hon. M. B. CAMERON: They need only read today's *Advertiser*.

The Hon. A. M. Whyte: There are just as many working councillors as others.

The Hon. Sir Arthur Rymill: Of course they can stand.

The Hon. M. B. CAMERON: I quote from the *Advertiser*.

We don't want riff-raff, says Alderman—

The Hon. C. M. Hill: Have you read the *News*, where he said it was taken out of context?

The Hon. A. J. Shard: He fell back on that!

The Hon. M. B. CAMERON: I heard him say that he said it in private conversation and did not expect it to be reported. He meant that he did not want it disclosed. The report from the *Advertiser* states:

Day meetings were an advantage because they could be attended by bosses and employers.

"Bosses and employers usually are better informed and have better means of being informed and therefore they can run things better", he said.

"They have more initiative for a start."

All present city council members, except one, were "bosses and employers".

"I think this Bill is a move to let the Labor Party get a stronghold (in local government)", Aldermen Spencer said.

Aldermen Spencer said he supported the view of Munno Para district council members who opposed night meetings because they did not want the "riff-raff from Elizabeth" on the council.

He said: "Elizabeth and Munno Para are getting riff-raff, which is causing trouble. And so is Prospect".

What an extraordinary view! I do not believe this man is fit to hold office or to represent the ratepayers if that is his view, and if he regards people who might stand for councils and who are ordinary working men as riff-raff. This gentleman in the past was one of those prominent members of the Liberal and Country League who attempted, on at least one occasion, to get me to change my views on full adult franchise. He used exactly the same argument then: they are riff-raff. I can see that things have not changed, in spite of the facelift, because it is obvious this is still the extreme right view regarding any person who is not an employer.

The PRESIDENT: I hope the honourable member has finished with that topic, because it is in complete contravention of Standing Order 189. The honourable member must not quote a newspaper article.

The Hon. M. B. CAMERON: I have—

The PRESIDENT: The honourable member said he was reading from it. If he is doing that in any way, he must not proceed. That is my decision.

The Hon. M. B. CAMERON: Thank you, Sir. I am not now quoting from a newspaper. I find the attitude of this person despicable, and in fact I know of no words strong enough to express my total disgust with this publicly expressed attitude. I strongly support this move to ensure that persons who cannot afford to stand because of day meetings and potential loss of income are not prevented from standing. If honourable members have not been convinced of the reasons for the holding of night meetings by Alderman Spencer's self-revealing and arrogant outburst, then without any shadow of doubt they will be seen to be supporting his views.

I cannot quite follow the reasoning of the Hon. Mr. Hill, who spoke of "the dramatic move to bring night meetings into local government". He said night meetings are already held in the metropolitan area, yet in some peculiar way this will bring politics into local government. Surely his statement that night meetings already exist is an argument for supporting this provision. In the country areas I know the problems that can and do occur, but we must balance this against the potential loss of people from local government or the preventing of certain people standing because of their financial position and the fact that they are working men. The argument of bringing politics into local government is one I do not understand. I hope that, when this amendment comes forward, the Hon. Mr. Hill will not be seen to be supporting it. I would be very disappointed in him if that were the case.

The Hon. Sir Arthur Rymill: I would not find it surprising.

The Hon. M. B. CAMERON: Any member who votes against this provision will undoubtedly be seen to have the same views as this man I have mentioned: we do not want riff-raff. Frankly, I want riff-raff if the ratepayers will support them, because surely that is their right and they should not be prevented by reason of holding day-time meetings. Clause 3 obviously will give some local bodies additional income from land already held by the Crown, but I put to the Government the thought that perhaps this should be further extended, because many local government areas are now restricted in income because a considerable part of their land is held under pine forests, and so on, by the Crown. In some way and at some time in the future we must recompense these people, not just through grants but through rating on the properties for their loss of area.

The Hon. A. M. Whyte: Such as the South Australian Railways.

The Hon. M. B. CAMERON: That would not be a bad idea. All State Government bodies should in some way extend some finance to local government where they hold property in local government areas. I am interested in the clause that reduces by up to 100 per cent the amount payable by a tenant where a ratepayer is falling behind in his rates. It would be rare to see a reduction in an amount payable, and I commend the Government for this move, although it is hard on the tenant to have to pay anything, because it is not his fault if the ratepayer has fallen behind. I support the Bill in its totality, and I will not support the foreshadowed amendment to clause 7.

The Hon. R. C. DeGARIS (Leader of the Opposition): Very briefly, I should like to express some views on this Bill. I do not know whether the Hon. Mr. Cameron has looked at the long service leave provisions, but if he is

not to vote for any amendments he should support the amendment needed in that clause. Perhaps he has looked only at the one clause on which he spoke at length.

The Hon. M. B. Cameron: I have not seen the amendments.

The Hon. R. C. DeGARIS: I will not support clause 7, and I give the Hon. Mr. Cameron an assurance that, although I am not supporting that clause, I do not support the views of Alderman Spencer. To say that a person who votes against clause 7 is supporting the views of Alderman Spencer is a piece of logic that cannot be sustained. We should do all we can to encourage people to take an interest in local government, but every local government body has a different type of person serving on it. It should be up to that council to decide the sitting times of the council to suit the convenience of the majority.

I have served on local government for a long time, and in one period we decided, to suit the convenience of all, that we would have night meetings during the summer months and day meetings during the winter. That was to suit the convenience of the totality of the members of the council. Local government itself is capable of working out these things for the benefit of all the people serving on the council. To suggest that because at present there are day meetings or night meetings and that people cannot stand for council because of that is quite nonsensical.

The point made by the Hon. Mr. Gilfillan is a substantial one: the sittings of the council are only the tip of the iceberg of council work. Many other things a councillor does, in his work at night and in the day-time, take up a great deal of time. I oppose the principle of requiring a unanimous vote to change from night sittings, I agree with the Hon. Mr. Dawkins that that is not justified. Parliament can make recommendations as to what time councils should sit. I do not agree with the principle but, if the Government wants an indication that a council should sit at night to be in the legislation, I do not object, but an absolute majority of the total number of people serving on the council should be able to alter the stipulated indication in the Local Government Act that night meetings should be the normally accepted practice.

There is much talk about the working man or the employee. I know employees who would prefer day meetings because they are shift workers who work on afternoon shifts for most of the time. That has happened in my experience. So, to say that night meetings will, of themselves, assist the employee is not necessarily so. I return to the point that the only correct area in which the decision can be made is local government itself. Imagine a very large country council of, perhaps, some 2 000 square miles (518 010 ha) to 3 000 square miles (777 015 ha) where probably from the far end of the district people have to travel 80 miles (128 km) to a council meeting, and in that large area there is one large town in which one person wants night meetings. That person can force a number of important people, with large far-flung areas to represent, not to be able to take their place in council meetings. That is the reverse side of the coin; it could happen. Therefore, I intend, in the Committee stage, to move that an indication can be given in the Local Government Act that the Government prefers night meetings but, where there is an absolute majority of the total number wishing to change that to day meetings, it can be changed. That allows Parliament to indicate that night meetings are preferred, if possible, but, if an absolute majority wishes to change the time of the meeting, the change can be made to day meetings. That is a reasonable compromise. That is the

only matter on which I wish to speak. I know there are other amendments affecting the long service leave provisions, which I shall support in the Committee stage.

The Hon. A. M. WHYTE (Northern): Because of this melodrama being fought out on clause 7 I thought I should get into the act, being the festival season. There is no point in creating a furore over what someone else has said. Honourable members here are not particularly influenced by what outsiders have to say on this matter, but I make it quite clear that in my experience there are many working class people who act as councillors. Nothing should prevent such a person from attending a council meeting. Government instrumentalities are perhaps the only ones that would preclude a councillor from attending a meeting, but perhaps arrangements within the particular department (say, the Education Department) can be made so that he will not be precluded from attending a council meeting. What the Hon. Mr. DeGaris said about far-flung council areas is true: many councils would be disadvantaged if it was compulsory for their meetings always to be held at night. There are times when councils meet at night, but to make it compulsory to do so would be detrimental to the representation on the council. Having said that and made it clear that the amendment does exactly what it is supposed to do—to leave the decision as to when a council shall meet to the members comprising the council—I will support the amendment.

The Hon. D. H. L. BANFIELD (Minister of Health): I appreciate the work done by honourable members opposite on this Bill. They appear to be a little more diplomatic than was a certain gentleman who appeared in the headlines this morning; but, by their actions, they are going to put into effect what we have spoken about—keeping elected people from attending council meetings. I do not want any honourable member to mistake what I am saying: I believe that no-one who is qualified should be stopped legally from attending a council meeting. The people I am about to refer to are those who, for economic reasons, cannot stand as councillors. There is a difference between being able legally and being able economically to stand for a council. Honourable members opposite know very well that many working men and women are prevented from standing for local government because they know that meetings are held at times when they cannot attend, and they cannot afford to take time off to attend such meetings. They know that local government is the worse for it because some of them cannot stand for the council and cannot offer their services.

The Hon. Mr. Gilfillan said that he knew of employers who allowed employees time off to attend council meetings, but he did not say whether those employers paid for the time lost while their employees were off work to attend council meetings. Even if an employer was so big-hearted as to do that, someone would have to pay for the time lost. If an employer gives an employee time off and the employer has to pay for it, is it fair and reasonable that anyone has to be at a disadvantage simply because a few people decide they want to hold a meeting during the day-time and prevent other people from attending because of their work commitments?

The Hon. A. M. Whyte: Surely anyone standing for a council does not think he will make money out of it. That is not my experience.

The Hon. D. H. L. BANFIELD: That is the point. We know that people who stand for councils do not make money out of it, but is there any reason why, when they are attending council meetings, they should be deprived of one hour's pay, or perhaps four hours' pay or one day's

pay, in addition to suffering the other expenses that have to be incurred by serving on local government? Employees who are prepared to work without reward may want to serve on local government. They should not be kept off local government simply because they cannot afford to stand for it because they know that, in addition to the expenses they incur, they will lose wages while attending meetings. On the other hand, the employer should not have to make up his employee's time. No-one should be disadvantaged to enable someone to have the right to stand for a council.

The Hon. Mr. Story says, "This is a dictatorial attitude creeping in in local government". Every Act that comes before Parliament dealing with local government is "dictatorial", no matter what it deals with. We are telling local government just what it can and cannot do. The Hon. Mr. Story knows that, but he says that dictatorial actions are creeping into local government. He has been the instigator of several local government Bills. He has taken part in debating certain Bills affecting local government, and now he says that dictatorial action is creeping in simply because we want to allow people interested in local government the opportunity of being a council member. The Hon. Mr. Story said that discussion should be held with local government and that this Council should show some concern for what local government thinks. But what did the Council do when we were debating the beverage container legislation? What did local government think about that Bill? Local government supported the Bill, yet members opposite did not care two hoots about what local government thought when we were debating that Bill. Here again it suits the Hon. Mr. Story on the odd occasion to think that we should take notice of what local government thinks.

The Hon. R. A. Geddes: Local government can still give evidence to the Select Committee on the Beverage Container Bill so that its voice will be heard.

The Hon. D. H. L. BANFIELD: Local government has already pronounced its views on the subject, but the Opposition was not willing to accept them.

The Hon. T. M. Casey: The Hon. Mr. Hill should have been the first member to support local government.

The Hon. C. M. Hill: Was it local government or only one branch of it?

The Hon. D. H. L. BANFIELD: The Local Government Association at its meeting adopted a branch resolution. The resolution was carried. Opposition members did not worry about that.

The Hon. C. M. Hill: Read from the booklet!

The PRESIDENT: Order! The honourable Minister.

The Hon. D. H. L. BANFIELD: I quote from the *Official Journal of the Local Government Association of South Australia Incorporated*, volume 8, No. 4, October-December, 1973, item 28, as follows:

Anti-litter measure—deposit. Southern Hills Local Government Association, D.C. of Meadows resolved that the meeting support the Government proposal to provide for deposits on bottles and cans as an anti-litter measure. That was a resolution of the Local Government Association, not of a district council. The local branch moved the resolution (and the honourable member knows this well) to support the Government's proposal to provide for deposits on bottles and cans as an anti-litter measure. Did the Opposition care two hoots what local government thought about it? No. The Opposition does not care now about what local government thinks, if it does not suit the Opposition. Alderman Spencer said:

Night meetings of metropolitan councils enabled riff-raff, workers and people aspiring to be Labor politicians to become members.

What will be the effect if clause 7 is negatived? It will allow the elite, the rich, the idle, the social climber and the person aspiring to be a Liberal and Country League member to become a member of a local council. The Opposition knows that it agrees entirely with what Alderman Spencer said. Opposition speakers today have said, in effect, that they support what he said.

The Hon. A. J. Shard: We've two ex-city councillors as honourable members here.

The Hon. D. H. L. BANFIELD: Yes, but I do not know whether they are elite, very rich, very idle, or social climbers, but they managed to get elected as honourable members. The Hon. Mr. Dawkins said it was not right that one person on a council could prevent a democratically elected council from meeting during the day. The honourable member says he is a great believer in democracy.

The Hon. M. B. Dawkins: Check *Hansard* tomorrow.

The Hon. D. H. L. BANFIELD: If the honourable member is telling me to read *Hansard*, because I said he was a believer in democracy—

The PRESIDENT: Order! The Minister must address the Chair.

The Hon. D. H. L. BANFIELD: If the honourable member does not believe in democracy, let him say so. In the meantime, I assume that he believes in his own kind of democracy. I and most other people believe that democracy is government for the people, by the people, and of the people. The Opposition is now trying to deny the right, for economic reasons, to have certain people elected to local government. So much for its democracy! Even if the Opposition wanted a democratic vote, it says that the majority vote should rule; yet, it is willing to allow in many instances a situation to exist whereby fewer than 4 per cent of the ratepayers elect people to council. In addition, many people in some areas are not enrolled to vote. Here again it does not matter whether someone is elected to council democratically, we must be able to have a democratic vote regarding council meetings.

The Hon. A. M. Whyte: Do you want compulsory voting for local government?

The Hon. D. H. L. BANFIELD: I am not averse to that, but there is nothing in the Bill about compulsory voting.

The Hon. R. C. DeGaris: Then why did you raise it?

The Hon. D. H. L. BANFIELD: Because the Opposition raised the question of democracy. The Opposition has denied the right of democracy to prevail in local government.

The Hon. M. B. Dawkins: You've been rabble rousing again.

The Hon. D. H. L. BANFIELD: The honourable member wants me to see what is contained in *Hansard*, but we will not be here tomorrow. He does not want the Bill. I agree with the Hon. Mr. Cameron, who said that the actions of the Opposition and of those who vote against clause 7 will be carrying out exactly what Alderman Spencer advocates, and I believe that the Opposition thinks that the alderman is right.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Ordinary meetings."

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

In new section 144 (3) to strike out all words after "council" second occurring and insert "decides by resolution supported by the votes of an absolute majority of the whole number of the members of the council that the meetings should so commence".

I have already spoken on my amendment during the second reading debate. It is a relatively simple one. The clause as it stands virtually provides that meetings after 6 p.m. are to be compulsory and the time cannot be altered to day-time unless the vote of the council is unanimous to change that time. Much has been said about this measure and of people being unable to serve on local government. I suggest that 6 p.m. is also an inconvenient time for many people and would create difficulties for many who wished to serve local government. This matter should be in the hands of local government to decide.

In my amendment I have retained that part of the clause relating to night sittings of councils, because it seems that Parliament believes that should be the case. My amendment seeks to alter the clause by allowing the decision to be supported by an absolute majority of the total members of the council. That means that in a council of 10, six members would have to vote in favour of day meetings for the resolution to pass. In a council of nine members, five would have to vote to alter the meeting from night time. I believe my amendment takes the whole State into consideration and includes local government bodies on the West Coast, the Far North, the South-East, and the metropolitan area.

I believe, too, that the amendment is a reasonable compromise. The Hon. Murray Hill has already indicated that all metropolitan councils, with the exception of Adelaide, presently meet at night. Several country councils, with the exception of corporations, have changing times during different times of the year to suit the particular area concerned. I believe this amendment is a satisfactory compromise and leaves the decision in the hands of the council, provided that decision is made by a majority of the whole council.

The Hon. M. B. DAWKINS: I am sorry I did not see the amendment earlier but, having examined it, and having discovered that it does precisely what I intended to do, I intend supporting it because it is a better amendment than the one I intended moving. I agree with the Hon. Mr. DeGaris in his contention (and I think I raised this matter during the second reading debate) that it is better to leave subclause (2) intact, because the Minister wishes to have that provision in the Bill, and to amend subclause (3). That is a better procedure than voting against the whole of clause 7 as it stands.

The Hon. Mr. DeGaris in his amendment is making sure that a democratic decision of the members of the council will prevail and that we will not have this business of one vote in eight or one vote in 18, whatever the case may be, prevailing over the remaining members of the council. I support the amendment.

The Hon. C. W. CREEDON: I do not agree with the amendment. In fact, I cannot agree with most of what has been said by Opposition members. They kept referring to democracy: that is the last thing that exists in any council.

The Hon. R. C. DeGaris: What about the Gawler council?

The Hon. C. W. CREEDON: I said "any council". Under existing provisions that allow councils to meet during the day some people use councils as a power base for politics. It is useless to say that that is not so. That

councils meet during the day-time is a clear example that some people are prevented from serving in local government. People can and do use this power base to their own advantage and do not consider the ordinary man, as the Hon. Mr. Whyte said they do. He apparently knows one or two employees who have been able to attend council meetings during the day-time. I know of a councillor in the Munno Para council (a country council that comes into the metropolitan boundary) who was elected as a member of that council in a majority vote but who could not attend any council meetings during the day because his employer would not allow him time off to attend. As a result he had to resign after six months.

The Hon. D. H. L. Banfield. And that is in spite of the fact that people wanted him on the council.

The Hon. C. W. CREEDON: Yes. The Hon. Mr. Whyte also mentioned that some employers restrict employees from being on councils. In the Munno Para council again, an employee of a Government instrumentality manages to attend council meetings whenever they are held (which I believe is on a Tuesday), so I cannot go along with the belief that such a person does not have that democratic right. We must give a democratic right to people who are not elected democratically, or employers must—

The Hon. R. C. DeGaris: You admit then, that there are many people who cannot serve on councils during the night?

The Hon. C. W. CREEDON: I am talking about the Munno Para council because it happens to be closer to me than any other corporation. It has been said that the Corporation of the City of Adelaide is the only metropolitan council that meets during the day-time. I happen to live next door to the Munno Para council, and therefore know something about it.

The Hon. R. C. DeGaris: Do you agree that your view will restrict people from serving on local government?

The Hon. C. W. CREEDON: As I see it, people in country areas are usually farmers anyway. I concede that point to some degree in outer areas; however, where the council area is in the metropolitan area or near the boundary of it there are many workers that should have the right to serve. At present they do not have that right; they are entirely excluded.

The Hon. R. C. DeGaris: How many councils meet in the day-time?

The Hon. C. W. CREEDON: You mentioned the Adelaide City Council and I have mentioned Munno Para. There would be many councils on the boundary of the metropolitan area as well, such as Mudla Wirra and Barossa. I oppose the amendment.

The Hon. T. M. Casey: They are all mentioned in the list.

The Hon. A. M. WHYTE: Clause 7 (2) makes it definite that councils must meet at or after the hour of 6 p.m. That is an instruction to the council. We must bear in mind that some wards cover outlying areas; it would be difficult and inappropriate for a citizen in a township to receive nomination for such wards. So, I believe that discretion is necessary in connection with the amendment.

The Hon. M. B. CAMERON. I oppose the amendment. Even under this watered-down amendment, people will be excluded from standing for local government. Fewer people would be adversely affected by night meetings than by day meetings.

The Hon. B. A. CHATTERTON. I strongly oppose the amendment. Some honourable members have said that the majority of councillors should decide the time

that is convenient for meetings. I admit that it may be convenient for people in outlying areas to meet during the day-time, but I do not think they would be precluded from coming at night, whereas other people are debarred from council membership because they cannot attend in the day-time, but I do not think they would be precluded wages: people in country towns, such as postmasters and schoolteachers, would not be permitted to attend council meetings in the day-time. I therefore oppose the amendment.

The Hon. R. C. DeGARIS: At present all corporations, with the exception of the Corporation of the City of Adelaide, meet at night.

The Hon. T. M. Casey: No. I shall consult my book.

The Hon. R. C. DeGARIS: The Hon. Mr. Creedon has completely destroyed the Government's case. At present all city corporations meet at night and all country corporations, to the best of my knowledge (I do not know about Whyalla), meet at night. At any rate, at present at least 38 out of 40 corporations meet at night. The Hon. Mr. Creedon admitted that some country people might be excluded under the clause.

The Hon. C. W. Creedon: In far-flung areas.

The Hon. R. C. DeGARIS: Yes, but the honourable member would exclude just as many people from serving in local government by supporting the Bill as would benefit if the amendment were passed.

The Hon. C. M. Hill: Would the schoolteacher, referred to by the Hon. Mr. Chatterton, be a ratepayer?

The Hon. R. C. DeGARIS: He could be, but he need not be.

The Hon. A. J. Shard: Many country schoolteachers are ratepayers.

The Hon. R. C. DeGARIS: A schoolteacher would be a ratepayer if he was an inhabitant occupier. Because at present practically all corporations meet at night, the effect of the Bill will be only on country councils.

The Hon. D. H. L. Banfield: And on the Adelaide City Council.

The Hon. R. C. DeGARIS: Yes. My amendment provides that, if 10 out of the 19 members of the Adelaide City Council want day-time meetings, they can have them. This is perfectly fair and reasonable. The Bill would exclude people who have given tremendous service to local government. In my experience, if a new councillor finds it difficult to serve at the time arranged, there is always appreciation of his position and an attempt is made to ensure that he can play his full part in local government. In my own council area it was agreed that for half a year the council would sit at night and for the other half of the year it would sit in the day-time, to cater for councillors' needs. The decision should lie with the councillors.

The Hon. C. W. CREEDON: The Hon. Mr. DeGaris still insists that the Adelaide City Council is the only council involved. I insist that the Munno Para council is involved. Although a district council, it has city status. It takes in parts of Elizabeth and Gawler, but there is a great deal of open land in between, with no facilities. I know of a person who was elected to a council which would not accommodate him at all. Many people in the area I have mentioned cannot contest council elections because the council meets in the day-time, when they must work.

The Hon. D. H. L. BANFIELD: I oppose the amendment. The Hon. Mr. Dawkins put it very well; he said he supported the amendment because it did what he wanted it to do, and that is the very reason why I am against it. The Hon. Mr. DeGaris said that this amendment would affect only one metropolitan council, and that it would affect very few country corporations. However, I believe

the amendment affects every council, because a majority of councillors can carry a motion that the council will sit during the day-time. The Leader is trying to tell us this amendment will affect only one city council, but that is not so. It could affect every city council and all district councils. The fact that they are at present meeting at night does not mean they cannot switch to day-time meetings. We are suggesting they should not do it, because, if we got sufficient of the elite, the rich, the idle, the social climbers, the prospective Liberal and Country League politicians on metropolitan councils, they could then successfully move to meet in the day-time, and that would stop other people nominating in future because of economic reasons.

The Hon. Sir Arthur Rymill: There is no suggestion they would

The Hon. D. H. L. BANFIELD: No, and there is no suggestion they would not.

The Hon. T. M. Casey: You are not suggesting they want to rig it?

The Hon. D. H. L. BANFIELD: It is already rigged by the way they are on the council, and I am not suggesting they are such honourable men that they would not rig it again. It has happened before and, under the amendment, it could happen again. I oppose the amendment.

The Committee divided on the amendment:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield (teller), M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Majority of 4 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 8—"Appointment, removal and salaries of officers."

The Hon. F. J. POTTER: I move:

To strike out paragraph (a) and insert the following new paragraphs:

(a) by striking out from subsection (5) the passage "Within three months after the commencement of the Local Government Act Amendment Act, 1972, or such longer period as the Minister may allow" and inserting in lieu thereof the passage "within such time as the Minister may stipulate";

(ab) by striking out subsection (9) and inserting in lieu thereof the following subsections:

(9) Where an employee of a council has previously been in the employment of another council, or other councils, any period of that former employment shall, to the extent to which, together with the period of his present employment, it constitutes a continuous period of employment—

(a) be taken into account, for the purpose of determining the employee's rights to long service leave, as if it constituted continuous employment with the same employer (except to the extent that long service leave or payment in lieu thereof has already been granted in respect of the aggregate period of employment, or any part thereof); and

(b) be taken into account in determining any other rights in relation to employment that may be dependent upon length of service;

to strike out paragraph (d) and insert the following new paragraphs:

(d) by striking out from subsection (10) the passage "subject to subsection (11) of this section";

and

(e) by striking out subsection (11) and inserting in lieu thereof the following subsections: ;

in new subsection (12) to strike out "and long service leave" and insert ", long service leave and other rights in respect of employment"; and to insert the following new subsection:

(9a) A person in changing from the employment of one council to the employment of another council shall not be entitled to claim from the former council any pro rata payment in lieu of long service leave where his employment by the former council is continuous with his employment by the latter council.

I have prepared these amendments after looking into problems arising from the provisions of the principal Act in relation to long service leave. Section 157 (9) provides:

(9) Where an employee of a council has previously been in the employment of another council, and that former employment is continuous with his present employment, any period of that former employment in respect of which long service leave, or payment in lieu thereof, has not been received by the employee shall be taken into account in assessing the long service leave, or payment in lieu thereof (if any) to which the employee may be entitled. Subsection (11) provides that no contribution shall be recoverable under subsection (10) in respect of a period of service before the commencement of the Local Government Act Amendment Act, 1972. Where a clerk or other employee is moving from one council to another and is entitled to long service leave from the employing council he is leaving, the council that is about to take him on cannot recover any contribution for that long service leave entitlement from the previous council prior to December 7, 1972. That seems quite wrong and poses a difficulty for an employee. If he is an applicant for a job with another council, and perhaps is one of several applicants, it has been most forcefully put to me that that person, bringing with him a liability for long service leave, is likely to be penalized in his application for the job because the council which is considering several applications is more likely, in many cases, to accept the person who comes to it free of liability than it is to accept one who comes to it with this disability in the form of a debt due for long service leave; and the council cannot recover that debt, or contributions for that debt, from the previous employing council.

This has had the unfortunate effect of penalizing the applicant who wishes to change from one council to another; it has had the other unfortunate effect that, in order to avoid that disability, the employee takes in cash his entitlement, or pro rata entitlement, to long service leave, just to make sure that he is free of that disability; but he takes that payment at a time when he does not really want it: he would much prefer to carry his long service rights with him to his new employing council. The amendments cure this situation. They make it clear (and it is not clear at the moment in sections 9 and 10 of the Act) that this long service leave entitlement is portable, and they spell out in detail that it shall be regarded, both in this Act and in the long service leave Act, as one continuous time of employment.

They also provide, by the deletion of subsection (11) from the existing Act, that the previous employing council may be compelled to contribute towards that pro rata leave. The additional new subclause that I have added to the amendment indicates that a person who is changing employment and gets the benefit of my new redraft of these provisions shall not be entitled to claim pro rata long service leave from the former council. I am grateful to the Parliamentary Counsel for preparing these amendments, which are somewhat technical, but I hope my explanation of their need is accepted. They are supported

by the Local Government Association and by the employees. I see no reason why we should not take this opportunity of correcting a position that has caused much unhappiness and trouble to councils and employees alike.

The Hon. D. H. L. BANFIELD: In principle, I am not opposed to these amendments. The Hon. Mr. Potter has spoken about a former employee of a council not being able to have pro rata long service leave if he is applying to another council and his service with the former employing council is continuous. Does he mean this would stop an employee from giving notice so that he could get his hands on some money?

The Hon. F. J. POTTER: It works both ways. If he moves from one council to another, his entitlement is portable; he is not penalized, because the council about to employ him can recover the pro rata contribution from the council he has just left. If he wants to make such a move, he is not entitled to claim a pro rata payment from the former council. It is a logical and necessary provision.

The Hon. D. H. L. BANFIELD: I have no objection to these amendments.

Amendments carried; clause as amended passed.

Remaining clauses (9 to 38), schedule and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That the Legislative Council do not insist on its amendment No. 1

The amendment destroys a vital principle in the Bill, that principle is that it would give more people the opportunity to stand for election for local government if meetings were to be held at night. Much was said this afternoon by the Opposition that local government should have a democratic right for its members to decide for themselves when they will sit. We say that local government should be democratic enough to allow people to serve on a council so that they can have a democratic vote.

As I said this afternoon, hundreds of thousands of people would be interested in local government if they could be assured—

Members interjecting

The Hon. D. H. L. BANFIELD: Honourable members may laugh about this, but no-one told us this afternoon why we should not worry about the Adelaide City Council sitting during the day. The Hon. Mr. DeGaris said that other councils sat at night, but he did not give us one tangible reason why the Adelaide City Council could not sit at night. We say it is not right for any person to be excluded for economic reasons from becoming a councillor.

The Hon. R. C. DeGARIS (Leader of the Opposition): I cannot agree to the motion. Once again the Minister is making wild statements regarding this matter. The Minister said that hundreds of thousands of people were being prevented from taking part in local government because councils were not forced to sit at night. I ask the Minister how many ratepayers reside in South Australia?

The Hon. D. H. L. Banfield: You tell us!

The Hon. R. C. DeGARIS: I know that there are about 700 000 on the electoral roll. What the Minister said was that hundreds of thousands of people were being prevented from taking part in local government because councils are not forced to sit at night.

The Hon. T. M. Casey: How many ratepayers do you say there are?

The Hon. R. C. DeGARIS: Let me continue with my argument. Every corporation in South Australia except the Corporation of the City of Adelaide sits at night now. Therefore, of the 700 000 electors, councils meeting in the evening cover probably 600 000, so that excludes that number.

The Hon. D. H. L. Banfield: It does not, you know. They can change their times.

The Hon. R. C. DeGARIS: The Minister of Health has made a wild statement that cannot be substantiated.

The Hon. C. R. Story: It is in keeping with most of the others that he has made.

The Hon. R. C. DeGARIS: That is right. If one examines that statement, one sees how ridiculous the Minister has been. Next, he says that a greater number of people will be able to play a part in local government. I go back again to the point that every corporation in South Australia and every city council except the Adelaide City Council meets at night, and those councils cover probably 85 per cent of the population of South Australia. Among the 15 per cent of the people that have councils not meeting in the evening at present, a greater number of people will be unable to play a part in local government if councils cannot decide when they will sit. The Minister also said that he opposed anything that excluded people from playing a part in local government, but the very Bill will exclude many people.

The Hon. A. F. Kneebone: How many?

The Hon. R. C. DeGARIS: We have established that only 15 per cent of the population does not have its council sitting in the evening. We are dealing with 15 per cent in the whole area of South Australia, including the Adelaide City Council area.

The Hon. A. F. Kneebone: You are saying that 85 per cent would be affected?

The Hon. R. C. DeGARIS: No, 15 per cent is affected by the doctrinaire attitude of the Government. The Hon. Mr. Hill was correct when he said that the Government was considering only the Adelaide City Council. It says, "To hell with the rest of the country: let us force that council to do something that may assist us politically in the city of Adelaide." No-one can criticize our amendment. We have left in the Act the provision that Parliament considers that, where possible, councils should sit in the evening but we have said that, where an absolute majority of the members of a council wants to change this, the council can do so. What the Government is trying to put over us is unjustified.

I make one thing crystal clear to the Government. Last evening we agreed to a conference on the State Government Insurance Commission Bill and I said then that we would grant a conference, on the grounds that the other place might put to us some area of compromise. The conference was abortive, because the other place did not submit one compromise to us. At this late stage, with almost a wheelbarrow load of legislation being shoved through this place in the dying hours of the session, I have no intention of granting the other place a conference on this matter.

The Hon. A. J. Shard: Is that a threat, or a promise?

The Hon. R. C. DeGARIS: That is a threat, because I do not intend to put up with this nonsense any longer. This amendment is perfectly reasonable. It is wanted by the 15 per cent of the people that the Government Bill affects. We have 85 per cent of the people of South Australia already covered by evening meetings of their

council, and the amendment will affect only the Adelaide City Council and the remainder of the country areas of South Australia. I think it perfectly reasonable for us to have said, "There is a determination in the legislation that the councils sit in the evening, but, where there is an absolute majority of the whole number of members in favour, the council can vary the provisions." On that there is no way of any means of compromise. I make that point crystal clear.

The Hon. M. B. CAMERON: I think I also should make my position crystal clear. I will not vote to get this amendment in, even at this stage, and certainly not if the argument used for it is that it assists the Adelaide City Council, particularly after the view expressed in the newspaper today by an alderman of that council. They were the thoughts behind his views on the matter, and I am sure they were the thoughts behind the views of many other people. The clause will make sure that that point of view will not succeed, and I do not care what is said in trying to wriggle out from under. If the Council rejects this clause, it will be seen to be supporting that view.

The Hon. Sir Arthur Rymill: Rubbish!

The Hon. M. B. CAMERON: There is nothing that honourable members can say that will be able to deny that, in the eyes of the public. I know that most councils in the metropolitan area and most corporations sit in the evening now, but surely that is a good reason for passing this clause. There is no real argument against it, because it only confirms what is happening. As to bringing politics in—

The Hon. Sir Arthur Rymill: Some people came here on the L.C.L. ticket, then changed their allegiance, and did not resign.

The Hon. M. B. CAMERON: They did not change their mind—

The Hon. Sir Arthur Rymill: They did not resign.

The Hon. M. B. CAMERON: They did not change their mind on adult franchise. They did not have to, because they came here thinking democratically. I do not support this amendment. The clause will give every working man an opportunity to stand for election to local government, and surely that is what this Council should be interested in.

The Hon. D. H. L. BANFIELD: The Hon. Mr. DeGaris has repeated his statement this afternoon that this amendment affects only 15 per cent of the people. He said that many councils sat in the evening already. As I have pointed out to the Leader this afternoon, this provision in no way prevents any of those councils from sitting in the day-time. If members opposite can tell me where this provision makes sure that none of those other councils can change its present time of sitting, I am willing to accept the amendment.

The Hon. J. C. Burdett: There need be only one dissentient voice.

The Hon. D. H. L. BANFIELD: There does not have to be only one dissentient voice. By this proposed amendment, councils need have only an absolute majority and they can sit in the day-time. Therefore, it does not affect only the Adelaide City Council and a few country councils: it affects every council. Under the amendment, every council has the right to change from night meetings to day meetings.

The Hon. Sir Arthur Rymill: They have now.

The Hon. M. B. Dawkins: They have a democratic right.

The Hon. D. H. L. BANFIELD: They have a democratic right, and an undemocratic body wants to change that.

The Hon. F. J. Potter: Have you brought this in because they threatened to sit in the day-time?

The Hon. D. H. L. BANFIELD: We brought this in because thousands of people are denied economically the right to sit on councils, and the Opposition is supporting that situation. Not one Opposition member is any different from Alderman Spencer, who has been called upon to resign. Why should the Adelaide City Council not sit at night? The Leader, the Hon. Mr. Hill, and other honourable members have said. the Adelaide City Council is the only council sitting in the day-time, so why worry about it? I say: why not worry about it? Why should people be excluded from the Adelaide City Council for economic reasons?

The Hon. Sir Arthur Rymill: Why cover it up? Why not name it in the Bill?

The Hon. D. H. L. BANFIELD: It was the honourable member who pointed out that the Adelaide City Council was affected. Alderman Spencer also pointed it out. Opposition members who spoke this afternoon knew very well that the council sat in the day-time. I am not hiding behind the fact that we know that the Adelaide City Council sits in the day-time. Why should a person be economically excluded from sitting on the Adelaide City Council? No-one opposite has answered that question, and I do not think anyone will attempt to answer it.

The Hon. Sir ARTHUR RYMILL: I should like to follow up what the Hon. Mr. DeGaris said by saying that as far as I am concerned, assuming the Council insists on its amendment, if the Assembly sees fit to reject that and ask for a conference I will exercise my right of voting against granting a conference. The clause in question is one in 38 clauses, plus a schedule. On the face of it, the clause appears reasonably innocuous, but it has emerged that it is aimed at the Adelaide City Council in the main. It has also emerged that the Government chose to cloak this by not saying this clearly but just enveloping it in general words, so that it might get past our observation. I will vote against the conference because there are 37 other clauses, plus a schedule. If there is not something lying underneath, the clause is only minor; however, if it is a doctrinaire matter, it becomes a major provision, and the Government may be willing to dump the whole Bill on our rejection of the provision. We are saying that there is a grave risk (one does not know how the votes will go) to the Government that, if it asks for a conference, it will not get it. If the Government does not accept the amendment, it dumps the other 37 clauses itself on account of an apparently doctrinaire attitude on its part to what would otherwise be a comparatively minor matter.

The Hon. D. H. L. BANFIELD: It is obvious that this amendment is not a minor matter. The Hon. Sir Arthur Rymill has said that there are 38 clauses in the Bill and he is now saying that clause 7 is a minor one, yet this was the main clause that attracted debate this afternoon. There are 37 other clauses that did not get an honourable mention from members opposite, and now they are saying that clause 7 is only a minor part of the Bill! They are asking: why can the Government not accept the amendment? If the clause is only a minor part of the Bill and if members opposite think the other 37 clauses are worth while, I ask them to forget about the minor clause and vote for the motion.

The Hon. Sir Arthur Rymill. That was not what I said

The Hon. D. H. L. BANFIELD: The honourable member did say that: he said it was a minor clause.

The Hon. G. J. GILFILLAN: In connection with disadvantaging people economically, this clause will not solve the problem. Many people cannot sit in local government for health or economic reasons. I do not think this Bill will assist these people materially in any way. This Bill was introduced without any warning. The Local Government Association had no knowledge of it. The association met yesterday afternoon and consulted with delegates from a wide area of the State, and there was no doubt about their opinion of the clause. If the Government was genuinely trying to achieve something with this clause, its message from the Assembly would have contained some offer of an alternative. The message could have asked the Legislative Council to consider a further amendment to the Council's amendment. This would be the first step of a Government that was genuinely trying to solve a problem. However, this is not a case of a genuine attempt to solve a problem: it is a direct confrontation. This Council's amendment attempted to make the Bill workable and to meet the wishes of most councils. However, the message from the Assembly does not provide any alternatives. In those circumstances, it is the Government's wishes—or nothing. The debate tonight has not changed my impression.

The Hon. D. H. L. BANFIELD: The honourable member has said that this Council attempted to do something to meet the Government half way.

The Hon. G. J. Gilfillan: I did not say "half way".

The Hon. D. H. L. BANFIELD: The amendment does not do that. Members opposite say "Yes, all councils should meet at night but, if they don't want to, don't worry about it."

The Hon. M. B. Dawkins: They should have the democratic right to decide for themselves.

The Hon. D. H. L. BANFIELD: But the honourable member should remember that people are not democratically elected to councils. I do not support the Hon. Mr. Gilfillan's statement that the Opposition has come some way along the road: he gives with one hand and takes away with the other hand. This is a vital principle in the Bill. I am not worried about what the Opposition says about a conference, that is its affair. It will have the right to vote on that question when it is asked for a conference. At present the Council is not being asked for a conference, and I am not going to be browbeaten by threats that some honourable members will vote against a conference.

The Hon. C. M. HILL: If the Minister took a little heat out of the atmosphere and if we got down to some pragmatic aspects, we might find that his object of ensuring that the Adelaide City Council meets at night may well be achieved by the Bill in its amended form. I was talking to a senior member of the Adelaide City Council yesterday, and it was his view that the council would be very evenly divided if it voted on the subject now. It will be a pity if the Bill is lost on this single clause.

It is necessary to introduce change session by session so that local government can operate efficiently and to the standards expected. We get such a Bill every session, usually a long measure with many apparently small machinery provisions which, in aggregate, are most important to local government. This Bill seems to be foundering, yet the amendment moved by the Hon. Mr. DeGaris is fair and reasonable.

The amendment simply says, in the first instance, that we agree to night meetings, as required originally in the Bill. Then the amendment provides that, if an absolute majority so decides, the council may meet in the day-time.

No-one can argue against that on democratic grounds. Members opposite know what the majority system means. They accept majority decisions in their Caucus room every week, but they are not willing to introduce the same principle into this Bill. As I said this afternoon, there must be something sinister behind all this. I think that has been borne out tonight because the debate has narrowed down to being directed to the Adelaide City Council.

The Hon. D. H. L. Banfield: That is not right, you know.

The Hon. C. M. HILL: I am pleased to hear it denied. The amendment is neither unfair nor unreasonable. I cannot see how members opposite could favour their amendment as it relates to the Adelaide City Council when, in this third tier of government, one vote could override 18 others. That is the so-called democratic proposal put up by a Government that shouts from the rooftops that it believes in one vote one value. This afternoon I challenged the Minister to say whether he believed that the proposition of one vote overriding 18 votes could be reconciled with his Party's principles.

The Hon. T. M. Casey: I think the Minister answered that, and answered it very well indeed.

The Hon. C. M. HILL: I listened for his answer and I could not hear it. I will listen again, but it is unanswerable, anyway. Reconciling that principle of one vote one value, I repeat that it is unanswerable. Power is being given to one vote to override 18 votes in the case of the Adelaide City Council, yet members opposite say there is nothing sinister in this and no intentions concerning the future. This is the greatest abrogation of political principle I have heard since I have been in Parliament.

Whatever the Government wants to achieve through this Bill it can quite well achieve by way of the absolute majority principle. The point made that there is no purpose in going to a conference is well taken. All the other amendments have been agreed to, and this amendment is fair and just. If it is not acceptable to the other place I do not think we should waste further time on the measure.

The Hon. C. R. STORY: Local Government has been operating in this State longer than has responsible government and has managed its own affairs very well indeed. To my knowledge, people have not been greatly inconvenienced. There can be no reason for the existing provision in the Bill other than that the Government is trying to get at the City Council, because if this suggestion is taken to country areas it will in certain district councils have exactly the same effect as that stated by the Minister of precluding people from serving on councils. In many country areas, district councils have a town ward with perhaps one or two councillors, and the remaining councillors may come from as far away as 80 miles (128.7 km). Those people do not make special trips to town to attend council meetings: they combine attendance at meetings with other business to be carried out in the town. Under this arrangement the Minister has dreamed up, one or two town councillors could force other councillors to make special trips to town to attend meetings at night. Otherwise, many councillors would be disfranchised, because no-one would come along off the street to give council service. Quite often in country areas people have to be grabbed off the street to fill council vacancies.

The Hon. R. C. DeGARIS: In the city, too.

The Hon. C. R. STORY: Yes. What has been suggested would simply aggravate the position. It is absolutely ludicrous to oppose an excellent amendment that would enable councils to do their own thing.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Story has convinced me that I am right. He said that local government has been operating longer than any other form of government in this State and that these days it is not possible to get people to serve on councils; they must be grabbed off the street. That is because councils are sitting in the day-time and people cannot attend because of their economic situation.

The Hon. R. C. DeGARIS: As I have pointed out, with the exception of the Adelaide City Council, councils representing 85 per cent of the population (at a fairly intelligent guess) sit in the evenings. At the last council elections, how many vacancies were uncontested in the areas of councils that sit during the evening? In how many of these cases were there three contestants? If the Minister examines these figures, he will find his argument effectively destroyed.

The Council divided on the motion:

Ayes (7)—The Hons. D. H. L. Banfield (teller), M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Noes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGARIS (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Majority of 4 for the Noes.

Motion thus negated.

Later:

The House of Assembly requested that a conference be granted to it in respect of amendment No. 1 in the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That a message be sent to the House of Assembly granting a conference, as requested by that House; that the place and time for the conference be the Legislative Council conference room at 11 p.m. this day; and that the Hons. D. H. L. Banfield, M. B. Cameron, C. W. Creedon, R. C. DeGARIS, and C. M. Hill be managers on behalf of the Council.

The House of Assembly requested a conference because it believes there is some room for manoeuvre. The Government believes the Bill should be saved. It knows that, if this conference is not granted, there is no hope of the Bill being saved, whatever honourable members opposite may say about it. At least, the House of Assembly is giving this Council the opportunity to see whether we can get together. If honourable members do not want a conference, that is up to them, but the Bill will be lost.

The Hon. R. C. DeGARIS (Leader of the Opposition): I have clearly stated my views in the debate on this matter. The argument has flowed around the matter of night sittings for local government. I place on record certain figures. In the local government areas in the metropolitan area, where night sittings have been in vogue for a very long time, at the last council elections 166 positions were to be filled, and 224 people contested them. That means that on an average fewer than 1½ people contested each vacancy. In other words, about 50 per cent of the positions were uncontested where night meetings were involved.

The argument that night meetings of councils will increase interest in local government is not sustained by the figures. Indeed, where day meetings are held, the number of people standing for local government is a higher percentage than in the case of night meetings. If these figures do not completely destroy the Government's argument, I do not know what figures will. The matter was clearly stated previously. I have said to the

Council that there is no area of compromise—and there is not. I am not prepared to go beyond an absolute majority in connection with this provision. Any other figure is completely undemocratic in regard to any council. As for rejecting a conference, it has been clearly stated (and I make the point again) that recently, when we requested a joint committee from the House of Assembly on another matter, it was flatly refused

The Hon. M. B. CAMERON (Southern): I indicate quite clearly that I would be prepared to serve on a conference and would support such a move. It would be an act of stupidity for this Bill to be lost just because of one clause. No matter what is said, it will be lost if the Liberal and Country League Opposition refuses to consider the matter.

The Hon. D. H. L. BANFIELD: I do not doubt the figures given by the Hon. Mr. DeGaris, except that my information is that many people are still not prepared to stand for local government because they are afraid that at any time the councils could—

Honourable members interjecting:

The Hon. D. H. L. BANFIELD: It is all very well for members opposite to laugh. The Leader gave us certain figures and then, when I try to give honourable members my information, it becomes a laughing matter for honourable members opposite. They think they are the only ones who know anything about local government. That is the attitude that has been adopted by honourable members opposite: they are the only ones who should be in control of councils. They have said that. It has been said, "We do not want the riff-raff or the workers." Honourable members opposite say that we do not know what we are talking about. They imply that they are the only ones who know what is good for local government. I do not believe that those figures given by the Leader tonight have any bearing on the matter. When I moved the motion, I said I believed there was room for compromise on this matter. I urge the Council not to throw away the entire Bill by not agreeing to a conference.

The Hon. R. C. DeGaris: We are not saying that.

The Hon. D. H. L. BANFIELD: You are.

The Council divided on the motion:

Ayes (7)—The Hons. D. H. L. Banfield (teller), M. B. Cameron, B. A. Chatterton, T. M. Casey, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Noes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Majority of 4 for the Noes.

Motion thus negated.

JURIES ACT AMENDMENT BILL

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

GAS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

LAND SETTLEMENT ACT AMENDMENT BILL (GENERAL)

Returned from the House of Assembly without amendment.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CROWN LANDS ACT AMENDMENT BILL (GENERAL)

In Committee.

(Continued from March 27. Page 2766.)

Clause 9—"Form and effect of perpetual lease."

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

To strike out new subsection (2) and insert the following new subsection:

(2) Without limiting the generality of subsection (1) of this section, where the Governor proposes to grant a perpetual lease to—

(a) a charitable or religious body;

(b) a body formed to promote sport or any social or community activity;

or

(c) a body formed to promote any other public purpose,

the Governor may, in the exercise of the powers conferred by subsection (1) of this section, make a modification in the terms of the lease providing for a more limited right to compensation in the event of resumption of land comprised in the lease than is prescribed in the third schedule.

Honourable members have pointed out to me the wide nature of this clause. I have discussed this matter with two honourable members and, as a result, we have come up with an amendment which I believe will be acceptable and which restricts the application of the legislation to those bodies in which I am interested and which had been seeking my department's agreement.

The Hon. A. M. WHYTE: I appreciate the co-operation of the Minister and his officers in this matter. As a result of cordial discussions, the amendment now sets out more clearly what was intended in the Minister's second reading explanation.

Amendment carried; clause as amended passed.

Clauses 10 to 19 passed.

Clause 20—"Leases to discoverers."

The Hon. A. M. WHYTE: This clause involves metrication, 640 acres comprises one square mile, but according to my sliding rule 250 hectares is only about 639 acres. I do not suppose that would make much difference when land was sold by the square mile, but someone might be cheated of about an acre.

Clause passed.

Remaining clauses (21 to 50) and title passed.

Bill read a third time and passed.

Later:

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

RATES AND TAXES REMISSION BILL

Adjourned debate on second reading.

(Continued from March 27. Page 2767.)

The Hon. R. A. GEDDES (Northern): I rise to raise a few points on this Bill. I have many times heard honourable members say, "I rise to speak briefly to this Bill," and I hope that I can do just that. Regarding clause 4(3), I raise my first point of argument. The Minister's second reading explanation states:

The present Bill provides that the Minister, or his nominee, may by instrument in writing declare a certain person to be eligible for the remission of rates and land tax. This will normally be done where an application is made in the prescribed form setting out facts and circumstances which, according to criteria established by the Minister, show that a person is within a class of ratepayer to whom the payment of rates and taxes is likely to be a heavy burden.

One could infer from the words "to whom the payment of rates and taxes is likely to be a heavy burden" that the Bill is designed to help the pensioner, the sick and

the elderly. The Bill does not spell out any of these things; it does not say that it will help the elderly, pensioners, or widows. The Bill just says that the Minister may, by notice published in the *Gazette*, declare the criteria upon which a declaration under this section may be made. What type of criteria could the Minister in his wisdom declare? Would he consider hippies (those unemployed people living off the State who live in communes) as meeting the criteria and being people who cannot afford to pay rates and taxes? Would he consider spivs and other characters with low moral standards as well? Would a "streaker" be eligible within the criteria? Would a poet with a broken voice, an ex-Minister of the Crown, or a retired judge be eligible for these exemptions?

Why cannot the Government declare itself? During the second reading explanation the Minister said that this Bill gave effect to the Government's policy in regard to the remission of rates and taxes which were outlined prior to the last election. During the Premier's policy speech for the last election he said that relief would be given to pensioners, the elderly and the poor. However, it does not say that in this Bill. Therefore, who will be eligible for this type of relief? Relief should be given to the elderly, pensioners and the poor.

The Hon. D. H. L. Banfield: Are you sure he said that in his policy speech?

The Hon. R. A. GEDDES: I checked the Premier's policy speech and it referred to pensioners and other people.

The Hon. D. H. L. Banfield: You added those other words, then?

The Hon. C. M. Hill: The Hon. Mr. Geddes has done his homework.

The PRESIDENT: Order!

The Hon. R. A. GEDDES: I want the Government to declare who it really wants to help. Does the Government wish to help every person who claims to be unable to pay his rates and taxes, or does it wish to help those people who deserve to be helped such as pensioners, the poor, the sick, and the maimed? That is the point I am trying to make. The Government left an impression with the electors during the last election that it would help these people.

My second point relates to clause 4 (6), which provides a \$500 fine or three months imprisonment as the maximum penalties for a person who deceives or misleads. The part that worries me is "misleads". What would happen if a pensioner applied under the Government's criteria and made a mistake that was misleading? The maximum penalty to which he could be subject is \$500 or three months imprisonment for an insignificant rebate in water rates or land tax. Similarly, the penalty under clause 4 (7) is \$200. Under this clause, if a person ceases to satisfy the criteria on the basis of which the declaration was made, he shall forthwith inform the Minister in writing of that fact. It does not provide a prescribed time of 30 days or seven days; it just provides that if he does not tell the Minister then he is liable to a penalty of up to \$200. The Government should consider whether that is really a fair penalty on a person, because he may not be aware that he is obtaining remissions under criteria that have been set down by the Minister. Remember that the Minister may, by subsequent notice published in the *Gazette*, vary or revoke a notice published under this clause. In other words, the Minister has it both ways when a person applies for assistance for land tax and water rates.

The Hon. T. M. Casey: That is right, and he goes through a means test.

The Hon. R. A. GEDDES: And applies under criteria published in the *Gazette* as set out in clause 4 (3), and is granted a remission.

The Hon. T. M. Casey: Then he strikes the lottery!

The Hon. R. A. GEDDES: That is not provided in this clause. Under subclause (8) a person can live with someone else, not a spouse, and receive assistance.

The Hon. T. M. Casey: That applies now to pensioners in relation to water and sewer rates.

The Hon. R. A. GEDDES: The pensioner could be living with a son on \$10 000 a year.

The Hon. D. H. L. Banfield: The son would have to be a pensioner, too.

The Hon. R. A. GEDDES: The Minister may, by a subsequent notice in the *Gazette*, change his mind and, if the person is a pensioner who does not receive the *Gazette* and who has not been informed, he could be liable to a fine of \$200. The Minister should consider that matter because it seems to be unjust; however, I do not intend to move to amend the clause. It is a matter that should not be included in the Labor Party's platform, plank, or mandate. Why impose penalties of such magnitude on people the Government claims it wants to help, intends to help, and should help? The rest of the Bill makes purely administrative changes to various Acts, and I support the second reading. However, I ask the Government to consider the points I have raised regarding penalties and hope that it will spell out what it means when it publishes the required notice in the *Gazette*.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

Later:

Clauses 2 and 3 passed.

Clause 4—"Eligibility for remission of rates and land tax"

The Hon. M. B. DAWKINS: I was disappointed that the Minister of Agriculture did not reply to the points raised by the Hon. Mr. Geddes during the second reading debate. Subclause (3) provides:

The Minister may, by notice published in the *Gazette*, declare the criteria upon which a declaration under this section may be made.

We have been given to understand that the Government intends to look after people in necessitous circumstances, but we do not have specific guidelines as to what the Government intends to do. Can the Minister provide more information on this matter?

The Hon. T. M. CASEY (Minister of Agriculture): I did not reply earlier to the questions raised during the second reading debate because I thought that those questions could best be dealt with during the Committee stage. No doubt the people needing assistance will be required to fill in a form declaring their income so that the department can decide whether they are eligible. Councils already provide remissions, and no doubt a similar procedure will be followed in this case. It is difficult to describe the procedure exactly, but I am sure the honourable member has a rough idea. People in necessitous circumstances will be required to state whether they have any income apart from their pension and whether they can afford to pay sewerage rates,

water rates, and land tax. The question of hardship will be the main criterion. I do not think there will be the same criteria as those provided under the Loans to Producers Act.

The Hon. R. A. GEDDES: The Minister has explained what the needy people should do, but the question related to the criteria that the Government would set in connection with the type of person who could apply. In its policy speech the Government said that people in necessitous circumstances and those on pensions would be catered for. Subclause (3) provides:

The Minister may, by notice published in the *Gazette*, declare the criteria upon which a declaration under this section may be made.

Again I ask: what will those criteria be?

The Hon. T. M. CASEY: I do not think the criteria have been drawn up specifically. I shall try to get more information for the honourable member, but I cannot get it at this stage. No doubt the criteria will be along the lines of the criteria laid down by local government in connection with people applying for remissions of rates. I assure the honourable member that people in necessitous circumstances will be taken care of.

The Hon. M. B. DAWKINS: I should like the Minister to give us more detail than that. The Minister has said that he is "sure the honourable member has a rough idea", but we need something more than a rough idea.

The CHAIRMAN: Will the honourable member please direct his voice this way for the benefit of *Hansard*? I myself am finding difficulty in hearing him.

The Hon. M. B. DAWKINS: I hope the Government will spell out more clearly that the provision is for people in necessitous circumstances and those on pensions, rather than for the people to whom the Hon. Mr. Geddes referred—people to whom it would be undesirable to give assistance. I hope the Minister will indicate that the criteria will be in accordance with the policy speech. Subclause (6) provides for a penalty of \$500 or imprisonment for three months, and subclause (7) provides for a penalty of \$200. On other occasions I have queried the severity of the penalty, but I do not do so on this occasion because I am persuaded of the vital necessity of people giving correct information. I hope the Minister will be more specific before we proceed.

The Hon. C. R. STORY: It is always necessary, before bringing down legislation, for a Government to look at the probable cost of what is involved in the legislation. I am sure the Treasury would have looked at this matter when the Minister put the proposal to Cabinet.

The Hon. R. C. DeGaris: We do not know that the Treasury approved of it.

The Hon. C. R. STORY: That is what I want to elicit from the Minister. What is the estimated cost of this legislation if it is passed by Parliament? It is important to know this before we put a rubber stamp on it; otherwise, we may be accused of political window-dressing.

The Hon. T. M. CASEY: I do not think the honourable member need worry about political window-dressing. This matter went before Cabinet and the Treasury, and the estimated cost of the scheme was \$500 000. Members have commented on the penalties provided. These matters come before the court. The penalties provided are maximum penalties, and any fine or imprisonment imposed would depend on the degree of misrepresentation involved. The court would decide on the fine. The raising of such matters at this time seems rather a weak argument.

The Hon. J. C. Burdett: It is part of the Bill.

The Hon. T. M. CASEY: Yes, but those are the maximum penalties. The Hon. Mr. Geddes asked what would happen if members of a hippie commune got together and filled out the forms to get assistance to which they were not entitled. I imagine the courts would look most seriously on such action and penalize the offenders accordingly. Here again, it will depend on the circumstances and I am willing to leave the matter to the courts.

The Hon. R. A. GEDDES: The Minister has said that the Treasury estimated the cost of this proposal at \$500 000. The Government must have laid down some criteria for the Treasury to work out the number of people likely to need assistance. What types of people will the Bill assist? If it is to cost \$500 000 the Treasury must have some knowledge of that. What instructions did the Government give the Treasury?

The Hon. T. M. CASEY: I can only repeat what I have said. Naturally, it will be people in necessitous circumstances, hardship cases, and it will have some relevance to what people are getting from local government by way of remission of rates. I cannot spell it out, and I doubt whether anyone could at this time. If the honourable member wants me to be specific, he really wants a schedule of the criteria. I cannot oblige him and if he is not satisfied I am afraid I cannot help him any further.

The Hon. R. C. DeGARIS: The Minister seemed to come up very quickly with the Treasury figure of \$500 000. What criteria did Cabinet submit to the Treasury for it to be able to compute that figure?

The Hon. T. M. CASEY: No doubt the Treasury took into account the amount of compensation allowed to pensioners under the local government scheme, and also the number of pensioners in this State who could apply for remissions. I do not say the figure of \$500 000 would be exact; possibly it could cost less than that, but that was the figure allowed.

Clause passed.

Clause 5 passed.

Clause 6—"Remission of rates."

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

In new section 84a to insert the following new subsection:

(5) A body corporate that has the administration and control of homes—

(a) subsidized under the Aged Persons Homes Act, 1954-1973, of the Commonwealth

or

(b) approved by the Minister for the purposes of this section,

shall be entitled to the remission of three-fifths of the water rates to which it would, apart from this section, be liable in respect of those homes.

During the second reading debate I indicated that I would support this policy of looking after pensioners and people in necessitous circumstances. I also mentioned certain charitable bodies running homes for such people, or providing small units, and not being eligible for a remission of rates. Although such people would be eligible for a remission if living in their own homes, they would not qualify for consideration when living in small units belonging to charitable organizations. Such places should be considered by the Government as being eligible for reductions in rates and taxes. Honourable members know of the excellent work of these organizations and they know, too, of the spiralling costs which have caused them to be in difficult financial circumstances. I have one institution in mind, and some honourable members have told me of others. Such institutions will be forced to increase their rentals if they cannot get further help. If the Government is sincere (and I do not suggest it is not),

and if it will cost only \$500 000 to implement the scheme, serious consideration should be given to my amendment.

Paragraph (b) of the amendment, which is "approved by the Minister for the purposes of this section", refers to the many laudable enterprises that are not subsidized by the Commonwealth. This amendment would need to be repeated in the succeeding sections of the Act regarding the Land Tax Act and the Local Government Act. The Parliamentary Counsel has been busy and, if this amendment is accepted by the Committee, he will need a little time to prepare the succeeding amendments that will have to be drafted for other parts of the Bill, although I do not think it will take very long.

The main thing would be to alter "water rates" to sewerage rates, land tax, local government rates, etc. The Government should seriously consider this amendment because of the parlous state of these laudable enterprises, which have spiralling costs that are not being further subsidized. This will force the homes to increase their rentals. In some of these cases the homes do not require any contributions from the persons concerned, who do not actually own their own homes; in other cases, they are required to make contributions and they could be considered part-owners of the units in which they live, for at least as long as they live there.

The Hon. R. A. GEDDES: I support this amendment. I have had the responsibility of being for many years Treasurer of Homes for the Aged at Crystal Brook. In fact, I was involved in the buying of the land and the building of the homes. For some 15 years I have been intimately involved in the administration of homes for the aged. It was not the original intent that the homes should have elaborate gardens or lawns: they would be homes for aged people and we would keep the outer area of the grounds in good repair, with gravel and cement. However, when the people came into the homes, they expressed the wish to have a garden in which to grow a petunia or a geranium. They asked for lawns, almost for some occupational therapy by gardening; so at Crystal Brook we have had to tend the grounds and plant lawns and flowers, which has meant a lot of voluntary work.

The water rates have become a major financial problem. The pensioners in the homes receive additional subsidies from the Commonwealth but the water costs are becoming a problem, which we must recognize. Where is there a better place to try to help a pensioner own his own home than here in this Bill? It is the type of home for the aged that the Hon. Mr. Dawkins caters for in his amendment. Only a subsidy, and not a total remission, is asked for.

The Hon. T. M. CASEY: This matter has been canvassed to a great extent by the Government. As a matter of fact, Aged Cottage Homes Incorporated has already approached the Government on this matter. The honourable member has lost sight of the fact that this Bill is a direct result of the subsidy that has been granted to the people living in these homes, who already get a \$4 a week subsidy.

The Hon. R. C. DeGaris: From whom?

The Hon. T. M. CASEY: The Commonwealth.

The Hon. R. C. DeGaris: No; many of them do not.

The Hon. T. M. CASEY: Yes, they do.

The Hon. R. C. DeGaris: No.

The Hon. C. M. Hill: It depends whether or not the home has an infirmary.

The Hon. T. M. CASEY: The fact remains that they are getting \$4 a week subsidy from the Commonwealth, so the Government, in its wisdom, decided that a pensioner living in his own home should get some compensation,

and this Bill is the direct result of that planning. Aged Cottage Homes Incorporated has already approached the Government on these lines and has been told that this Bill does not cover those people, because they already get a \$4 subsidy.

The Hon. R. C. DeGaris: If it can be shown that many people in these homes receive no Commonwealth subsidy, will the Minister be prepared to change his mind?

The Hon. T. M. CASEY: No.

The Hon. R. C. DeGaris: Then what is the good of your argument?

The Hon. T. M. CASEY: Wait a minute! These people may not be pensioners.

The Hon. R. C. DeGaris: Yes, they are.

The Hon. T. M. CASEY: Just a moment; I know many people in homes for the aged who are wealthy.

The Hon. M. B. Dawkins: But that is not your criterion.

The Hon. R. A. Geddes: The amendment does not help the wealthy.

The Hon. T. M. CASEY: I do not say it does. How do we determine those homes that are in financial difficulty if half the inmates are on a pension and the other half are wealthy people who have gone into a home because they do not want to run their own homes?

The Hon. M. B. Dawkins: You apply your criterion.

The Hon. T. M. CASEY: The Government has had a good look at this. Honourable members cannot use that as an argument, because they are then saying that a criterion should apply to these homes. The pensioners in these homes are already receiving a Commonwealth subsidy, and the people who are not pensioners and are of quite substantial means cannot qualify for assistance under this Bill, because it deals specifically with pensioners who own their own homes. That is why the Bill was drawn up.

The Hon. Sir ARTHUR RYMILL: Most honourable members could not fail to be in sympathy with this amendment, because it seems a logical corollary to the Bill. My grandfather (my mother's father), who died in 1908, used to treat free all the inmates of the cottage homes in North Adelaide. Of course, things have changed since then, with Government grants, but the dedicated doctors of those days spent much time treating those people free. That is, of course, different from the concept of this Bill, but in a way it is similar. The Government has seen fit to introduce a Bill to try to help these people, and it is the Government's job to do whatever it thinks best to help these people.

It is our job as an Opposition to point out to the Government where we may think the deficiencies in the proposed legislation lie. However, I do not think it is our job to try to force it down the Government's throat; it is our job to point out the deficiencies in the Bill that the Government has introduced. If we find no difficulties it is up to us to contribute support. I do not intend to support the amendment because I do not think it is our duty to thrust this further act of grace, as it might be termed, on the Government when it has promoted this Bill.

The Hon. M. B. DAWKINS: Obviously, the criteria would have to be applied to each home. Regarding people who did not measure up to it, the home would not receive assistance for them. Regarding the homes that have a very good name, if they wished to continue receiving the Government subsidy the information they furnished to the Government would have to be correct. There would be no real problem of establishing the criteria and applying it to the people suggested in the amendment.

The Hon. R. C. DeGARIS: I agree with the Hon. Sir Arthur Rymill that it is our duty to correct deficiencies in legislation. I do not know that I can support the amendment, but I congratulate the Hon. Mr. Dawkins for placing it on file because it has enabled us to debate the question and point out something the Minister has said which to me discloses a deficiency in the legislation. If there are people in homes who are not subsidized \$4 a week by the Commonwealth and who fit the criteria under clause 4, what objection would the Minister have to those people coming under the provisions of the Bill? I assure the Minister that there are age pensioners without other means who will be excluded under the Bill. Does the Minister consider that to be a deficiency and, if he does, what does he intend doing about it?

The Hon. A. F. Kneebone: They would come within the criteria.

The Hon. R. C. DeGARIS: No.

The Hon. T. M. CASEY: The reason why the Bill was introduced was that all pensioners who pay rent are subsidized—

The Hon. R. C. DeGARIS: No, they're not.

The Hon. T. M. CASEY: —to the extent of \$4 a week.

The Hon. R. A. Geddes: Rent paid to whom?

The Hon. T. M. CASEY: Wherever they live. They might be in a home or renting a house from a real estate agent. If they rent a house, they get \$4 a week subsidy. The Bill was designed specifically for pensioners who own their own homes but do not receive a subsidy. That is why the Bill was drawn up. The Aged Cottage Homes Incorporated made representations to the Government along the lines the honourable member is talking about now. The Government could see that these people were being subsidized; because of that, they are not included in the Bill: it is as simple as that.

The Hon. C. M. HILL: On the one hand we have the category of home in which those people who cannot look after themselves are housed; a dormitory and dining facilities are provided. I think the Minister means that those are the people who receive \$4 a week. In the other category are people in homes more of the unit kind and they fend wholly for themselves. These are the people we must consider.

They are charged a sum regularly by the landlord who, as an institution, helps the aged. The landlord's charge is dependent on the rates and taxes payable and on the cost of maintaining the property as a whole. That sum varies as the rates and taxes, in turn, vary. What the Opposition is concerned about is that these people, who in the main are pensioners, are charged this certain sum, but they will not come under the benefits of the Bill. The people we would like to see the Government help in that example are the institutions themselves which own the properties and which must pay the rates and taxes—

The Hon. T. M. CASEY: Then you should put it in your policy speech.

The Hon. C. M. HILL: —whereas each occupier cannot obtain help under the Government's Bill. Each occupier is entitled to the same consideration through the landlord obtaining consideration. Compared to the pensioner down the street, they are being treated unfairly.

The Hon. A. F. Kneebone: How do you work out the rates the home must pay if it houses some wealthy people and some much less wealthy people?

The Hon. C. M. HILL: The home charges the same sum.

The Hon. A. F. Kneebone: They will pay three-fifths of the rates, anyway.

The Hon. C. M. HILL: I agree with the Chief Secretary. Some consideration might have to be given to the situation where the financially needy occupy some of the units and, in some cases, other occupants do not deserve special consideration.

The Hon. A. F. Kneebone: The amendment may not cover that situation.

The Hon. C. M. HILL: I am coming to that. I do not support the amendment, although I see the merit in its principle. Will the Minister study this matter and see whether any injustice is being done, check out his own submissions regarding the \$4 subsidy, and see whether it goes to everyone to whom he has referred? There may well be a very good reason why the Government should in future help the people to whom I have referred.

If the situation is as I have explained it they have a very good cause indeed, and they are deserving of some special consideration because of the form in which the Bill has been introduced. Is the Minister willing to give such an undertaking?

The Hon. T. M. CASEY: Yes; I am prepared to look at this question and to refer it to my colleague to ensure that the matter is considered.

The Hon. R. C. DeGARIS: I believe one organization in South Australia provides accommodation for 139 old people, none of whom receives support from the Commonwealth Government (the \$4 a week that has been previously mentioned). Those people would fall within the criteria the Government will set. The Minister has given an undertaking that he will look into this matter, but the undertaking I should like him to give relates to an existing organization which has no overheads, which has a voluntary staff, except for one employee who is paid on a part-time basis, and which has as its object the supply of cheap accommodation to age pensioners. That organization does not receive Commonwealth support, but deserves the same treatment as is being given by this Bill to those people who own their own homes. If the Minister would give that undertaking I would be prepared to support the Bill.

The Hon. T. M. CASEY: I am prepared to take up the matter with my colleague. I am sure the Leader will give me the name of the organization so that the matter can be checked. No doubt, too, it will be a Government decision.

Suggested amendment negatived; clause passed.

Remaining clauses (7 to 17) and title passed.

Bill read a third time and passed.

DENTISTS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

[*Sitting suspended from 6 to 7.45 p.m.*]

STATUTE LAW REVISION BILL (AMENDMENTS) In Committee.

(Continued from March 27. Page 2771.)

Remaining clauses (2 and 3), first and second schedules, and title passed.

Bill read a third time and passed.

TAXI-CAB REGULATION

Order of the Day, Private Business, No. 6: The Hon. C. M. Hill to move:

That regulation No. 4 under the Metropolitan Taxi-Cab Act, 1956-1972, in respect of taxi-cab signs, made on December 20, 1973, and laid on the table of this Council on February 19, 1974, be disallowed.

The Hon. C. M. HILL (Central No. 2) moved:

That this Order of the Day be discharged.

Order of the Day discharged.

PROROGATION

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the Council at its rising adjourn until Tuesday, April 30, at 2.15 p.m.

First, let me say, Mr. President, how much I have enjoyed working under your Presidential guidance in my first session as Leader of the Government in this Council. On behalf of all honourable members I wish to express my sincere appreciation for the firm and fair manner in which you have treated us. I also want to refer to the assistance I have received from my Ministerial colleagues, the Minister of Agriculture (The Hon. Mr. Casey) and the Minister of Health (The Hon. Mr. Banfield). I could not have asked for greater assistance than that which they have given me. The Hon. Mr. Shard has completed this session as Government Whip. He, too, has been of great assistance to me, not only through his position as Whip but also through the advice and help he has given me in my first session as Chief Secretary and Leader of the Government here. I have been more fortunate than was the Hon. Mr. Shard in that I have a few more Government members sitting behind me than had any previous Leader of a Labor Party Government in this Council. Anyway, I am looking forward to even greater assistance from the Government members sitting behind me as they become more experienced in the work of this Council.

I also wish to refer to the co-operation in the working of the Chamber that I have received from the Leader of the Opposition, the Hon. Ren DeGaris. We have been able to work together harmoniously, although we have not always agreed on legislation coming before us. I appreciate the fact that the working of this Chamber has been smooth, as a result of the co-operation I have received from the Leader. Through the assistance I have received from the Opposition Whip (Hon. Mr. Gilfillan) we have been able to solve many problems. He has discussed with me the legislation and second reading explanations coming forward. As a result, we have been able to handle the Bills smoothly.

This session has been no lighter than has any other session. As usual, a host of Bills has come to us in the last week, but we have been able to handle them without a great deal of inconvenience. Those honourable members who have been here as long as I have will remember the bad old days when the last sitting occupied 18 to 20 hours. We have been able to overcome that situation through co-operation and through devising a new system, whereby conferences between the two Houses have taken place outside the normal sitting hours. I thank honourable members for their co-operation in that respect, too.

I thank the Clerk of the Council and Clerk of Parliaments (Mr. Ball) and the other officers of the Council, Mr. Drummond, Mr. Mertin and Mrs. Jan Davis (Clerk of Papers). They have all worked very well during this pretty heavy session, and I thank them for their assistance. Other people who have had a very heavy session are the Parliamentary Counsel, Mr. Daugherty and Mr. Hackett-Jones, who have been at the beck and call of honourable

members. They have greatly assisted me by explaining Bills to me on many occasions, and I thank them for their help. I wish to thank the *Hansard* staff, particularly Mr. George Hill, for their co-operation. I wish to thank the Government Printer, too. The Government Printing Department has moved from the city but, through the courier service, we have received Bills and *Hansard* almost as quickly as we used to receive them when the Government Printer was next door. Sometimes the system does not work as we would hope, but, in the main, we have been able to keep up.

The Library staff, under Mr. Casson, has always been of great assistance to us. The messengers, under Mr. Don Fletcher, have helped us greatly. I thank Mr. Fletcher, Mr. Dawes, and the other messengers for their valuable assistance. The catering staff, under the direction of Miss Stengert, has helped us greatly. Most honourable members were present at last Monday night's dinner, and I am sure that they regard it as one of the highlights of the session. We all enjoyed ourselves very much, and we thank the catering staff for their work then and throughout the year. I hope that all honourable members have a relaxing break before we start again. I believe that the next session will start in about the third week of July. I hope all honourable members have a restful time before then and come back refreshed for that session. I thank all for their assistance to me.

The Hon. R. C. DeGARIS (Leader of the Opposition): I have very much pleasure in supporting the Chief Secretary's remarks. I should like to begin by thanking the Chief Secretary himself for his co-operation and for the manner in which he has conducted the Council as Leader of the Government. I thank the other Ministers, too; they have shown a type of co-operation that is very much appreciated. I also express my appreciation to you, Sir, for the manner in which you have fulfilled the role of President of this Chamber. I think I am right in saying that this year you have completed 40 years of Parliamentary service, and although that is not a record in South Australia it is nevertheless one of the longest and most distinguished political careers in the history of this State.

I would like to offer some advice to the Hon. Mr. Chatterton and the Hon. Mr. Creedon, two new members, along with the Hon. Mr. Burdett, in this Council. I am afraid they rode into the Council on what one might term the sway-backed old grey mare of vested interest. I advise them to leave it tied up at Lyndoch.

I thank the Hon. John Burdett for his contribution to the work of this Chamber, and to all members (to my Deputy, the Hon. Mr. Story, and other members on both sides who have contributed so much to the work of the Council) I express my appreciation. The Hon. Mr. Story and the Hon. Mr. Shard have both, in the past 12 months, had some sickness, and it is a great pleasure to all of us to see them back in the Chamber in an extremely fit condition. The Whip, the Hon. Gordon Gilfillan, has been excellent. I do not know of any other Parliament in the world where one man whips for everyone, but he fulfils that position in an excellent way with great co-operation with the Chief Secretary.

I endorse the remarks of the Chief Secretary in relation to the Clerks at the table, the *Hansard* staff, the Government Printing Office, the staff of the dining room, the library, the messengers, and the police, who do such a wonderful job for us.

It has been, in my view, a most fruitful session. We had three new members who have all played their part in the running of the Council, and by and large a tremendous amount of work has been achieved. While we may not

always agree, I believe that each one has done his job in what he thinks is the best interest of every person of South Australia.

Once again, I raise my voice in complaint about the procedures adopted by Governments (and I make that plural) to push a large number of Bills through the Council in the last few days of the session. I have reached the conclusion that, unless this Council takes some stand on this matter, we will see Governments in the future continuing with this quite ridiculous process. I am not directing that criticism entirely at this Government; it is a process that has been used for many years by Governments in this and other States, and in the Commonwealth Parliament.

In this session we have had second reading explanations given by the Minister in the last few hours of the session with no Bills in the Chamber. We have found ourselves in Committee with no Bill before the Chair. We have been discussing Bills that have been amended in the House of Assembly with an unamended version of the original Bill before members in this Council. This is grossly unfair, and something should be done about it. If something is not done about it, I believe this Council must take a very firm stand in future, because it is completely unfair to this Council and to the people of South Australia that legislation should be pressurized through Parliament in the dying hours of the session with insufficient time to check information or to check the matter with those people affected by the legislation.

In this matter the Council as a whole has been more than co-operative during this session. I appeal to the Government to improve the situation. It could be improved, and I am certain that more Bills could be introduced early in the session to give members time to examine and debate them. If the position does not improve in the next session I shall have to examine means whereby this procedure does not continue to the detriment of good legislative practice. I am not making a direct criticism of the Government. It has happened before, but I believe there is a need to make sure that members in this Chamber get full opportunity to examine legislation adequately when it comes before them.

I express my sorrow and disappointment that the House of Assembly did not accept the offer of the Legislative Council for a joint committee on the Beverage Container Bill. I believe a number of questions could have been adequately answered to the benefit of the legislation if we could have achieved a co-operative joint committee with equality of numbers from each side to examine the extremely difficult questions that are obviously in this legislation. Unfortunately, that has not occurred, but I think it would have been a very good thing for this Parliament and for the people of South Australia if it could have been achieved.

I should like to mention the Hon. Victor Springett, who is away at present—a man who is held in extremely high respect in this Chamber and who, at this moment, is doing a worthwhile job, voluntarily, with the Red Cross in Ethiopia. With those few remarks, I congratulate all honourable members on their contributions during this session. I wish them the best in the break, and I look forward to joining all members in the next session of this Parliament.

The PRESIDENT: On behalf of those who are not in a position to speak for themselves, I should like to acknowledge the compliments paid to all the staff and those associated with the working of Parliament, and to thank the Chief Secretary and the Leader of

the Opposition for their comments and personal remarks regarding myself. It is not always easy, in the position of a presiding officer, to avoid having to make decisions which an honourable member may think are not favouring him, but I assure the Council that I have attempted to hold the scales with equal justice to all. I thank honourable members for the co-operation I have received in this regard. This session has been carried out with considerable inconvenience and discomfort to members. The work of renovating Parliament House has been taking place, resulting in nervewracking disturbances, and the staff have had to put up with hydraulic jacks and saws operating. Members have shared the discomfort. We talk about noise pollution in the community; I think we have had it here. It is trying on the nerves of all concerned. Then we have had discomfort because the air conditioning and ventilation in this Chamber have been completely absent, and consequently it has been necessary to sacrifice some of the dignity and appearance of the Chamber by seeking some comfort in the way we dress. We have had, too, the removal of the Government Printing Office from the accessible position in which it was situated for many years to a site some distance away. Some organization must be worked out in this regard between this and the next session. In the past we have received Bills and other papers from next door. Receipt of the necessary papers has been dislocated to some extent as a result of the removal of machinery and getting the printing office organized at Netley. However, I am sure that everyone is doing his best. We have received good service from the Government Printer over the years and I am sure that he is anxious that his good services continue. It is a matter of getting a workable arrangement whereby Parliament's papers and documents will be available at the earliest opportunity.

I join other honourable members in paying a tribute to the Chief Secretary and his Ministers. The Hon. Mr. Shard retired as Chief Secretary and handed over the reins and took a back seat. Even in that position he has remained very active and of considerable help to his colleague, the Hon. Mr. Kneebone, who has carried out his position and responsibilities associated with being Leader of the Council very capably. His experience over the years has equipped him well for his position. I agree with him that he has had good support from his colleagues on the front bench.

We have all had a busy time. It has been a heavy session: over 200 messages and about 150 Bills have been dealt with; it has been a marathon session from a legislation point of view. I know the kind of work the Hon. Mr. DeGaris performs as Leader. I remember when the late Mr. Condon was Leader of the Opposition in my time, the hours he worked, and what his position involved. That work is being carried out by the present Leader in the same efficient manner. Until one has filled these positions, it is not easy to visualize the amount of work they involve.

All honourable members have played their parts well. I think we can claim to have had an active and successful session, and all honourable members have contributed to the result of it. I place on record my thanks to the librarians, the messengers, the domestic staff, and to those with whom I work particularly closely—the Clerks at the table. Everyone has contributed in the fullest possible manner to maintain the efficient working of Parliament.

Motion carried.

ADJOURNMENT

At 11.16 p.m. the Council adjourned until Tuesday, April 30, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.