LEGISLATIVE COUNCIL

Wednesday, March 19, 1975

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

QUESTIONS

SITTINGS AND BUSINESS

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

Leave granted.

The Hon. C. R. STORY: My question is supplementary to the one I asked on March 12 concerning Council sittings in the current session of Parliament. I understood from the Chief Secretary, when he gave me a reply last week, that it was likely that the Council would rise before Good Friday, would begin a new session in June lasting about three days, and would adjourn until late July. However, I have heard that another report is circulating to the effect that it is the Government's intention to rise before Easter and to return in June for about a three-weeks sitting in the same session as we are currently in. Will the Chief Secretary clarify the position, because he must appreciate the importance of this matter, particularly as regards subordinate legislation that might require action to be taken? As the Subordinate Legislation Committee is still taking evidence on several references, if the session is to be prolonged it will be able to continue with its work.

The Hon. A. F. KNEEBONE: I have examined my reply of March 12, when I said:

It is the intention of the Government, if it is at all possible, to conclude the present session on Holy Wednesday rather than on Maundy Thursday . . . We hope to finish before Easter, and we will meet again in June. As I understand it, that will be the beginning of a new session . . .

Because of the volume of legislation we are debating and the difficulty we are experiencing in taking some of it through to the Committee stage so that it may be revived in a new session, the Government has considered the matter further, and the June sitting will be the concluding part of this present session. It has been suggested that it may be necessary for us to sit for between two and three weeks, beginning in the second week of June. I regret that anything I said last week might have caused some honourable members to be confused about this matter, but that was my understanding of the position at the time.

LEUKEMIA

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

Leave granted.

The Hon. A. M. WHYTE: A report on page 3 of this morning's *Advertiser* headed "Leukemia victim's parents open fund" tells how a Mr. and Mrs. Barry Haynes have opened a research and relief fund to improve the care and well-being of children with the disease of leukemia. Mr. Haynes, a public servant, and his wife are working towards raising an initial $2 000 to buy a laminar flow unit, a "germ-free" bed, for the Adelaide Children's Hospital. Mr. Haynes is reported as having said:

Doctors said when they were treating Peter that they wished they had one, but the Adelaide Children's Hospital didn't have the equipment or the funds to buy one.

I was astounded to read that this equipment, which can afford such relief, was not available at the Adelaide Children's Hospital. I appeal to the Treasurer, who recently asked for a $200 000 gift to be made to Trades Hall, to make an immediate gift of $2 000 to the Adelaide Children's Hospital to enable it to purchase such equipment.

The Hon. A. F. KNEEBONE: I am not aware of the situation obtaining at the hospital or, indeed, whether treatment and equipment are available for this type of case. However, I will have the matter investigated, convey the honourable member's request to the Treasurer, and bring down a reply as soon as it is available.

MOTOR VEHICLE DEFECTS

The Hon. R. A. GEDDES: I seek leave to make a statement before asking a question of the Minister of Health, representing the Minister of Transport.

Leave granted.

The Hon. R. A. GEDDES: In yesterday's and today's press there appeared advertisements and reports pointing out that the Ford, General Motors-Holden, Chrysler and Toyota companies had recalled all their motor cars fitted with seat belts supplied between February 19 and March 13 this year, as the seat belts were considered to be unsafe because they were fastened in a certain way. In the interests of road safety, I ask how the Standards Association or other responsible governmental organisations could allow this type of equipment, which could cause such serious loss of life or injury to the innocent people who use it in good faith, to be fitted to motor cars these days.

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

COORONG GAME RESERVE

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking a question of the Minister of Agriculture, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. R. C. DeGARIS: It has been drawn to my attention that possible problems exist in relation to the access to a game reserve in the Coorong. I understand (I do not know exactly what the position is) that there is a physical and a legal barrier to access to the reserve and that one must go through a national park to get to it. Will the Minister ask his colleague to examine the matter and, if there is no legal access to the game reserve, will he take the necessary action to ensure that access to it can be gained through the national park to enable those who want to use the reserve to do so?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply as soon as it is available.

KINGSTON LIFESAVERS

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Minister of Agriculture, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. R. C. DeGARIS: I am not sure of the position, but I will try to explain the question so that the Minister will understand what I am driving at. I believe the problem rests with the Coast Protection Board. In Kingston for some time past money has been raised for the erection of a lifesaving station, a rescue boat shed, and club facilities for lifesavers in the Kingston area. I understand that they wish to build a headquarters for the rescue boat on the coastal area, but that building in the area has been banned. I understand, too, that the Coast Protection Board has agreed verbally that facilities for the rescue boat and the clubhouse should be built in the area

and that verbal approval has been given by the board. So far, however, no written authority has been given for the lifesaving group to erect a building. The matter is rather urgent for them. Will the Minister take up this question with the board and, if approval is to be given, will the board or the Minister (whoever is responsible) write to the Kingston lifesaving group formally giving permission for the erection of the clubhouse?

The Hon. T. M. CASEY: I shall be happy to take the question to the Minister of Environment and Conservation and to bring down a reply.

REAL PROPERTY ACT REGULATIONS

The Hon. J. C. BURDETT (Southern): I move:

That the fees regulations under the Real Property Act, 1886-1972, made on January 23, 1975, and laid on the table of this Council on February 18, 1975, be disallowed.

The point at which I join issue in connection with these regulations is a small but important point. Because we have no power to amend the regulations, all I can do is to move this disallowance motion. As I shall explain later, I may be satisfied if the Attorney-General gives a firm undertaking on the matter I am about to raise. The regulations replace the former fees regulations under the Real Property Act and, in general, they substantially increase the fees. In particular, for a transfer where the consideration is in excess of $40 000 there is an *ad valorem* charge of $30, plus $10 for every $10 000 or part thereof above $50 000. In a large tranfer this could be quite important. For a transfer with a consideration of $1 000 000, the *ad valorem* registration fee would be $980, in addition to a very large amount of stamp duty.

I must say that, in general, I rather object to this sort of back-handed stamp duty. Taxation should be levied through taxation measures. One would have thought that the charge for registering documents in the Lands Titles Office should be the amount necessary to cover the cost of doing so. Further, one would have thought that there was not a great deal more cost for the Lands Titles Office in registering a transfer with a consideration of $1 000 000 than in registering a transfer with a consideration of $1 000. Bringing in this *ad valorem* element is certainly a means of bringing in a stamp duty under another name. Regulation 5 provides:

When any instrument or application is lodged with the Registrar-General for registration, deposit or examination and is subsequently withdrawn the Registrar-General shall be entitled to retain one-half of the prescribed fee payable to him for the purpose of registration, deposit or examination of such instrument or application.

That provision has always been there but, prior to these new regulations, the fee for registering a transfer was $8, whether the consideration was $1 000 000 or $1 000, and no-one complained very much if, on temporarily withdrawing a transfer or other document, he lost half the fee; that is, $4. It may sometimes, although not often, be necessary temporarily to withdraw an instrument and then relodge it. This may happen as a result of some kind of mistake but, generally speaking, it happens when there is a host of parties to a transaction, particularly with large transactions of the order of $1 000 000. There may be half a dozen different parties and half a dozen different brokers involved.

The transaction may involve the sale of subdivided land, the rearrangement of mortgages, the discharge of some mortages, and the taking of fresh mortgages. Where brokers are involved, each broker, of course, does not do the homework of the other brokers. The parties turn up at the Lands Titles Office, and there may be in the total transaction a dozen different instruments which have to be numbered and lodged in order and, without any great fault on anyone's part, a document may be lodged out of order. If that transpires, the document has to be temporarily withdrawn and relodged. Up to the present, the consequence has been that the Lands Titles Office has had the right to retain half the fee, $4, on the withdrawal of the instrument, and a fresh fee has had to be paid on relodgement.

Under the old structure of fees, this was not so very important, but, when $980 may be involved in a transaction of the order of $1 000 000, certainly some hundreds of dollars are involved if half the fee is retained if the document is temporarily withdrawn and relodged in a different order to rectify a minor mistake; that is a serious consequence. This has not been especially my idea. I have had representations made to me about this matter. I understand that a formal resolution has been passed by the Law Society Property Committee and that that resolution has not yet reached the Attorney-General, because it has to go through the usual channels of being passed by the society council and a subsequent letter sent from the society's President. Nevertheless, that is the matter I am raising. The regulation provides:

The Register-General shall be entitled to retain . . .

It does not provide that he shall retain this sum. In the past he has in fact retained half the registration fee. Inquiries that I have made indicate that the Lands Titles Office has not yet addressed itself to the problem, and the office has said only that the regulations provide that "we shall be entitled to retain one-half of the prescribed fee". The only action I can take is to move this motion to disallow the regulations in the hope that they will be withdrawn or varied to provide that some nominal sum such as $6 should be retained out of the registration fee when an instrument is temporarily withdrawn. I cannot see that that could fail to cover the actual costs to the office. I would be willing to consider a firm undertaking by the Attorney-General that he will direct the office to retain only a small portion of the fee. However, it appears to me that although this situation will not often arise, it is still an important matter in the case of a relatively minor mistake in some instances involving some hundreds of dollars lost by the parties to the Lands Titles Office, which is supposed, I think, only to receive fees sufficient to cover its costs.

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

NATIONAL PARKS AND WILDLIFE REGULATIONS

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

That the regulations under the National Parks and Wildlife Act, 1972-1974, in relation to the use of boats during open season within game reserves, made on January 30, 1975, and laid on the table of this Council on February 18, 1975, be disallowed.

I am in somewhat of a quandary concerning this notice of motion to disallow regulations under the National Parks and Wildlife Act, and in dealing with this motion my comments apply equally to notice of motion No. 6. First, we have a situation that has resulted from the use of proclamations by the Government in respect of certain matters relating to the National Parks and Wildlife Act, and in another part in respect of regulations. One thing on which the Council has always insisted is that, when things are spelled out, they should be spelled out by regulation and not by proclamation.

The Hon. A. J. Shard: That hasn't always been the case.

The Hon. R. C. DeGARIS: It has always been the case since I have been in the Council.

The Hon. A. J. Shard: I can go back further than you and recall when we insisted on proclamation.

The Hon. R. C. DeGARIS: We live in changing times, and if we live in such times we must constantly change our approach to the various matters before us. However, we have constantly stressed the idea that the machinery set up under an Act should be done by regulation, so that people affected would be able to give evidence before the good gentlemen on the Subordinate Legislation Committee, which would be able to recommend any changes to the Government. My remarks on these regulations are bound up both with the proclamations and the regulations presently before us. There have been in the country areas of South Australia considerable misgivings about proclamations and regulations that have come down under the principal Act. Earlier today I asked a question of the Minister regarding access to game reserves surrounded by national parks, namely, how does a person get on to the game reserve in the first place? He is not allowed to carry a gun through a national park (is he supposed to go in by helicopter?).

This problem has been overlooked by the Government's making hasty decisions with regard to proclamations and regulations under the principal Act. I will touch on and illustrate several other matters related to regulations and proclamations and comment on the feeling among so many country people who are keen shooters. Most shooters in the community are responsible people, although there is always the odd element that does not belong to the normal shooting community that is totally irresponsible, and one must accept that point. Most of the shooters I know and who are constituents of mine are extremely responsible, and the regulations and proclamations have had a somewhat drastic effect on them. For example, a person who is on a game reserve is allowed to take 12 ducks a day and, if he is on the reserve for two days, he cannot leave it with more than 12 ducks. According to the inspectors, people have been picked up who have been on the reserve for two days, thus being entitled to two bags of 12 ducks, and have been told that they could not leave the reserve with 24 ducks but with only 12 ducks. They can go back to the reserve the following day and take an additional 12 ducks, but a person cannot remain on a reserve if he has more than 12 ducks in his possession.

The Hon. R. A. Geddes: One can't camp on a reserve.

The Hon. R. C. DeGARIS: No, one must leave the reserve and return the following day. Another matter that really upset many people in the South-East was that inspectors entered the houses and searched all refrigerators therein. They had the warrant Parliament authorised for them and they searched all the refrigerators and deep-freeze units after the opening of the duck-shooting season, and this caused much ill feeling. I am all in favour of inspectors having powers, but it has been reported to me that, in one small township, the inspectors with their warrants searched every house; this seems to be taking the matter too far. Even a policeman must have substantial evidence before obtaining a search warrant to search a house, but in this case I have been told that it was a matter of going through every house in the small township before the season opened. Proclamation 4 provides:

No person shall on any day of the open season take or have in his possession or under his control more than 12 ducks of the said species unless a permit has been granted pursuant to section 53 of the Act.

The bag is supposed to be 12 ducks a day, and a person must not have in his possession more than 12 ducks. Those he might have in his refrigerator could have been taken a week ago; yet the proclamation provides that a person cannot have in his possession more than 12 ducks on any day during the open season. I think that honourable members understand the point that I am making: these people do not know what the law is. One part of the regulation provides that the bag is 12 ducks a day, whereas another part of the regulation provides that a person cannot have more than 12 ducks in his possession at any time during an open season. If a person shoots 12 ducks on one day, he would have to make a glutton of himself.

The Hon. A. J. Shard: Or have a barbecue at night.

The Hon. R. C. DeGARIS: Yes, and make sure he eats the 12 ducks, and then go out and shoot 12 more. This is a problem and, if it had been done by regulation, I am certain that the Subordinate Legislation Committee would at least have been able to see the difficulties in a proclamation such as this one. I have received several complaints, one concerning a group camped on Lake George, the members of which had the habit every morning of running around the lake with rattles and car horns, thus ensuring that the ducks were scared back into the middle of the lake before the shooters arrived. This practice is not conducive to good relations between the two groups. The regulations provide that molesting, hunting, disturbing, or shooting ducks requires a licence but, as far as I know, these people have no licence to disturb ducks in their natural habitat.

Another matter causing concern is the need for a person to hold a hunting permit or for permission to be given by the landowner before the hunter can enter the property. What happens is that most people in my district ring the owner and say, "I want a few rabbits." The owner says, "Yes, certainly, you can go in," but to get a written permit the shooter might have to drive 50 km. The property might be 50 km from where the owner lives. It causes some consternation sometimes to get a permit signed. The landowner may not mind giving verbal permission for a person to go on to his property, but he may not want the extra job of signing a permit so that the person can carry it when he goes on to the property to shoot.

The other regulation deals with the fact that no native flora can be used to create a hide on a game reserve from which to shoot. What is happening on the reserves is that shooters are taking in old bags and canvas with which to make a hide, and the reserves are becoming dumping grounds for this material. For years and years, duck shooters have used the normal bush that grows in game reserves to make a small hide but, under the regulations, they cannot use any native flora to make a hide on the reserve. This seems to be a foolish position. I do not object to the regulations as a whole, but there are one or two points in them that deserve more consideration. One regulation provides:

No person shall, without the written permission of the Director, store the carcass of any protected game other than at the place of residence of the owner of the said carcass, except during an open season declared under section 52 of the said Act.

We are concerned that a person really cannot give away a bird to a friend or store some of the birds from his "dozen a day" bag in someone else's refrigerator. This

seems burdensome and foolish. I have moved the motion to enable the people who are adversely affected by the regulations and proclamations to have time to give evidence, and explain their point of view, to the Joint Committee on Subordinate Legislation in the hope that something can be done to prevent some of these stupidities. I should like the Government to speak to some of my constituents in the South-East who have seven or eight children who each have a ferret and who must obtain a permit costing $1. These people are not pleased. In many of these matters, we are taking rationality a little too far.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

MINING ACT AMENDMENT BILL (LICENCES)

Adjourned debate on second reading.

(Continued from March 12. Page 2806.)

The Hon. A. F. KNEEBONE (Chief Secretary): I secured the adjournment of the debate to enable me to examine the proposals advanced by the Leader. They have now been considered. One of the matters he raised is acceptable and, although the Government does not oppose the other one, it considers that it would have been better to include it in the Pastoral Act. I refer to proposed new section 58a, which is inserted by clause 6 and which provides:

(1) A mining operator shall before or as soon as reasonably practicable after entering upon land to which this section applies give notice to the owner of the land of his intention to enter the land, or of the fact that he has entered the land, as the case may require.
Penalty: One hundred dollars.
(2) This section applies to any land except—
(*a*) freehold land;
(*b*) land held pursuant to a perpetual lease under the Crown Lands Act, 1929-1974;
or
(*c*) land excluded by regulation from the application of this section.

My objection is that, by passing the law in this form, it will discriminate against miners only. From discussions between my departmental officers, members of the Pastoral Board and Mines Department officers, I understand that similar problems arise with such people as rabbit trappers, kangaroo shooters, and tourists generally, and that possible amendments to the Pastoral Act are being examined to try and solve the problem. Any moves along the lines proposed in the Bill should perhaps be made in relation to the Pastoral Act so that they apply to the community generally and not just to miners. I have been told by the Mines Department that, as a matter of common courtesy, it now asks miners to do what is provided in the Bill. The Lands Department is at present examining the matter on the basis of trying to assist pastoralists in relation not only to miners but also to other people who indiscriminately enter and disturb properties. It seems to me that it would be more appropriate to make any move in this respect by way of the Pastoral Act.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Chief Secretary for the expedient way in which he has dealt with the Bill. This matter was discussed fully when the consolidating legislation was before the Council previously. I considered then that the amendments could have been effected in that way, although the Government's advice was taken and a private member's Bill was introduced. The Chief Secretary referred to the entry provision. I think it would be advisable to include it not only in the Mining Act but also in the Pastoral Act. Prospectors or miners do not often refer to the Pastoral Act, although they refer to the Mining Act. Although I am willing, on behalf of my colleague, the Hon. Mr. Whyte, to move to strike out that clause from the Bill, I suggest to the Government that, if it is considering amending the Pastoral Act, some reference to entry should also be included in the Mining Act. I therefore ask the Government to consider that aspect. A miner likes to know what he can and cannot do by referring to the Mining Act, under which he works. I can see no reason why a provision such as this cannot be included in both the Acts to which I have referred. I thank the Chief Secretary for his assistance with the Bill and, to meet his wishes, I shall be pleased in Committee to move to strike out the clause to which he has referred.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Grant of exploration licence."

The Hon. A. F. KNEEBONE (Chief Secretary): It has been suggested to me that, if it is considered desirable to include a map in the *Gazette* notice of a proposed grant of a lease or licence, it should be in addition to the present specification and not in lieu of it. It may not always be possible to produce a map with the degree of accuracy necessary to satisfy the legal requirements of definition. It is suggested that this could be achieved by leaving subsection (2) as it is and inserting "and" before "(*a*)" in the clause. It is for the Leader to decide.

The Hon. R. C. DeGARIS (Leader of the Opposition): I would need to examine the matter, although I think it would be quite satisfactory to do it that way. Perhaps the Chief Secretary could say whether he has any other suggestions, because it seems that the point he has raised applies equally to clauses 4 and 5 also.

The Hon. A. F. Kneebone: That is so.

The Hon. R. C. DeGARIS: I ask that progress be reported so that I can examine the Chief Secretary's suggestions.

Progress reported; Committee to sit again.

FARM MACHINERY REGULATIONS

Adjourned debate on motion of the Hon. M. B. Dawkins:

That the Rural Industries (Machine Safety) Regulations, 1975, made under the Industrial Safety, Health and Welfare Act, 1972, on November 21, 1974, and laid on the table of this Council on November 26, 1974, be disallowed.

(Continued from February 26. Page 2560.)

The Hon. M. B. DAWKINS (Midland): I move:

That this Order of the Day be discharged.

Honourable members will recall that some three weeks ago I moved that these regulations be disallowed, not because I was of the opinion that such regulations were not necessary, but because they were ambiguous and were causing some confusion to the public in their interpretation. This was particularly so with reference to the definition of "rural worker" in the regulations, and also in combination with the definition as contained in the Act. Three other points concerned me. One was with reference to original regulation No. 8, which was somewhat unsatisfactory as it related to the requirement of a 17-year-old young man and the training he was to receive. There was no satisfactory definition of the word "orchard" in the regulations as they stood. These matters were causing confusion and uncertainty.

A further point also concerned me with regard to what I described in my speech at that time as second machines, and also to existing plant. Those regulations were Nos. 6 and 10; they do not come into operation until 1982.

There is still room for improvement there, and I voice my concern that no improvement has been effected. I said that I hoped the Government would be able to bring down regulations which would be much clearer and more satisfactory in the matters I have just mentioned than those which were before us. I now express my gratification that the definition of "rural worker" has been set out in adequate terms much more direct and definite than in the previous regulations.

I instanced the matter of the definition of the word "orchard"; that has been satisfactorily cleared up. Also, a new regulation (No. 8) has been laid on the table providing that no occupier of premises on which a rural industry is being carried on shall employ or permit a rural worker to drive a tractor being used in that rural industry unless he is satisfied that the rural worker is competent to drive that tractor or tractors of its class. To my mind, that is much more satisfactory than the previous regulation, (No. 8), which referred to young men of 17 years of age or under who had to receive training ; there was no proper definition of "training", how it would be received, or where it would be given. I believe the regulation now laid on the table is much more satisfactory in that respect. The original definition of "rural worker" was as follows:

"rural worker" means a person engaged in rural industry for hire or reward or whether as an employee or otherwise.

I said that, to my mind, "otherwise" meant that an owner-farmer could reasonably be engaged in rural industry and would come within that category. I was told that it was not intended that owner-farmers should come within that category. The position regarding the rural worker has now been clarified in these terms:

"rural worker" means a person employed or engaged for reward in the rural industry, whether or not that person is so employed or engaged under a contract of employment, but does not include—

and those are the operative words—

(*a*) the occupier,
(*b*) the owner (whether the sole owner or a partner) or lessee of the property on which he is so engaged,
(*c*) the spouse, son or daughter of the owner or lessee,
(*d*) a share-farmer who provides, on the property on which he is share-farming, power-driven machinery to which these regulations apply, or
(*e*) a contractor who is engaged pursuant to a contract for services which include the providing and operating of power-driven machinery to which these regulations apply.

To my mind, this definition is very much better and it covers the situation which we were assured the original regulations were intended to cover in that owner-operators, owner-farmers, and occupiers of property were all exempted from that requirement of the regulation. Although I still express my concern about regulations Nos. 6 and 10, which are due to come into force at a later period, I believe that a very great improvement has been achieved with the laying on of these further regulations. Therefore, I have moved accordingly.

Order of the Day discharged.

POWER-DRIVEN MACHINERY REGULATIONS

Adjourned debate on motion of the Hon. M. B. Dawkins:

That the Power-Driven Machinery (Safety) Regulations, 1975, made under the Industrial Safety, Health and Welfare Act, 1972, on November 21, 1974, and laid on the table of this Council on November 26, 1974, be disallowed.

(Continued from February 26. Page 2561.)

The Hon. M. B. DAWKINS (Midland): For reasons similar to those I have just mentioned, I move:

That this Order of the Day be discharged.

Order of the Day discharged.

PETROL TAX

Adjourned debate on motion of the Hon. A. M. Whyte:

That in the opinion of this Council—

(1) the Government should urgently consider promulgating regulations under section 35 of the Business Franchise (Petroleum) Act, 1974, to remove the burden of the petroleum tax on fuels (with the exception of petrol), used by primary and secondary industries; and

(2) the Government should further consider the promulgation of regulations under section 35 of the Business Franchise (Petroleum) Act, 1974, to remove the burden of the petroleum tax on any fuels used in primary and secondary industries.

(Continued from March 12. Page 2808.)

The Hon. R. A. GEDDES (Northern): I support the motion, and I compliment the Hon. Mr. Whyte on the endeavours he has made to bring some relief to the primary and secondary industries of this State. I am terribly disappointed, as are many other honourable members on this side, with the reply given last Wednesday by the Leader of the Government in this Council. He criticised honourable members for their method of debate, but he gave no encouragement whatever to the ideal behind the motion. In fact, he did not give any indication of the Government's intention regarding this iniquitous fuel tax.

The Hon. A. F. Kneebone: I told you that the Premier was endeavouring to remove the whole lot.

The Hon. R. A. GEDDES: The press has been littered with promises from the Premier about the removal of the petrol tax and references to the Premier's trips, letters and appeals to Canberra.

The Hon. T. M. Casey: What about land tax?

The Hon. R. A. GEDDES: What about land tax? The estimate for land tax for the past financial year was $11 000 000, and I understand from the press that it is to be $18 000 000.

The Hon. T. M. Casey: It is a very good concession that is proposed.

The Hon. R. A. GEDDES: No.

The Hon. A. F. Kneebone: A spokesman for the rural industries says that it is.

The Hon. R. A. GEDDES: I am debating the motion relating to petrol tax, and I am saying how disappointed I was that the Chief Secretary did not admit that industry was suffering as a result of this tax. In his speech last Wednesday the Chief Secretary said:

Firms that were panicked into dismissing employees indiscriminately by the calamity howlers and panic merchants have now commenced to re-employ workers. I refer to Simpson Pope Limited, which has started to re-employ workers only one month after they were retrenched. I remember that when the Premier was pressurising the Australian Government to do something to stall off dismissals of workers in the motor vehicle industry and supporting industries, we heard the Leader of the Opposition in another place calling for the Government to put off public servants in similar proportions to the retrenchments in the private sector. Despite such sabotage of the Premier's efforts, the Premier was successful in obtaining from the Australian Government action that resulted in the stalling-off of dismissals in that instance.

The Chief Secretary referred to Simpson Pope Limited. That firm had to re-employ workers, but on March 15 the Chrysler Corporation in South Australia had to dismiss 150 men. The press reported that the reasons for the dismissals were the inflationary pressures and the changing patterns of demand in the motor car industry. So, one should be careful not to call the kettle black in connection with inflation. Some costs that foster inflation have been imposed on the community. This petrol tax is jeopardising rural industries

and secondary industries, particularly the food-producing industry and the carrying industry. The Chief Secretary was very brave last Wednesday when he stated:

I mention in passing that the 6c a gallon on fuel to which he—

the Chief Secretary is referring to the Hon. Mr. Whyte—referred in fact varies according to the type of fuel and draw his attention in this regard to the notice published in the *Government Gazette* of December 12, 1974. The honourable member has said that this motion is worded in such a way that it does not refer to petrol used for pleasure and, if necessary, perhaps the petrol tax could remain on such usage. In other words, he is, in both parts of the motion, seeking to exempt only certain sections.

The *Government Gazette* of December 12, 1974, lists concessions in zone 1 (the South-East), zone 2 (the South-East), and zone 4 (the South-East). Also, it lists concessions in zones 3 and 6 in the North-East—that area of land between Peterborough and Broken Hill. It also lists concessions in zone 5—that land west of Ceduna. The Government stated that, in areas near this State's borders, concessions would have to be made because the petrol tax did not apply in neighbouring States. If concessions did not apply near the borders, unnecessary hardship would be caused to resellers—not to the operators. This was accepted by the Council. The Chief Secretary said that the Government had been conscious of the need for concessions and that the Government had given concessions. The truth of the matter is that the Government gave concessions only in restricted areas close to the borders of this State.

The Hon. A. F. Kneebone: I suggest that you read what I said.

The Hon. R. A. GEDDES: The Chief Secretary said:

Although the Government has received assistance totalling $22 900 000 from the Australian Government as a result of the February Premiers' Conference the main object of these funds was to stimulate the economy and relieve unemployment. The Revenue Budget was assisted by an amount of $6 600 000. This amount is far short of the revenue to be raised from the petroleum and tobacco taxes, which is expected to be approximately $20 000 000 in a full year.

The Chief Secretary said that it would be very difficult for industry to have permits for the supply of fuel under the Hon. Mr. Whyte's motion. When petrol rationing was briefly introduced a year or so ago, appropriate people soon received permits to buy fuel. We can all remember the queues in Victoria Square of people who had priority in connection with fuel supplies. It would not be impossible for a transport operator to get a permit for the supply of dieseline or petrol and to have some relief in connection with the tax. It would not be impossible for a primary producer with a tractor to get a permit and to have similar relief. This was done during the Second World War. In fact, it is still done in connection with sales tax; each primary producer has a certificate and a number in connection with sales tax exemptions. These things are operating now.

Nothing is impossible if one has the will to do something. The germ of the idea behind the Hon. Mr. Whyte's motion is this: the petrol tax is inflationary and, because it will create unemployment, we should be looking for ways and means of alleviating the situation wherever possible in the two sectors. It was estimated that the proposal would produce about $20 000 000 in a year. However, removal of the tax in the two sectors would not involve $20 000 000. It would cost the State a certain amount, but not $20 000 000. The removal of the tax would help with that other vexing problem of the cost of living, and in turn would have its good effect on the total economy. Although the Minister tried to condemn the intention of the mover of the motion, I point out that on February 16, 1975, the Premier made the following statement:

Cost of living figures for South Australia in the March quarter would be exceptionally bad, the Premier (Mr. Dunstan) said last night. "The prospects for the March quarter are not bright", he told a Rotary gathering . . . "This is because the increases in prices, due to State Government franchise taxes on petrol and tobacco, will be recorded in that quarter. These are the imposts which I put on only with the greatest reluctance and with the warning that they would be directly inflationary."

Those were the words of the Premier, and that is what the Hon. Mr. Whyte tried to tell the Council, but it is not what the Minister told the Council. This is where our problem lies. The tax is directly inflationary in relation to those who produce food and those who cart goods on our roads.

The Hon. Sir Arthur Rymill: It makes you feel better when you pay the tax to know that it has been put on with great reluctance!

The Hon. R. A. GEDDES: And it is with great reluctance that I do not agree with the argument! There is not much point in further arguing this point. I support the motion, and I hope that the Government will not lose sight of the point I have made: it is not $20 000 000 that it will be losing if the tax is removed but only a proportion of that sum by giving some concession to these industries that are so vital to the well-being of the State.

The Hon. J. C. BURDETT (Southern): I support the motion. When the Business Franchise (Petroleum) Bill was introduced in 1974 in this Parliament it was explained that it was introduced to cover a temporary emergency created through the lack of sufficient funds from the Commonwealth Government. It was said that, as soon as funds were available and the emergency was over, the tax would be removed. Therefore, it seems to follow that when there has been partial relief provided from the emergency, where some funds are available, and where the problem is partly over, partial relief given from the tax should be given. That is exactly what the Hon. Mr. Whyte is suggesting in his motion. Ever since this tax was first mooted I have been aware that, because the tax was described as a tax to meet an emergency, it should stay that way: it should not be one of those taxes that are created to meet some emergency and then stay forever with us.

The Hon. Sir Arthur Rymill: That's what they generally do, isn't it?

The Hon. J. C. BURDETT: That is what they generally do. Honourable members will remember that when the Bill was before the Council I moved an amendment to the effect that the Bill would expire in September, 1975. Subsequently, as honourable members will recall, there was a conference between the managers of this Council and those from another place. A compromise was arrived at whereby, in effect, what was agreed on and what was enacted as legislation was that the percentage portion of the tax was to come to an end in September, 1975, and the percentage portion, which is by far the greatest part of the tax (it is the real essence of the tax), would then have to be fixed by regulation. Assurances were given by the Government that when relief from its financial problems arrived in the form of additional grants or funds from the Commonwealth Government the tax would be removed.

As I have said, the Hon. Mr. Whyte pointed out that partial relief has been obtained and, therefore, at least partial relief from the tax should also be given to those paying the tax. The Hon. Mr. Whyte has said that relief in the

form he suggested would stimulate the economy and be of benefit to the public. Of course, he has suggested relief for people engaged in primary and secondary industry. I ask that the South Australian Government should consider giving relief from this tax to local government too. The position seems to be somewhat anomalous if one tier of Government taxes another tier. Finally, it occurs to me that in September this year regulations will have to be tabled in this Council concerning the licence selling fee. As I have said before, the percentage portion of the fee will have to be fixed by those regulations.

This Council will have the power to disallow those regulations, and it will have to consider whether it will allow them or whether it will disallow them. Of course, if the Council disallows those regulations, the tax will virtually come to an end, because the substantial portion (the percentage portion) of the licence selling fee would fall to the ground. and to all intents and purposes there would not be any petrol tax. I suggest that the Government's attitude now in granting some relief when it has had some relief from its financial problems would obviously be one of the things that this Council could take into account when it considers the regulations in September. The Hon. Mr. Whyte has made a strong case to say that when one considers the figures quoted by the Government, the extra funds needed and the extra funds now available, surely the Government ought to do something now to grant the South Australian taxpayer some sort of relief. The Hon. Mr. Whyte suggested that the relief be in the excellent form of relieving primary and secondary industry, thereby stimulating the economy. This Council could well remember in September what the Government's attitude has been now on this question of the Hon. Mr. Whyte's motion, which I support.

The Hon. A. M. WHYTE (Northern): In closing the debate on my motion, I thank those honourable members who contributed to the debate. It apparently stimulated much more interest than I had imagined it would. This resulted because the motion was a sincere attempt to obtain some relief for both primary and secondary industry (I thank the Chief Secretary for paying me that compliment in his reply). It seems that the motion has sown some seeds, although I can imagine that after today nothing more will be said about it immediately. However, I am hopeful that the Government has registered some of the points made in the debate. As the Chief Secretary has said, this motion reflects a sincere wish to stimulate the economy. Its acceptance would not result in a great loss of revenue to the Government. I calculate that about $5 000 000 would be lost in direct revenue to the Government as a result of this measure, but in return the Government would have provided a stimulus to both primary and secondary industry.

I made a point that the Regional Employment Development scheme and any similar schemes (of which we have had several over a period) are all commendable inasmuch as they relieve unemployment, but there is no reason why such funds should not be spent to stimulate production. It does not seem to me to be any answer to inflation if we merely tax people and, having gained that money, not make it produce something. Without going too finely into the details of the RED scheme, I doubt very much whether it has produced any real income for the State or the nation.

The Hon. R. C. DeGaris: The Government goes into the "red" very well.

The Hon. A. M. WHYTE: Yes. The Chief Secretary said:

It would be impracticable for sellers or resellers to be placed in a position whereby they would have to differentiate in this manner: it would mean that they would have to distinguish the purpose for which the petroleum product would be used.

I believe it would be easy to overcome this problem, because similar legislation has been enacted and it has worked without difficulty. The Chief Secretary cannot bypass me in that way.

The Hon. A. F. Kneebone: How would we know when your car was used for tourism or for actual rural production?

The Hon. A. M. WHYTE: No doubt you, Mr. President, would also say that such measures have been introduced and have worked well for a good many years. I am unaware of any prosecutions for misplacement of trust in producers.

The Hon. A. F. Kneebone: It would be difficult to prove.

The Hon. A. M. WHYTE: Perhaps so.

The Hon. R. C. DeGaris: The Commonwealth Government's tax on diesel fuel discriminates between two areas.

The Hon. A. M. WHYTE: I had my say on my motion when I moved it. The Chief Secretary also said:

As members are aware, the Treasurer has had, and is continuing to have, discussions with the Australian Government with a view to making financial arrangements which would permit the State to remove the petrol and tobacco taxes.

The Treasurer was successful, and gained about $23 000 000 from the Commonwealth Government, and I do not doubt for a moment that he will continue to negotiate with the Commonwealth Government for additional moneys, and no guarantee exists that he will remove any of the petrol tax. The purpose of my motion was to draw to the State Government's attention the desirability of promoting production.

The Council divided on the motion:

Ayes (13)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte (teller).

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

Majority of 7 for the Ayes.

Motion thus carried.

MEDIBANK SCHEME

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

That, in the opinion of this Council, the acceptance by the State of the Commonwealth Government's proposals under the Medibank scheme will:

(1) jeopardise the efficient delivery of health services in South Australia;
(2) seriously affect the existing efficiency of the subsidised, community and private hospitals;
(3) generally reduce the standard of health services in South Australia; and
(4) produce inequalities and inequities in the provision of health services to different sections of the South Australian community.

(Continued from March 12. Page 2809.)

The Hon. B. A. CHATTERTON (Midland): I listened with great interest and with some disappointment to the contribution made by the Liberal Party spokesman on health. The Hon. Mr. Springett made several generalisations on

Medibank that I believe did not get down to the basic function of the scheme, namely, to provide a more rationalised and equitable distribution of health services.

The Hon. R. C. DeGaris: Now we're getting somewhere.

The Hon. B. A. CHATTERTON: The Hon. Mr. Springett said:

May I say here, and remind honourable members, that throughout generations a standard of medicine has evolved in this country which has become the envy of many countries and is respected world wide.

I believe that he missed the point somewhat, because no-one denies the very high standard of medical attention, training of doctors, and standard of hospital care, but what is in doubt is the distribution of the care among the population at large. Regarding infant mortality, the national average is 17 deaths for every 1 000 births, whereas among Aborigines it is over 100 deaths for every 1 000 births.

The Hon. R. C. DeGaris: But how would Medibank overcome that?

The Hon. B. A. CHATTERTON: Another example is that the average national life expectancy is 71 years of age but, again, the distribution of medical services within the community is such that for Aborigines it is only 55 years of age; that gives an example of the maldistribution of health services within our community.

The Hon. R. C. DeGaris: That's the greatest lot of rot I have heard for years.

The Hon. B. A. CHATTERTON: Another point that he glossed over was the sheer waste and complication of the present system of insurance. I refer, for instance, to a recent example that I had in paying a simple doctor's bill. The bill was sent to me by the doctor, it costing him 10c to post it and something to draw it up and put it in an envelope. I paid the doctor, and it cost me 10c postage and another 8c for the duty on the cheque. The doctor then returned the account to me with a receipt, which cost him another 10c postage as well as the administration costs of writing out that receipt and putting it in an envelope. I then sent the account with the receipt to my health insurance company; that would have cost the company something for administration costs. It cost me another 10c postage to send it to the fund, which processed the account and sent me a cheque, which also cost 8c. It also had to pay 10c for postage. One can see, therefore, that to handle just a single account involves expenditure of over $1, and that does not allow for any of the time that I put into the matter myself.

I have referred to only some of the costs involved. If someone did not pay his bill, he would get a reminder from the doctor, which would add further to the cost involved. One sees this happening in the courts that deal with unsatisfied judgment summonses. As doctors have problems with bad debts, I believe the alternative offered to them under the proposed scheme (that is, of assigning the benefit to Medibank) will have great advantages.

The Hon. D. H. L. Banfield: Do some of these patients finish up in gaol?

The Hon. B. A. CHATTERTON: Yes, according to reports I have read. The Hon. Mr. Springett made a passing reference to the British system of nationalised health, as did many of the opponents of Medibank, without really understanding the deep and fundamental differences which occur in Britain and which will occur in Australia under Medibank. The British system is one of contracts being made with doctors. Each doctor contracts with the National Health Service to provide medical care for the patients on his list. This is done for a fixed fee, not a fee for a service as proposed under the Medibank scheme.

In Britain, doctors have an assured income as a result of the number of patients on their lists. The inevitable outcome of this system is that doctors refer their chronically sick patients to hospitals. They are paid a fixed fee for each patient, whether or not he is sick. On the other hand, when a patient is chronically sick and occupies much of a doctor's time, the doctor is still paid the same fee. British doctors refer such a patient to a hospital, as a result of which the British hospital system is vastly overloaded and overcrowded. This is an inevitable outcome of that system of payment.

The other drawback in Britain is that that country has a great shortage of beds: it has only 4·5 beds for each 1 000 people, whereas we in Australia have 6·1 beds for the same number of people. The other situation that will help the Australian system is the change in the pensioner health service, which will mean that more pensioners will seek treatment from doctors rather than from hospitals. Therefore, the argument that the Australian system will lead to overcrowding of hospitals, as has happened in Britain, is completely out of context in relation to what the scheme proposes.

It is unfortunate that in newspaper reports and the debate that has surrounded the introduction of Medibank no publicity has been given to the second part of the proposal: the provision of community-based services which have as their objective the provision of more appropriate health care at the community level and the provision of a satisfactory alternative to hospitalisation in many instances. When Medibank is considered in the context of its correlation with community health services it will be seen that there are considerable advantages in the new joint concepts as compared to the former method of health care delivery.

The Hon. M. B. CAMERON (Southern): I support the motion, although I do so reluctantly. I am afraid, looking at the publicity surrounding the Medibank proposal, that it is clear that, whatever the colour of the Government that might be in office in this State, it would have been put into the position of having had to accept Medibank. From what one reads, one gets the impression that New South Wales, Victoria and Queensland are now on the verge of accepting the scheme.

The Hon. D. H. L. Banfield: That's a turnabout for them.

The Hon. M. B. CAMERON: Yes. The unfortunate fact is that we have got Medibank because a Commonwealth election was held last May. While there is an obvious attempt to shift to the Commonwealth Labor Party the blame for this scheme and for what will happen to health services, some blame must nevertheless be accepted by the people who brought about the election in May.

The Hon. D. H. L. Banfield: People also voted for this, too.

The Hon. M. B. CAMERON: I do not think it could be said that they voted for this scheme, because I do not think anyone really knew what it was at that stage. I agree with the Hon. Mr. Burdett that some ground rules are still being made up as we go along. Unfortunately, people vote for a platform without really knowing what it is all about. It is unfortunate that the voluntary health scheme was left in the position of being subject to criticism. There were areas that could be criticised; no-one could say that there were no deficiencies. Indeed, I understand that before the 1972 election some of these deficiencies were pointed out

to the then Prime Minister, Mr. McMahon, by the Australian Medical Association. Unfortunately, however, no action was taken and deficiencies that could have been provided for under the health scheme were left and are now to be provided for under the Medibank scheme.

There can be no argument that all members of the community should have equal access to health care. It is unfortunate that this scheme will come into being in this State on July 1. I understand that the Federal Opposition has now decided that it will not deprive the Commonwealth Government of supply. Again, however, this seems to be a matter of change from day to day. I shall be interested to see what finally happens. I accept that all the matters contained in the motion will occur. Unfortunately, whether this Parliament likes it or not, the Government, of whatever political complexion it may be, will have to accept the Medibank scheme because hospitals are extremely expensive places to run and the funds involved will come from the Commonwealth Government. They are the ones who are now saying, "We will give you the funds under Medibank". Whatever the Government, in any State of Australia, it will be forced to accept the funds in that way. With some reluctance, I support the measure.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank honourable members for the attention they have given to the motion. I agree with the remarks of the Hon. Mr. Cameron, who said that out of the double dissolution of the Commonwealth Parliament there were some tragedies. At last, the Hon. Mr. Chatterton has let the cat out the bag for the Australian Labor Party in South Australia. I am pleased he spoke, because he was the only person who put the philosophy of the A.L.P. on the line in relation to Medibank clearly and distinctly. When he convinced the doctors of Great Britain about their national health scheme, Aneurin Bevan said something similar to what the Hon. Mr. Chatterton said. The Hon. Mr. Chatterton said that Medibank would provide a more equitable and rational distribution of health services; Aneurin Bevan said exactly the same thing in Great Britain. Has it been achieved in Great Britain? Any examination will show that it has not. The standard of medical services in Great Britain is declining and is continuing to decline.

The Hon. A. J. Shard: That is discounted over there; in some quarters they think it is good.

The Hon. R. C. DeGARIS: I have said that, at the top exotic level, medicine in Great Britain is at a high level; at the point of delivery to the community it is hopeless.

The Hon. A. J. Shard: That is not in accordance with the facts, either.

The Hon. R. C. DeGARIS: It is in accordance with the facts. Anyone who goes to every dean of the colleges of medicine in Great Britain will find they agree that the standard of health services in Great Britain has declined and that it has reached a point where they doubt whether it can ever pick up again. Great Britain was a country that led the world a few years ago in the delivery of health services.

The Hon. A. J. Shard: That is not correct either, and you know it is not correct. The standard was a long way below many countries.

The Hon. R. C. DeGARIS: The Hon. Mr. Chatterton said Medibank would produce a more equitable and rational distribution of health services; the Minister told us there would be no change and that the only difference would be in the method of financing. Here we have the Minister saying there will be no change and the Hon. Mr. Chatterton saying there will be a dramatic change.

The Hon. D. H. L. Banfield: The Minister did say all people would now be covered, didn't he?

The Hon. R. C. DeGARIS: It does not matter. The Minister said in this Chamber that there would be no change and that everything would remain exactly the same; all that would happen would be a different form of finance. I have never heard such a lot of rubbish in my life. On July 1, South Australia will have Medibank. No-one knows what it is all about, but whatever comes in on July 1 will be Medibank. No-one here can tell us. Even Mr. Hayden cannot tell us what it is all about. Let us look at today's paper; I think it is today's joke. Mr. Hayden has said that the Medibank scheme will save Australia about $435 000 000 a year. If it is going to save $435 000 000 a year, who is going to save that money and what services will decline? If we write off $435 000 000 in so-called savings, is there to be more efficiency?

We know that the cost of Medibank will be 30 per cent higher than the cost of voluntary health schemes, irrespective of the accounts rendered referred to by the Hon. Mr. Chatterton. How can one look at the statements by the Minister for Social Security? A few days ago he said Medibank would cost an extra $2 000 000; he has only changed his mind to the tune of about $437 000 000 in two days! I will come later to the question of finance. In the whole of this debate the Minister missed the essential point, but the Hon. Mr. Chatterton inadvertently put a foot right in it for him. The Minister sought to defend Medibank on the basis that the Commonwealth Government had a mandate for its introduction. At no time in anything I have said on this scheme have I offered any criticism of the right of the Commonwealth authorities to legislate on the means of financing medical and hospital insurance, nor have I argued against the right of the Commonwealth to provide payments for a range of services to the pensioner community or to those whose incomes fall below a certain point. As we know, anyone whose income falls below a certain point today can go along to the social security people and have his medical and hospital insurance paid.

I explained this point very clearly when I moved the motion. The fact that a large bureaucracy handling the matter of payments will be less efficient and more costly is not the burden of my song; that part of the policy I am willing to leave to Commonwealth decision, irrespective of what sort of a mess is made of it. And do not doubt this: it will be an administrative mess. My concern lies in the delivery to the people of South Australia of their health services, and I will defy anyone to move around this world and see any sort of scheme (whether it is the national health scheme in Great Britain, the Swedish scheme, or the Canadian scheme) and find the community having delivered to it a higher standard of health service at a cheaper cost.

I make that statement here and I defy anyone to challenge it, and yet we have this Government, not knowing what Medibank is all about (we have had the Minister changing his mind here about half a dozen times), just committing this State to Medibank without any thought for the delivery of hospital and medical services in South Australia. It is because of the intrusion of the Canberra policy-makers into this field, through the establishment of Medibank, that I believe the State Government is following lamely the dictates of its Commonwealth political masters. That was borne out by the contribution to this debate of the Hon. Mr. Chatterton. The Government is blindly committing this State to the eventual take-over and direction of our health

delivery system, a unique system which has proved itself in providing a high-standard low-cost service with a maximum of choice as the right of the patient. If the Commonwealth Government wants to change the means whereby people are insured, let it do so. But any intrusion of Commonwealth policy-making into directing the means of delivery of health services will result in a deterioration in the standard of those services and an increase in the cost. This motion has squeezed out of the Government information that was not previously available to the Parliament or the people of South Australia, but I must add that the information supplied is contradictory.

The Hon. D. H. L. Banfield: Give me one instance.

The Hon. R. C. DeGARIS: An editorial in today's *Advertiser*, referring to the Government, states:

It can still provide no reliable estimate of costs in the years ahead. It has had to admit that patients accepting "free" hospitalisation will not be entitled to the services of their own doctors.

We have had all sorts of statement that the patients will not be in that situation, but they will. We have also had the Minister saying that there will be a grant—

The Hon. D. H. L. Banfield: I did not use the word "grant".

The Hon. R. C. DeGARIS: It was said that under the agreement the Australian Government would provide—

The Hon. D. H. L. Banfield: That is not a grant, is it?

The Hon. R. C. DeGARIS: This is a statement by the Commonwealth Minister for Social Security, who today has said that Medibank will save $435 000 000—the greatest joke ever put before the people of Australia. I ask the Council to try to understand what the following statement means:

Under the agreement the Australian Government will provide an additional $20 000 000 in 1975-76 for expenditure on hospitals by the South Australian Government.

I am not going to argue whether or not that is a grant, but it sounds a little like the Trades Hall loan. When this matter was raised, the Minister said that that was the money we would save. The Minister asked me to point out instances of inaccurate information that we have dragged out of the Government since this motion was moved. I could spend the rest of the afternoon pointing out such instances. The only information that Parliament or the public had officially was a press statement by the State Minister of Health and the Commonwealth Minister for Social Security; that statement has been shown to be misleading and inaccurate.

This, of course, is not the first time that we have seen the people of South Australia fed inaccurate information. It would have been in the interests of all concerned if the Government had decided to consult the Parliament of South Australia, instead of clandestinely committing our health services to the subtle manipulations of the Canberra theorists; this is what is happening. If it had not been for the motion now before the Council, these inaccuracies (I will go further—these untruths) which have been fed by an army of political public relations people and paid for by the taxpayer would have remained unchallenged. I do not blame the Minister of Health as a person; he is a jolly nice fellow, but he simply does not understand. When his peer in Canberra clapped his hands, the State Minister immediately followed, together with the Treasurer. The State Minister has convinced us that he knew nothing of the impact of Medibank on South Australian health services. Let me give an example. I have already touched on the mythical grant of $20 000 000 and on the claim that this State will be saved money. The Minister says, "No; I did not say that—it is entirely different."

The Hon. D. H. L. Banfield: You have not found the word "grant".

The Hon. R. C. DeGARIS: When someone provides money for expenditure by this Government, it is a grant: it is a provision of money, then. No information is given on how the money will be saved. This saving of $20 000 000 is as great an illusion as is the statement of the Commonwealth Minister for Social Security that $435 000 000 will be saved. If we add the $200 000 000 that will be saved elsewhere to the $435 000 000 that the taxpayers will save, that comes to $635 000 000 that will be saved. Let me look at the subsidised community and private hospital scene. At present the average State Government support for beds in these hospitals (that is, normal maintenance subsidy and pensioner bed subsidy) is $2 for each bed day in the subsidised beds only.

The Hon. A. J. Shard: Are you referring to the Australian Government?

The Hon. R. C. DeGARIS: No; I am referring to the State Government's share of maintenance. We have 1 778 subsidised beds, 2 102 community beds and charitable beds, and 614 State public beds. This makes a total of 4 494 beds. Further, we have 1 716 metropolitan Government beds and 860 country Government beds, making a total of 2 576 beds. As I understand the information supplied by the Minister (and getting that information is about as difficult as is getting dental treatment at the dental clinic) subsidised hospitals have two options: either to reject the offer of standard ward beds completely, or to accept a portion of beds or all beds. What other option is there? None at all! Supposing, for example, that all such hospitals apply for standard ward beds—a distinct possibility—because of the Medibank gun held at their heads. Let us transfer 1 778 beds to Medibank. The present State Government maintenance contribution for these beds is $1 000 000. Under the Hayden-Banfield proposal, the State support will need to be $9 000 000. So, the State Government is committing itself to a contribution of $8 000 000 extra to subsidise hospitals in South Australia. So, this State is $8 000 000 down the drain, yet the Minister says that we will save $20 000 000.

If the community hospitals transfer some of their beds to standard ward beds, one can multiply that by half again. So, in relation to a standard ward accommodation in community hospitals and subsidised hospitals, the commitment of the State Government is between $12 000 000 and $18 000 000. The Government is therefore down by that amount cold through signing the agreement. Where will we save $20 000 000? We must save $40 000 000 in Government hospitals to make up for what we are committed to supply to subsidised hospitals and community hospitals. If the State wants to save more money, why does it not just hand over all hospitals, the railways, education, and everything else to the Commonwealth Government? We would then end up by saving $700 000 000, but that would not get the people very far in connection with their services, because the services would soon deteriorate.

In connection with the so-called saving of $20 000 000, the Government will commit itself to extra expenditure from its own revenue of between $12 000 000 and $18 000 000 in supporting subsidised, community and

charitable hospitals, which at present it is not supporting with maintenance grants. The Commonwealth Government is assuming control over this State's hospital system through the back door, but the State Government cannot see it. We are committing our hospital system to a financial disaster and to loss of power and direction. What freedom of choice have our country hospitals? I believe that all country hospitals will be forced to become standard ward hospitals. I notice that Mr. Hayden, that expert on South Australia's hospital system, says that people in the country will still be able to go to the private hospital of their choice. What rubbish! Where in country areas would there be a choice of hospitals?

The Hon. A. J. Shard: They will have good hospitals.

The Hon. R. C. DeGARIS: I am not talking about that: I am talking about Mr. Hayden's reference to a choice of hospitals.

The Hon. A. J. Shard: They will be no worse off under Medibank than they are now with regard to choice of hospitals.

The Hon. R. C. DeGARIS: I know that.

The Hon. A. J. Shard: What are you barking about?

The Hon. R. C. DeGARIS: I am not barking. I am talking about what Mr. Hayden has said, and it is not right.

The Hon. A. J. Shard: You know that you're not right. You are talking through your hat.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: If subsidised hospitals are forced into a standard ward deal, what choice will country people have?

The Hon. A. J. Shard: They will have the same choice of hospitals that they have got now. You said that they would not have a choice of hospitals, but country people will have the same choice of hospitals they now have, and they will have good hospitals.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: The point I am making is that subsidised hospitals will be forced to go into a standard ward situation with all their beds.

The Hon. A. J. Shard: Not all of them: some of them might.

The Hon. R. C. DeGARIS: They will. The honourable member should not make any mistake about this.

The Hon. A. J. Shard: You're hoping they will.

The Hon. R. C. DeGARIS: It is the only chance those hospitals have got. Once they are forced into providing standard ward treatment, the standard will decline. That is perfectly obvious. The honourable member cannot deny that.

The Hon. A. J. Shard: It did not decline in the English hospitals.

The PRESIDENT: Order! Continued interruptions are completely out of order. Every honourable member has had the opportunity to speak and everyone has the right to speak and express his opinion. Interjections to elicit information are permissible, but an argument across the Chamber is out of order. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: There is an added cost to this when community hospitals such as Ashford and St. Andrews, which have been specifically established to provide a service, will suddenly have to provide standard ward accommodation for pensioner/geriatric type patients from the existing public hospitals system. There will be added costs, because these hospitals will have to cater for patients for which their services and equipment do not fit. There will be an increasing cost in these hospitals, and someone must meet it. I have said before that the method of our Canberra experts (and I have had as much experience with them as have most people) is such that if these hospitals do not toe the line in the future they will face financial annihilation. This has happened in every system that has moved into a national health scheme. The Minister has denied that any pressure is being put on hospitals, but one thing we do know is that, if subsidised South Australian hospitals say, "No, we do not want any part of Medibank; we want to continue being our own hospital", they will have to become private hospitals with no financial support whatever. They have Buckley's choice.

In referring to the matter of Canberra theorists, what I have said is not an opinion; it results from bitter experience. A comparison between public hospitals and community subsidised hospitals shows 4 494 public hospital beds in comparison with 2 576 subsidised beds. Can anyone show me how there will be an improvement in the finances of Government hospitals? True, there will be a flow of Commonwealth funds to those hospitals, but to say that $20 000 000 will be saved can only be a figment of the imagination, because South Australia has increased its commitment to a subsidised standard ward deal. The matter of community involvement has already been touched on, but I can assure the Council that community involvement in hospitals throughout South Australia will decline.

One has to go only to the country to ask the people who are now giving such fantastic service, such as board members, councils, auxiliaries, and others, what their views are. I point out that in Millicent one still gets 3 000 people attending a hospital fete, yet in Mount Gambier only 50 or 60 people attend the fete there. Once the Government intrudes, that community interest will go. It is all very well for the Minister to talk about this continuing support of auxiliaries. True, there is a good auxiliary at the Mount Gambier Hospital, but the interest, pressure and the standard of people involved in a community or subsidised hospital organisation outstrips that in respect of the public hospital completely, and that support will die away to a mere whisper in comparison with the great support currently existing.

The Hon. Mr. Burdett asked an interesting question in his speech. He ask the Minister, "How will hospitals benefit?" The Minister replied, "First, they will not have to chase bad debts." Presumably the bottomless reservoir of taxpayers' funds will pay all the bad debts. Jolly good! But if the Government wants to meet all the hospital bad debts, it can do so now, quite simply: there is no problem about drawing a cheque.

There will be not any alleviation on this problem by our going into Medibank. However, by drawing a cheque and paying all the bad debts now, at least the hospital system would be left alone. Therefore, there must be a reason why the Government wants to obtain financial control of the hospital system. In the second part of his reply, the Minister said, "The hospitals will be better off because their costs will be met. Why do hospitals need surpluses if their costs are to be met?" Anyone who has been associated with the running of a community hospital or a subsidised hospital will understand that it is the efficient use of services and the efficient use of the hospital that builds up a reserve that allows that hospital to progress.

Suddenly the bureaucratic hand of the Commonwealth Government will descend on the efficiencies of our hospital system. Hospitals will be told, "Do not worry about having

surpluses. Everything is taken care of. We will make up your deficit." If that is not designed to kill a good hospital system, I do not know what is. "There is no need for surpluses, Godfather will control your costs; if Godfather says that you cannot move, Godfather will provide funds", but it will be Godfather who decrees on what those funds will be spent, and therein lies a tremendous danger. These two reasons were given by the Minister to explain how hospitals would benefit under Medibank.

As I said before, the tragic part of this situation is that our Minister of Health is serious. The Minister gave a similar reply to the Hon. Mr. Whyte, who said, "It is not the paying we are worried about; it is the control." The Minister replied, "Control will still be under local boards." How naive can the Minister be? Once one is tied to the financial waggon wheels of the Commonwealth Government one has about as many options as a medieval knight stretched on the rack. To illustrate further the illogicalities in the Minister's contribution, I refer to what the Minister said, as follows:

The arrangements currently being made will not result in a reduction in the number of private hospitals in the country, but rather that the quality of the services available to country residents could be improved by rationalisation of services to be provided.

So we are going to have increasing services, and increasing standards of service, at the same time saving $600 000 000. Absolutely amazing! If that is not typical Socialist theorist thinking, I do not know what is. Previously the Minister said that the scheme would not produce any more doctors or any more services, so his statement made about a rationalisation of services can mean only one thing: it must mean relocation. If one analyses that to its logical end one finds that that must be what the Minister referred to. He referred to a relocation of country services. That goes back to 1949, when the Chifley Government planned a rationalisation scheme so that no two country hospitals would be within a radius of 120 km of each other. Analysing what has been said, I predict here and now that this is the ultimate plan of Medibank, this is what will occur, this is what rationalisation means, and this is what the Hon. Mr. Chatterton meant by referring to equitable and rational distribution. However, as bureaucracy bears down on it, exactly the same thing will happen as has happened elsewhere in the world under a national health scheme. This is one of the benefits of Medibank: "the quality of service to country people will be improved by rationalisation"! I should like someone to explain that to me. It sounds almost like the dialectics of some political theory.

The Hon. A. M. Whyte: Perhaps they mean treatment will be rationed!

The Hon. R. C. DeGARIS: There is no question about that. I will now examine some statements made by the Minister, as follows: subsidised hospitals will be better off than they are now, and the State Government will be better off by saving $20 000 000. According to Mr. Hayden, the taxpayer will be better off by saving $435 000 000. Let me put all that down on paper and try to work it out: it just does not work out. There will be no more doctors, hospitals, or services and, given these facts, who will be worse off? Everyone will be better off! Only two categories left in all this will be worse off: the taxpayer and the patient, and both will bear the brunt of Commonwealth interference. Because of that interference, which is bound to occur, the points in the motion must stand to be reasonable. The Commonwealth Government can provide financial assistance to pensioners and to low-income earners, but for goodness sake let us ensure that it does not intrude into the delivery of this State's health services, which, I believe, are as high as those anywhere in the world and are of a standard of which we should be justly proud.

The Council divided on the motion:

Ayes (13)—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, V. G. Springett, C. R. Story, and A. M. Whyte.

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

Majority of 7 for the Ayes.

Motion thus carried.

MARGARINE ACT AMENDMENT BILL (INCREASES)

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Margarine Act, 1939-1974. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

Honourable members will recall that by the Margarine Act Amendment Bill, 1974, quotas of table margarine were increased for the last three quarterly periods of this year to the equivalent of 2 100 tonnes a year. This Bill proposes that the quota for the last three quarterly periods of this year will be increased by a further 50 per cent to the equivalent of 3 150 t a year. This increase will ensure that, should manufacturers in this State make full use of their quotas, the per capita availability for the consumption of table margarine manufactured in this State will be comparable with the average per capita availability in other States.

Clause 1 is formal. Clause 2 provides that the Act presaged by this Bill will come into operation as at April 1, 1975, which is the first day of the next quarterly period. Clause 3, which is the principal operative clause of the Bill, increases the quota in manner indicated above.

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

STATUTES AMENDMENT (JUDGES' SALARIES) BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2911.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Views have been placed before the Council on two Bills that have come before us, this one affecting judges' salaries, and the other dealing with the salaries of public officers. Some members believe that this Bill cuts across an important principle in relation to the independence of judges; other honourable members do not see this danger.

When speaking on the Statutes Amendment (Public Salaries) Bill, I supported the views expressed by the Hon. Mr. Gilfillan and, although I can see some reason why I might change my views on that Bill (as it related to people who are not protected by Parliament), there is no doubt about my views on this Bill. Judges are protected by the two Houses of Parliament, and I will therefore oppose the Bill. However, I must admit that the views I expressed regarding the Statutes Amendment (Public Salaries) Bill are not as strong now as they were when I spoke on it, as I realise that that Bill refers to some officers who are not protected by the two Houses of Parliament. However, I believe Parliament should have legislation placed before it providing what is to be paid to judges.

The Hon. Sir ARTHUR RYMILL (Central No. 2): When I spoke on the Statutes Amendment (Public Salaries) Bill, I said I believed that judges might next come into the same category. When I said that, I did not know that there was already a Bill to this effect in the House of Assembly or about to be introduced there. So, my forecast appears to have been only too true.

I intend to speak only briefly on his Bill, as I am not one of those honourable members who wants to appear in *Hansard* as having the most words recorded in his name in a session. I will therefore not repeat what I said on the Statutes Amendment (Public Salaries) Bill. I merely state that everything I said in that debate applies to this Bill, only *a fortiori*.

The Leader of the Opposition has said that he does not now feel as strongly about the Statutes Amendment (Public Salaries) Bill as he did when he spoke on it, as he now realises that certain officers referred to in that Bill are not protected by Parliament. I assume he means by that that they are not protected inasmuch as it does not need an address of both Houses of Parliament to remove them from office. I do not agree with him at all on that, as they are protected by the mere fact that Parliament fixes their salaries.

As I said in the debate on the Statutes Amendment (Public Salaries) Bill, their salaries can be increased or reduced by the Executive. Some protection does exist, therefore, as Parliament would certainly see that the salaries were not lowered, except in exceptional circumstances. Curiously enough, I said that it was a weakness in the Statutes Amendment (Public Salaries) Bill that the salaries of the officers referred to therein could be raised or lowered. Coincidentally, it appears in this Bill that the judges' salaries are referred to as minimum salaries. That has nothing to do with what I said, because obviously the judges' salaries legislation had been drafted long before I spoke on the other Bill, although I did not know that it had, nor, of course, did I know what it contained. It seems strange that the Government sees fit to fix minimum salaries for judges but not to put that same provision in the Bill relating to other people's salaries. I cannot see, when Parliament is supposed to be protecting these people, that there should be any difference in principle. I intend to oppose this Bill very strongly on the same grounds as those I expressed in the previous debate. I believe equally strongly that my arguments apply to the judges, if not more so; after all, they are our ultimate protection.

The Hon. F. J. POTTER (Central No. 2): Like the Hon. Sir Arthur Rymill, I do not want to speak at length on this Bill, because I said everything I wanted to say on the subject yesterday in speaking to another Bill. I will be supporting the Bill, because I do not believe it can be logically concluded that the salary should not be fixed by the Executive merely because these are officers who enjoy some protection of Parliament in relation to their tenure of office. In talking about the theory of our government and the division into the Executive, the Legislature and the Judiciary, I pointed out yesterday how closely tied are the first two, but of course the Judiciary is really separate; believe me, in my opinion it is a real bastion on its own.

I am certain that no effort by the Executive Government of the day to bribe or control the judges by withholding or increasing their salaries would succeed for one moment, because the judges have their own powerful ways of seeing that their side of the governmental system is kept firmly under control and that there is no question of any injustice or unfairness being done. I do not believe that the question of the independence of the Judiciary (which I agree is tied up with the statutory tenure they have by Act of Parliament) is related in any way to the question of fixation of their salaries, because we do not fix salaries at all; we can only ratify them or refuse to pass them.

I remember vividly many occasions, almost year by year, when we have increased judges' salaries by a Bill, and we have all uttered the same platitudes, saying what wonderful jobs they are doing, how they should get increases and that increases are justly deserved, as well they were. On one occasion we looked down our noses a little and thought they were getting ahead too quickly and were outstripping the rest of the Public Service in relation to salaries. We grumbled, but nevertheless we passed the Bill. This is an exercise in futility, and I stress that Parliament is not losing control of the situation; indeed, if we are going to insist that we control the matter of salaries by Statute in this way, there is no real logic in our abrogating our rights to fix our own Parliamentary salaries and passing them on to another body. I support the Bill; it makes common sense.

The Hon. M. B. DAWKINS (Midland): I will speak briefly, because I outlined my views on this matter in the Bill that was before us yesterday. Once again, I must disagree with my friend the Hon. Mr. Potter. I oppose the Bill, because I believe that Parliament should not give away the right to refuse to pass or to suggest amendments to such a Bill if it should be considered wise to do so. I believe that Parliament's giving away this right (however often it has agreed with the recommendations coming before it) to refuse a Bill or to suggest amendments is another weakening of the independence of people who should be completely independent of fear or concern about what the Government of the day might do. For that reason, and for the reasons I outlined yesterday, I oppose the Bill.

The Hon. T. M. CASEY (Minister of Agriculture): In closing the debate, I want to say how much I appreciate the remarks of the Hon. Mr. Potter, who has put his finger right on the problem. He has highlighted any problems he can see in leaving the matter with Parliament. I cannot follow the reasoning of the Hon. Mr. Dawkins. As the Hon. Mr. Potter has indicated, judges' salaries come before Parliament in the form of a Bill drafted by the Parliamentary Counsel. This takes time, and we ratify the Bill when it comes before us. We speak a lot of niceties, as the Hon. Mr. Potter has said. Such a Bill has never been refused, and I cannot see what amendments would be likely to be made to a Bill dealing with judges' salaries. It is a clear-cut case of acceptance or rejection.

The Hon. F. J. Potter: If we reject it, it goes right back to the Executive.

The Hon. T. M. CASEY: That is right, and it comes back again in the form of a Bill. Administratively, the procedure set out in this Bill would be much simpler. It would not interfere one iota with the procedure honourable members seem to fear. It is ridiculous to suggest otherwise. It is all very well to say that Parliament meets frequently. Whilst that may be so, surely it is better that money that is due should be paid as quickly as possible rather than that the judges should have to wait several months for it (it could be up to four months). There is no reason why the judges should not receive the salaries without waiting until Parliament meets.

The Bill must be drafted and it must pass both Houses, which could mean a delay of six months. Perhaps the salaries could be backdated, but this could mean that the judges would have to pay more tax on one year's income

than should have been the case. It is only a minor point, but it shows the stupidity of salaries being fixed by Parliament when the matter can be dealt with so easily by the Executive. I ask honourable members to realise the futility of continuing in this fashion. We are trying to streamline the procedures of Parliament by not bringing in Bills that are merely rubber stamped. The Hon. Mr. Burdett will realise, although he has been here only a short time, that many Bills are no more than rubber stamped; they are merely matters of formality. This Bill, too, is simply a matter of formality. I do not see that this Parliament will be done any injustice by allowing the Executive to pay the judges any increased salary to which they are entitled.

The PRESIDENT: The question is "That this Bill be now read a second time." For the question say "Aye", against "No". I think the Ayes have it.

The Hon. T. M. Casey: Divide.

While the division bells were ringing:

The Hon. T. M. CASEY: I thought you said the Noes have it, Sir.

The PRESIDENT: Stop the bells.

The Hon. Sir ARTHUR RYMILL: A division was called for.

The PRESIDENT: I heard only one voice.

The Hon. Sir ARTHUR RYMILL: For what, Sir?

The PRESIDENT: For the division.

The Hon. Sir ARTHUR RYMILL: It needs only one voice.

The Hon. T. M. CASEY: I misinterpreted your decision, Mr. President. I thought that you called in favour of the Noes. I apologise for that.

The Hon. Sir Arthur Rymill: Well, divide.

The Council divided on the second reading:

Ayes (10)—The Hons. D. H. L. Banfield, B. A. Chatterton, T. M. Casey (teller), C. W. Creedon, C. M. Hill, A. F. Kneebone, F. J. Potter, A. J. Shard, V. G. Springett, and C. R. Story.

Noes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. M. Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, and Sir Arthur Rymill (teller).

Majority of 2 for the Ayes.

Second reading thus carried.

Bill read a third time and passed.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

(Second reading debate adjourned on March 18. Page 2913.)

Bill read a second time and taken through Committee without amendment.

The CHAIRMAN: I have to report that it is necessary to change "1974" to "1975" in some clauses dealing with short titles. These clerical errors will be corrected.

Committee's report adopted.

Bill read a third time and passed.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2916.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): Again, I wish to address myself briefly to this Bill. In doing so I would mainly say that I support the excellent speech that the Hon. Mr. DeGaris made yesterday and most of the reasoning behind it. He said that, in fixing the electoral set-up for Council voting under great pressure with the last amendment relating to it, it involved the Government in being guilty of supporting a mathematical gerrymander of the worst kind. I totally agree with what he said, and I think, although perhaps not quite to the same extent, that that expression refers to this Bill as well. As the Hon. Mr. DeGaris said, the Government is trying to get closer to the cross-in-the-square type of voting, because it suits it. That is why, and for no other reason whatever.

The best type of voting, the type of voting that brings out the real will of the electors, is the Australian preferential system of voting. There is no other method advocated by anyone who has studied the matter, and there is no other method in the world that so accurately gives the result that the elector has in his mind. It gives full expression to his total wishes. The Labor Party, I think, in many of its pre-selections has (it certainly used to have) what it calls an exhaustive ballot. The preferential system does in one hit on one ballot-paper almost exactly the same thing as the exhaustive ballot. One can get slight variations in other than single electorates. In the single electorate the preferential voting system gives the same result exactly as the exhaustive process of an exhaustive ballot.

In a multiple electorate it would normally give that same result, although in certain circumstances there could be a slight variation. In introducing this Bill the Labor Party is trying to take advantage of the fact that it has practically a monopoly of the vote that it represents, whereas our side of politics is represented by several Parties. We have the Liberal Party of Australia (South Australian Division) and we now have the Country Party, a small Party in South Australia that is trying to gain strength. We even have a Party, I suppose you could call it a Party, that styles itself the Liberal Movement. That involves plagiarism, as it tries to take advantage of the Liberal name. The Labor Party through this Bill is trying to cash in on the fact that we are not one cohesive Party, although our politics are similar.

The Hon. M. B. Cameron: We are not really the same colour.

The Hon. Sir ARTHUR RYMILL: I think that the honourable member may be more conservative than I am, but our views are much the same. The Labor Party is blatantly trying to cash in on this matter and this Bill is, as the Leader said yesterday, a mathematical gerrymander, because it is trying to get past the fact that people of the Liberal Country Party persuasion can pass on their votes to candidates of the three Parties to which I have referred; whereas this Bill is an attempt to stop that happening and to splinter those three Parties into three groups and thus give the Labor Party an advantage.

The Hon. M. B. Cameron: Like it does in Great Britain?

The Hon. Sir ARTHUR RYMILL: We heard a tremendous hue and cry in respect of the distribution of electorates. There was much brain-washing until the Labor Party got its own way in another place to an inordinate extent in respect of boundary redistribution.

The Hon. D. H. L. Banfield: Was that Bill not introduced by a Liberal Premier?

The Hon. Sir ARTHUR RYMILL: It was introduced by a Premier who is no longer the Premier or a Liberal.

The Hon. D. H. L. Banfield: And it was supported by members of the L.C.L.

The Hon. Sir ARTHUR RYMILL: It was supported by—

The Hon. A. J. Shard: When you refer to him as a Liberal is it not spelt an entirely different way?

The Hon. Sir ARTHUR RYMILL: Honourable members can have their opinions, as I certainly have mine, but I do not wish to express it on this matter. The fact remains that the whole of the legislation relating to voting promoted by the present Labor Government, and that includes an electoral system for local government, which came before us last session, and another Bill that is shortly to come before us, is designed to favour the Labor Party: in other words, to try and gerrymander the whole show in its favour. Having screamed for years that the Liberal and Country League had gerrymandered the House of Assembly electorates, it is now in another way trying to do exactly the same thing to further its own cause. I intend to vote against this Bill. I do not know where the numbers lie and it may be that I am a lone wolf in the matter. I think it is an unfair Bill, which should not receive the support of this Council.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (AMALGAMATIONS)

Adjourned debate on second reading.

(Continued from March 18. Page 2923.)

The Hon. C. W. CREEDON (Midland): I support this Bill. It appears to be a simple Bill based on the report of a Select Committee of another place. Its main purpose is to speed up the amalgamation between councils and parts of councils. An excellent feature of the legislation is that it brings the existing Royal Commission into the matter as a negotiator and counsellor to councils. It will help and advise them in their decisions in obtaining the greatest advantage for the councils seeking to amalgamate.

There appears to be much sense in what the Government is doing. Many councils realise that advantage can be gained from this legislation, although as a result of some of the antics that took place during the debate on the amalgamation of councils previously, I point out that only a mere 13 000 people decided to sign their names to petitions objecting to the amalgamation of councils. This does not necessarily mean that the majority of some hundreds of thousands of people who are entitled to be and who are, in fact, part of local government are objecting to it. One might call them the silent majority. It is now over 40 years since anything has been done about local government boundaries, and only little has been done to amend the Local Government Act during that time. Local government has been falling apart from the lack of Government attention. It seems to me that this is sometimes the selfish desire of some of those who serve local government (and I am not referring to officers of local government); by that, I mean councillors in small areas who have served willingly, who have done a good job, and who are entitled to credit for their willingness to serve. They have come to be known as councillors; they like the title, have become used to it, and have become selfish over the years. Such people are doing local government a great disservice.

I criticise the Local Government Act and the lack of amendments thereto, because they have deprived local government over the years. As only little had been done to amend the Act during the Liberal Party's reign in the State, this has deprived councils of their authority and has eroded their authority, and the Liberal Party has ignored any approaches by local government. One hears constant complaints about local government's authority being eroded. Usually, the blame is placed on the Labor Party or on the Australian Government, but the Government has been trying to up-date the Act to give councils the authority to act in their own best interests. Local government, because of its small size, is so short of money that it is unable to pay qualified officers to work for it, and it needs qualified officers for its very life.

Local government depends on its qualified officers to advise councillors, who are mainly laymen, on many matters, such as engineering, accountancy, building, health; even town planning has now become a specialised subject, and every council needs to employ a town planner. Another matter that has troubled me about councils and their size, and one of the reasons why I am so anxious, as are many others, to see something done about council boundaries, is that, 40 years ago, when the boundaries were decided, the State's population was much smaller, and council boundaries often revolved around a town as a corporation, and the open areas beyond were termed the district council. The increased population in these towns spilled over into district council areas, and the people in the new houses in the district council areas (at times a considerable distance from the office of the council area in which they resided) joined in the activities of the town with which they were most closely associated.

The corporation problem in this case is that it provides facilities for those people who live in areas outside its own boundaries, and it finds that in many instances the population of those living outside the boundaries and using the corporation's facilities is almost as large as that living in the town areas. This is accepted as being grossly unfair, and it is probably one of the things that has activated the Government into trying to do something about rearranging boundaries. The Hon. Mr. Hill said that, when he was Minister of Local Government in an earlier Liberal Party Government and when the occasion arose, he warned various councils about getting together and amalgamating and becoming one body. However, this opportunity has not been taken. The present Minister of Local Government has warned on occasions of the necessity for councils to amalgamate in order that they might provide more efficient services, but they still have not taken the opportunity of doing so. The Minister was willing to do something about investigating council boundaries and, when councils were canvassed on the possibilities of amalgamations taking place, about 60 per cent of councils agreed that this was a reasonable proposition and that the Minister should do something about it.

On this evidence, the Minister appointed the Royal Commission, comprised of expert men, who spent many months in examining councils and their operations. In reply to a question asked by the Hon. Mr. Hill, the Minister said that about $50 000 of Government money had been spent in trying to help councils. I believe that Opposition members have done their best to thwart the redistribution of council boundaries. There was never a time when they supported such a proposal, and they have done their best at all times to ensure that, through agitation and the support of only 13 000 of the hundreds of thousands of people in the State who are entiled to vote (the Hon. Mr. Dawkins said that we should never let a small minority trouble us, or words to that effect), the boundaries remained as they were. The Government was trying to strengthen local government, but it almost had to tip-toe through the tulips. Although local government wants a redistribution of boundaries, comparatively few people have been able to stir up trouble and ferment dissatisfaction in the community. Only about 13 000 people were the cause of the Bill

being laid aside. Much aggravation has taken place and many ill organised protests have been made, and they have left their mark.

By means of the Bill, the Minister, as well as the Labor Party, is hoping for success. I realise that a great strain will be placed on the Royal Commission in its attempts to try to influence those reluctant councils in seeing the sense and wisdom of getting together so that, in turn, they would become more efficient and be able to employ the necessary officers in order to function efficiently.

The Hon. R. C. DeGaris: Do you support the annihilation of Brighton council?

The Hon. C. W. CREEDON: I am talking not about individual councils but the State as a whole. I hope that this Bill will at least do something towards bringing many councils together so that there will be fewer councils in the State and a more even distribution of officers. I am not suggesting that officers at present employed by councils are not capable when I say that more councils need to employ people who are capable in specialised fields.

The Hon. R. C. DeGaris: How many councils would you like to see eliminated?

The Hon. C. W. CREEDON: I have not thought about that. That relates to another Bill altogether. This is a "tip toe through the tulips" attitude so that people can be made to see the wisdom of councils getting together for their own benefit. I have already referred to people living outside existing council boundaries. Often there are more such people than those living within boundaries and, if the people themselves were given a choice, they would take the trouble of going to the polls and deciding to become part of a larger area. Many people are still reluctant to take part in this sort of exercise. The Government has shown much wisdom in retaining the Royal Commission and making its services available to local government. I can only support the Bill, which I am sure will benefit the State.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Approved proposals."

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

(1a) For the purposes of this section, a council shall not be regarded as having agreed to a proposal to which subsection (1) relates unless its agreement is expressed in a resolution supported by the votes of an absolute majority of the total number of the members of the council.

I emphasise the need for machinery to be provided to help those councils that wish to amalgamate to do so. All that need flows strongly from past history, about which we all know, concerning the unfortunate wish of the Minister of Local Government that councils should be amalgamated in a compulsory fashion. The Bill provides the opportunity for them to amalgamate on the principle to which they should hold, namely, by voluntary means and initiation from the local areas themselves.

The first step provided in the Bill for that to occur is the most important of the various stages laid down in the legislation, and I stress that point as strongly as I can. The first step in this legislation is in the hands of the council members themselves, the elected representatives of the ratepayers. The additional steps in this procedure are in the hands of the petitioners, those ratepayers who object to their council's decision.

However, in the first and most vital step of the council's agreeing to amalgamation by this new method proposed in the Bill, naturally a majority of members of each council must agree to the proposal, namely, that there is to be an amalgamation of two or more councils. The Minister, in his Bill, agrees with this. The only aspect on which I differ from him in regard to this important step is that in the Bill before us he intends that a simple majority of each council may arrive at such a decision.

My amendment lays down that it should be an absolute majority within each council that should arrive at that decision. Honourable members appreciate the importance of such a decision within the council and the life of the council. It can be, and would be, in most cases the most important decision in the whole life of the council, because, in such circumstances, it is the decision which abolishes that council as a local government body as it has existed.

That occurs when there is to be an amalgamation and, therefore, a newly-formed local government body incorporating the area with existing local government areas. This most important decision surely should be arrived at by a vote of an absolute majority of members of the council.

I do not think I need explain the amendment any further than that but, to my mind, it is absolutely imperative that, if councils are to make such a far-reaching and important decision on a matter such as this, that decision should be made by an absolute majority of the members of each council.

The Hon. F. J. Potter: The decision in each case wouldn't necessarily be to abolish; in some cases, it might be to accept.

The Hon. C. M. HILL: Yes, it amounts to the same thing. This raises an interesting point, which I think honourable members might consider further in the debate. I do not look on the question of amalgamation as a question in which one council absorbs another. I do not care how big one council is or how small its neighbour is. The broad and visionary approach is that councils amalgamate.

Individual council members are concerned, especially when they belong to a smaller council, that Big Brother alongside will swamp them and completely absorb them, as a result of which they will vanish. They are afraid that the new body will, in effect, be an enlarged neighbouring council. I do not think honourable members should examine the matter in that light. In the best interests of local government, we must keep our sights high and regard amalgamations in this way. Amalgamations will provide survival for some areas; it will make them much more viable—

The Hon. R. A. Geddes: And will enable them to give much better service.

The Hon. C. M. HILL: That is so. That is the correct approach, from the point of view of the ratepayer who expects service from his council. From every viewpoint, therefore, it is desirable to provide for an absolute majority. There is one proviso: that the Royal Commission must concur (and this is an important point) in this new machinery. The Royal Commission will remain in existence. It has already made certain proposals that some councils want to accept. This indicates that the matter has already been investigated.

The Hon. T. M. Casey: I thought you were criticising the Royal Commission's deliberations some time ago. Are you shifting ground now?

The Hon. C. M. HILL: I have criticised not the Royal Commission but the method by which the Minister of Local Government has told councils what they should do,

and I will always complain when central government tries to tell local government what is good for it. I have always insisted that the initiation to amalgamate should come from the local level, and here we have an opportunity for that to be achieved.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the amendment, as there does not seem to be any point in providing for this type of decision. Rarely would a council have more than one or two members absent because of sickness or for some other valid reason. All members receive notice of and agenda for meetings, and no reason is seen why decisions on these matters should be by other than ordinary council decision. Members' attendance is mandatory at council meetings unless a valid reason exists. It is a member's duty to be present at a meeting. On the other hand, councillors could deliberately stay away if they did not want a decision taken in those circumstances.

The Hon. M. B. Dawkins: They do not all have to be there. Only a majority has to be present.

The Hon. D. H. L. BANFIELD: Two or three councillors could effectively prevent a vote being taken by deliberately staying away from the meeting. For those reasons, I oppose the amendment.

The Hon. M. B. DAWKINS: I wish briefly to support the amendment. It is important in any such far-reaching decision that a council might make that an absolute majority of the whole council should be in favour of the proposal. I cannot accept what the Minister has just said regarding one or two members staying away. If a council comprised, say, eight members, it would be necessary for five members to be in favour of a proposal if this amendment is carried. Two councillors could be away, and there would still be six members present.

I was interested in the Hon. Mr. Hill's remarks regarding amalgamation. Such amalgamation must be achieved by the consent of an absolute majority of the elected councillors in each case. There must be no room for ill feeling or resentment. I believe, too, that the Royal Commission, in its further efforts to reduce the number of councils, is likely to obtain more progress in amalgamation than it is by some of the absorptions and combinations of councils as contemplated in the report. No council is anxious to lose its identity, and this is one of the problems that the Royal Commission and the Select Committee experienced.

In the city, we have the example of the Henley and Grange council and the Kensington and Norwood council, which have joint names. I believe that amalgamations can be achieved in this way, so that councils do not lose their identity but come together and prove to be more successful as a result. It is absolutely essential that any such decision should be made by an absolute majority of council members.

The Hon. R. C. DeGARIS: Does the Minister agree that we should be able to amend the State Constitution to provide for an absolute majority?

The Hon. D. H. L. BANFIELD: I can see no reference in the Bill to the State Constitution.

The Committee divided on the amendment:

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

Noes (5)—The Hons. D. H. L. Banfield (teller), B. A. Chatterton, T. M. Casey, C. W. Creedon, and A. F. Kneebone.

Pair—Aye—The Hon. Sir Arthur Rymill. No—The Hon. A. J. Shard.

Majority of 6 for the Ayes.

Amendment thus carried.

The Hon. G. J. GILFILLAN: I move:

In new section 45a (3), to strike out "twenty" and insert "ten".

Since the amendments were put on file I have given further thoughts to the problems associated with the Bill. I want to maintain reasonable protection against councils being forced to do something against the wishes of their ratepayers and the residents of the district. Obviously, the Minister failed in his first attempts to force a redistribution of councils because of the uproar that occurred, and now we see a Bill trying to do the same thing by pressure rather than by force.

If we read the Bill carefully, it means that if the ratepayers object to a council's decision the provisions for obtaining a poll are most difficult to meet. Perhaps the amendments I originally placed on file would have made it too easy in some ways, although I do not believe that to be the case. However, in order to adopt a reasonable attitude to the Bill I have modified the amendment I originally placed on file. I believe the figure of 10 per cent is eminently fair, because the conditions of obtaining a poll require a petition, within four weeks of publication in the *Gazette*, of 20 per cent of the ratepayers. In a council area of 50 000 ratepayers, it would be a tremendous task to collect 10 000 signatures in the short time available. When such notices are published, it takes time for people to become aware of the problem, and it would be almost an impossible task to collect 20 per cent of the signatures in the area.

The Hon. R. C. DeGaris: There could be 12 000 signatures.

The Hon. G. J. GILFILLAN: Yes. Some council areas, especially in metropolitan Adelaide, are larger than House of Assembly districts, so to get 20 per cent of the signatures in the one month provided would be almost impossible.

The Hon. D. H. L. BANFIELD: I oppose the amendment. The figure of 20 per cent was recommended as appropriate by the Local Government Act Revision Committee. It must be appreciated that the poll provisions do not apply until councils agree to boundary changes. Members of the council have to agree to those boundary changes. That is most important, because the councils represent ratepayers, and if they are prepared to agree to the change surely this diminishes in some way the need for a poll. I agree with the Hon. Gordon Gilfillan that the right of ratepayers to be involved is appreciated, but it is considered essential that the number requiring such a matter to go to a poll should be 20 per cent.

The Hon. M. B. DAWKINS: I support the amendment. During the second reading debate last night I mentioned three clauses of the Bill which caused me concern; one of those clauses was the subject of an amendment then on file and in connection with the other two matters I indicated that I wanted to put something on file. I found later that my colleague had forestalled me and had already placed amendments on file. I believe that the figure of 20 per cent is far too high. Ratepayers may not even get a say unless they can get figures of the order mentioned by the Hon. Gordon Gilfillan under the provision as it stands.

Even in the country, where numbers are smaller, there is great difficulty in getting around to get 10 per cent of the ratepayers to demand a poll in the first place. I said

last night that I am not in favour of its being made too easy for ratepayers to object to what may be a well-considered proposal; by the same token, I am not in favour of its being made almost impossible for them to object. I believe that, after the figure of 20 per cent is dealt with, we have another obstacle in the next paragraph; this really makes the situation almost impossible. It is at least bordering on the undemocratic. I indicate my full support for the amendment.

The Hon. G. J. GILFILLAN: I attended a local government conference recently at which the outcome of the deliberations of the Select Committee from another place was discussed. People were pleased with what they thought was their right for self-determination (those were the words they used). This petition is for a poll to avoid being taken over. If a poll is desired, the ratepayers have to act within a month to prevent the councils being taken over. This does not deal with a petition for an alteration; the poll is against it. The time factor is a negative factor: if they cannot get 20 per cent within four weeks it becomes law anyway. I strongly believe that the figure should be 10 per cent.

The Hon. C. M. HILL: We are talking about the numbers required to upset or to object to decisions of the absolute majority of the members on the council concerned. It is not, in my view, as important a step in the process of objection as is the next one, which relates to the actual conditions of the poll which is to throw out the proposal accepted by an absolute majority of members of the council. The 20 per cent does appear high. We have heard repeatedly from council members that it is too easy for petitioners and objectors to make their voices heard in seeking a poll. Do we want to move in a direction whereby we make it easier for people to petition for a poll, or should we take heed of the recommendations in the Local Government Act Revision report that 20 per cent should be accepted throughout the Act?

The Hon. Sir Arthur Rymill: Don't we want to be democratic?

The Hon. C. M. HILL: Yes. The solution is not simple. We must strike a fair balance.

The Hon. M. B. Dawkins: The present position is not a fair balance.

The Hon. C. M. HILL: It is a matter of opinion. We must strive for a fair balance, and be fair to both councils and all people with a democratic right to object. Should the Act be altered to make it easier for those councils to amalgamate (to save their life)? We should not lose sight of this fact. This special machinery is written alongside the existing provisions to permit councils, as a result of the Royal Commission's report, to continue with amalgamation by an easier process. I believe 20 per cent is too high and that 10 per cent is too low. I am willing to support the amendment, but I do so with reluctance.

The Hon. D. H. L. BANFIELD: I think that the honourable member would support the amendment with reluctance. Councils have been elected by all ratepayers in the district. They have confidence in their councillors or else the councillors would not have been elected.

The Hon. C. M. Hill: What percentage go to the polls?

The Hon. D. H. L. BANFIELD: All ratepayers had the opportunity to elect the councillors. Members opposite say that a small minority of 10 per cent should have the right to upset a decision made by a majority of council members.

The Hon. C. M. Hill: Only to ask for a poll.

The Hon. D. H. L. BANFIELD: They would be only asking for a poll because they disagreed with the decision of council members, who were elected by the ratepayers possibly only a few weeks earlier. Members opposite want a disgruntled 10 per cent of those people to throw out a decision of the council. If a council decides to amalgamate with another council, then a poll can be called by a disgruntled 10 per cent who disagreed with their representative, who had been elected by the whole of the ratepayers.

The Hon. J. C. BURDETT: The Minister has talked about a disgruntled 10 per cent throwing out a decision of the council. It has been rightly said by interjection that this 10 per cent has power only to call for a poll. This is not an ordinary business decision of the council concerning the day-to-day running of council affairs: it is a decision in which ratepayers want a say. I believe this situation, at the Parliamentary level, is of the same importance as someone deciding whether he wanted to be in South Australia or in Victoria: it is not just a matter of internal government but a question of which body one will be governed by and, in my view, the ratepayer has a right to be protected.

The Hon. D. H. L. BANFIELD: The ratepayer would have found out from the council before he voted whether he agreed to amalgamation or not.

The Committee divided on the amendment:

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

Noes (5)—The Hons. D. H. L. Banfield (teller), B. A. Chatterton, T. M. Casey, C. W. Creedon, and A. F. Kneebone.

Pair—Aye—The Hon. Sir Arthur Rymill. No—The Hon. A. J. Shard.

Majority of 6 for the Ayes.

Amendment thus carried.

The Hon. G. J. GILFILLAN: I have closely examined the effects of the clause and, what I propose to do, is to make a much simpler amendment than the one I have had put on file. I move:

In subclause (4) to strike out "the areas" and insert "any area".

I believe that the amendment will achieve my aims and, on closer examination, I have found that the wording the majority of ratepayers voting and one-third of the ratepayers on the voters' roll appears in section 26 of the Act, which deals with petitions. I believe that, provided the ratepayers can have their poll and the voting percentage is not too high, one could not object to one-third of the total number voting in the poll. I object to "the areas", because in the Act "area" means a municipality or district council, and the implication of the clause as drafted is that a total vote of three, four or five councils might be for the proposal, and perhaps one does not wish to lose its identity. Under the Bill, the ratepayers of that council could be swamped by the ratepayers in adjoining councils. I admit, as the Minister said, that the council must first agree.

The Hon. D. H. L. Banfield: All the councils must agree.

The Hon. G. J. GILFILLAN: No, it is a total vote of all the ratepayers.

The Hon. D. H. L. Banfield: You said that the council had to agree first.

The Hon. G. J. GILFILLAN: The council as a council must first agree, but I still think that the ratepayers should

have the protection of being able to decide in a reasonable way their own future and have self-determination. This would mean that, if two councils agreed, and if the Commission was in favour but the ratepayers of one council did not want to be joined to another council, they could not do anything about it, because they would be swamped by the other ratepayers.

The Hon. J. C. BURDETT: I doubt whether the amendment would achieve the mover's aims, because the most likely meaning to be attributed to it would be "in one or more of the areas affected". I believe it should read "every". In many cases, there could be two areas. I believe that "each" or "every" would cover the situation. It seems to me that the word "any" imports any one or more, and this makes it somewhat meaningless.

The Hon. GILFILLAN: I believe that the Hon. Mr. Burdett is correct, and I want to ensure that the amendment will achieve my aim. Will the Minister report progress so that I may clarify the position?

The Hon. D. H. L. BANFIELD: I am willing to report progress.

The Hon. R. C. DeGARIS: Subsection (5) provides:

The Governor may make regulations affecting the conduct of a poll under this section and those regulations may—

(a) provide that specified provisions of this Act shall not apply in respect of a poll under this section;

What concerns me is that the Governor, by regulation, may state that certain parts of the Act shall not apply; that is an odd way to go about making regulations, which are usually brought down to expand or explain what a clause means. In this case, our rights by regulation are being taken away in order to nullify a part of the existing Act. With the amendments that have already been carried, is there need to have any regulation-making power to nullify part of the voting procedure? As I see it, we have probably reached the point where each council will conduct its own poll, and there will be no overall poll in relation to two or more local government areas. Will the Minister expand on that provision? It seems peculiar to me. I can understand that there may be reasons for it if a poll is to be conducted over more than one area. As I understand the amendment, perhaps that power may not be required. Would the Minister therefore explain this provision?

The Hon. D. H. L. BANFIELD: The purpose of the regulation is to lay down requirements for the conduct of a poll, not to determine the essential question of who votes, and so on. The Act at present provides for that.

The Hon. R. C. DeGARIS: Specifications are already laid down about how a poll shall be conducted; whether it is a poll regarding the raising of a loan or anything else, provisions already exist for it. What provisions does the Minister not want to apply to this sort of poll? If the poll is to be restricted to one area only, I cannot see why the regulation-making power is needed.

The Hon. D. H. L. BANFIELD: If a poll is demanded, the Minister will no doubt have the State Electoral Commissioner conduct it. The poll procedure provisions in the Local Government Act may not be appropriate to meet the requirements of a poll being conducted other than by a council. It is therefore essential that something be laid down to facilitate the conduct of a poll. For instance, regulations may need to lay down provisions for the appointment of polling places, polling booths, poll staff, and so on. This is not at present provided for in the Act, so it is necessary to have a regulation-making power.

The Hon. R. C. DeGARIS: If it is not laid down in the Act and is not under the control of a council, how are elections held at present? I realise that, where a poll is conducted over more than one area on one question, and a totality of votes is counted in more than one area, this regulation-making power may be necessary. However, I understand that this will not be the position. A poll will now be conducted in an existing council area and, if that is so, why is this power necessary? These are peculiar regulations, even given that the Minister may need to conduct an unusual poll over two areas.

The Hon. D. H. L. BANFIELD: The polls that may be demanded under this legislation are different from those conducted by councils under the Local Government Act.

The Hon. R. C. DeGaris: Why should they be different?

The Hon. D. H. L. BANFIELD: Because the request for the poll is submitted not to the council but to the Minister. Therefore, the Minister and not the council conducts the poll, and it is necessary for regulations to be made enabling the Minister to conduct a poll.

The Hon. R. C. DeGaris: Why has not the Minister got power to conduct a poll using existing local government procedures? Why must new procedures be established?

The Hon. J. C. Burdett: Why can't it be done in the Bill?

The Hon. D. H. L. BANFIELD: It is, of course, desirable that the Minister should conduct the poll in a manner that—

The Hon. R. C. DeGaris: That he thinks fit.

The Hon. D. H. L. BANFIELD: No, in a manner that is in the interests of the ratepayers who have requested him to conduct the poll. The ratepayers and not the council will have asked the Minister to conduct the poll, and it is necessary for the Minister to be able, under the regulations, to stipulate where polling places will be situated and also for him to have the necessary staff to man those polling booths.

The Hon. R. C. DeGaris: I think it is too big a risk.

The Hon. D. H. L. BANFIELD: That is the position: it is the Minister and not the councils that must conduct polls.

The Hon. R. C. DeGARIS: I thank the Minister for giving me his views on the matter, although he has not satisfied me.

The Hon. D. H. L. Banfield: You didn't set out to be satisfied.

The Hon. R. C. DeGARIS: Yes, I did. I suggest to the Minister that progress could perhaps be reported, as the Hon. Mr. Gilfillan is still discussing the matter with the Parliamentary Counsel.

The Hon. D. H. L. BANFIELD: I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

The Hon. G. J. GILFILLAN: After consultation with the Parliamentary Counsel, I seek leave to withdraw my amendment with a view to reverting to the amendment I had originally placed on file. I have been advised that the wording of the amendment I have moved will not do as I wished. It was an attempt to overcome some of the opposition to my proposed amendment and I have been assured that the amendment I originally placed on file is correct for my purposes.

Leave granted; amendment withdrawn.

The Hon. G. J. GILFILLAN: I move:

In new subsection (4) to strike out all the words after "affirmative" and insert:

only if a majority of the ratepayers of each area who vote at the poll vote in favour of the proposal.

The objection raised apparently is that one council in a group of three could vote against a proposal and the other two could vote for it. This is precisely the position I want to see retained; it is the right of self-determination for councils or ratepayers. Certainly, the councils must first of all give approval before the proposal can go further, having to obtain the signatures of 10 per cent of the people (originally 20 per cent) within a month, then having a poll. The ratepayers may find that, although the great majority in their council are not in favour of amalgamation and want to retain their identity, the greater number of people in the other two councils completely overwhelms them. I want to avoid this, It is the very thing councils fear most; they fear the loss of their right of self-determination.

I have been surprised by the reaction to this proposal. I would say it is almost an over-reaction, as if it was expected to find strong opposition in some councils. In the amalgamation of several councils, probably the council that would suffer the most serious effect would be the one in the middle, and that would be the one most likely to want the amalgamation because it could become the centre of a large local government area. The rights of ratepayers are being unduly trespassed upon in anticipation of problems that could occur. If three councils vote to amalgamate, and if the ratepayers demand a poll, if the ratepayers in one council do not agree with the proposals the process can be started again with the other two councils amalgamating. There is nothing to stop that.

A strong principle is involved. I have had much to do with councils and ratepayers, especially over the past few months, and I have come to know their feelings. All councils are not perfect, but we are fortunate in South Australia in that politics has not crept into local government to any great extent. However, I know of other places where council decisions virtually are made at meetings beforehand, where Party politics is involved. If a decision is made at that meeting, that is it; there is no second Chamber. Because having a poll is not easy, I think the final decision should rest with the ratepayers, because they are the people contributing directly to the council.

The Hon. D. H. L. BANFIELD: I oppose the amendment. The Hon. Mr. Gilfillan started off by referring to 20 per cent of the ratepayers in the area, but that is not the position. That has been altered, and the wording is now "of any area". Getting back to the other amendment, the honourable member has now amended it to provide that the figure should be one-tenth of the total number in any area. If three councils have agreed that they want to amalgamate, that does not mean there must be one-tenth of the whole number.

The Hon. G. J. Gilfillan: I realise that.

The Hon. D. H. L. BANFIELD: But the honourable member did not say that. I wanted to make that point clear. If a new council area is proposed, and it can be proposed only if it has been adopted by the councillors at their council meeting, it is considered just that the people who should be involved are those who are to be located in the new area. That refers to the whole combined new area, whether it be an amalgamation of two councils or more. The provision in the Bill requiring a majority of ratepayers voting (and one-third of those on the rolls voting against) is to ensure that a large majority of the people is against the proposal. If the amendment moved by the Hon. Mr. Gilfillan is passed, then a poll can be defeated by a relatively small number of people. It is considered that the provisions of a poll of this nature should be to ascertain the opinion of those people against a change rather than those in support of it.

The present provisions of the Local Government Act regarding amalgamation provide conditions similar to those in the Bill. Therefore, if the amendment is carried the provision for changes following the Royal Commission's inquiry is much different. The Select Committee, in its recommendations to the House of Assembly, was of the opinion that change was necessary in council boundaries. The Select Committee also recommended that the Parliament give wholehearted support to the principles contained in the report of the Royal Commission and in the Bill, and that the Royal Commission endeavour to achieve change by agreement. The Select Committee further recommended that a Bill to provide for simplified procedures in achieving the change once agreement was reached should be introduced. If the amendments proposed by the Hon. Mr. Gilfillan are approved, then the Bill does not contain the simplified provisions intended to achieve the change. The Select Committee also felt that the Royal Commission needed some support in its task and the House of Assembly gave it this support. These amendments tend to lessen this support so needed by the Royal Commission in achieving success. This amendment moved by the Hon. Mr. Gilfillan is outside the recommendations of the Select Committee set up in another place. I understand the committee's recommendations were unanimous. It took evidence from many witnesses. We are attempting to put the committee's recommendations into effect.

The Hon. J. C. BURDETT: I support the amendment. The essential feature of local government is that it must be local. Ratepayers must retain the right of self-determination. These rights must be preserved, especially as the right under consideration is one to decide who is going to govern a council area. The Hon. Mr. Gilfillan gave one example and I will give another. Admittedly, before the situation gets to a poll stage, the councils must have agreed: the two councils involved, one being a large corporation in a country town and the other the surrounding district council. Often the number of ratepayers in a corporation area is much greater than in the district council area and under the Bill as it stands, if there were a poll, the corporation ratepayers could in their vote greatly outnumber the district council ratepayers, even to the extent (taking it to an extreme) that, although in the poll every ratepayer who voted in the district council area was against the amalgamation, the poll could still be carried. This is wrong.

The Hon. G. J. GILFILLAN: The Minister said that it took only a percentage of the ratepayers in one council to demand a poll. When such a request is granted the result is taken over the whole of the areas involved and, in Mr. Burdett's example, a council could ask for a poll and be defeated at the poll and be taken over against the will of the ratepayers. I cannot understand the fears that are expressed about the excessive power provided to put pressures on councils. So far as councillors are concerned, when it comes to the stage of requesting a poll the councillors have already given consent, and they would probably be more opposed to amalgamation than anyone else. If 10 per cent of the ratepayers have sufficient interest and enthusiasm to demand a poll, they should be provided with the opportunity, and this provision should remain.

The Hon. D. H. L. BANFIELD: I cannot reconcile the honourable member's action in requiring one-tenth of the total number of ratepayers to petition for a poll and then allow that poll to be carried by 2 per cent of the people in the area, if that is the number of people who vote in the poll.

The Hon. J. C. Burdett: That's unlikely.

The Hon. D. H. L. BANFIELD: How many times do we find the percentage of ratepayers who vote in an area down to 4 per cent or even 2 per cent?

The Hon. J. C. Burdett: That's for an election.

The Hon. D. H. L. BANFIELD: Surely this is an election?

The Hon. M. B. Dawkins: This is vastly different from an election.

The Hon. D. H. L. BANFIELD: It is not. The Hon. Mr. Gilfillan insisted that there should be one-tenth of the total number of ratepayers before a poll could be held, then he disregards that figure completely and provides for a figure that could be as low as 1 per cent of the ratepayers in the area. I cannot see the logic in this at all. If people are really concerned, is it asking too much of district ratepayers for 33⅓ per cent of the ratepayers to vote at a poll, which was requested by 10 per cent of the ratepayers?

The Hon. G. J. Gilfillan: I didn't object to that.

The Hon. D. H. L. BANFIELD: You are objecting to it by seeking the acceptance of this amendment. You are only requiring six people to vote on this poll and the majority who vote carry the poll, or otherwise the poll is lost. That is the effect of the amendments.

The Hon. G. J. Gilfillan: I have no objection to 33⅓ per cent, but I have been advised that it does not achieve anything.

The Hon. D. H. L. BANFIELD: Only if a majority of ratepayers in each area vote in favour of the poll. New section 45a (4) provides that in any such poll the question shall be whether the ratepayers approve of the proposal submitted to the Minister under this section and the question shall be considered to have been carried in the affirmative. This is a result of a recommendation by the councillors who have already agreed that the amalgamation be made. The Bill also provides that it shall be deemed to have been carried in the affirmative unless a majority of the ratepayers voting, and at least one-third of the total number of the ratepayers on the voter's rolls for the areas affected by the proposal vote against the proposal. This means that honourable members opposite are requiring 10 per cent of ratepayers to vote seeking a poll and only 1 per cent or 2 per cent of ratepayers to vote on it. It is not logical. Already the elected councillors have come to this decision and now any group, perhaps as low as 1 per cent of the ratepayers, can upset the determination of the councillors in two or three councils that are about to amalgamate.

The Hon. M. B. DAWKINS: The Minister referred to 33⅓ per cent of the ratepayers voting, but the Bill provides that at least one-third of the total number of ratepayers on the voters' rolls for the areas affected by the proposal vote against the proposal. It needs 33⅓ per cent to vote in one way—not merely 33⅓ per cent to vote in the poll. The clause that the Hon. Mr. Gilfillan has succeeded in amending and this clause were designed to provide a situation that would make it almost impossible for ratepayers to object successfully to an amalgamation. I do not believe that just a few ratepayers should be able to impede progress, but I also do not believe that the Minister should make it virtually impossible for ratepayers to lodge an objection if they wish to do so. I support the amendment.

The Hon. C. M. HILL: I supported the Hon. Mr. Gilfillan's first amendment reluctantly, but I am unable to support this amendment. If the amendment was accepted, we would not have any amalgamations, because I believe that those who objected to these polls could gain sufficient support in a poll of this kind to obtain a majority vote in a local government poll of this kind.

No pressure is being brought on councils to amalgamate in this manner. We are trying to encourage amalgamations where they are wanted by local councillors and where they are necessary for the continuation of local government in a state in which we would like to see it in the future. The purpose of the whole exercise is to encourage amalgamation. I support the Government's intention in connection with the one-third figure in its original Bill. Incidently, that figure is in the Act at present with regard to the existing amalgamation procedure.

The Hon. M. B. Dawkins: You say that one-third must vote against it?

The Hon. C. M. HILL: Yes. I acknowledge that the way in which the Bill is worded will make it difficult for ratepayers to upset the decision of their elected representatives made by an absolute majority, and it would not be easy for petitioners to carry the day. However, I believe that, taking all aspects of the question into consideration, if we are to lean one way or the other, we should lean toward councils as a body and toward the elected representatives.

The Hon. Mr. Burdett referred to the ratepayers of a small council that might want to hold out, and I appreciate the point he made. He would like to see them, by a simple majority, be able to upset the whole procedure. However, we must remember that the councillors who represent those people have made their decision by an absolute majority.

The Hon. M. B. Dawkins: Before that occurred, there had to be a 10 per cent poll.

The Hon. C. M. HILL: Yes. In that small council area amalgamation would have been talked about for more than a year. It would have been a lively topic, more talked about in that council than any other topic in its history had been. We all know how local government became alive during the whole of the Royal Commission's inquiries. If the council decides by an absolute majority that it wants to amalgamate, it is not thrusting its will on the ratepayers without their having knowledge of the subject. The subject is well known, and I know of no small district council of that kind where there is not a close relationship and liaison between the ratepayers and the members of the council.

Members of the council in a small district council are among the most responsible men in the district; they are well known to all the ratepayers, and they meet them practically every day in social and business life. For a council such as that to make an absolute majority decision and to be upset by a simple majority poll is obstructing the encouragement we want to give for some councils to make a move. I intend to vote with the Government on this amendment.

The Hon. G. J. GILFILLAN: I do not object to the one-third of the ratepayers voting provision. If I interpreted the Parliamentary Counsel correctly, it is unnecessary when councils are dealing individually, but it was

written into the legislation that one-third of the people entitled to vote throughout the whole of the areas must decide. I understand that it is not required when a separate poll is taken in each individual council but, if the Minister wishes to insert that provision, I do not object.

The Hon. D. H. L. Banfield: How do you reconcile that statement with the fact that you want 10 per cent of the people to sign a petition before a poll can be held?

The Hon. G. J. GILFILLAN: The Minister may make it 5 per cent if he likes.

The Hon. D. H. L. Banfield: I wanted 20 per cent, but you decided on 10 per cent. Now you are deciding that only 1 per cent or 2 per cent need vote once the poll has been called. How do you reconcile your statements?

The Hon. G. J. GILFILLAN: There is no compulsion in local government voting yet. I believe that, if people are interested in something that is vital to a local government area, there would be a good response in voting. Many a member of Parliament has been elected by only about five votes, too. The fact that the margin is small does not mean that it is not a genuine vote. I will do everything possible to preserve the self-determination of either a council or a council of ratepayers who do not want to be taken over by another group.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan (teller), V. G. Springett, C. R. Story, and A. M. Whyte.

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

Pair—Aye—The Hon. Sir Arthur Rymill. No—The Hon. A. J. Shard.

Majority of 2 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS: Following the amendment that has just been carried, I raise just one question. It seems that when more than two councils are involved a problem could arise. If, for instance, five councils were involved in a possible amalgamation, petitions having been signed for a poll and the poll having been carried strongly in four areas although in the remaining area there was a slight loss, the amalgamation would fail because of the view of the people in that one council area. I do not know how to overcome this problem. I suggest that the Minister examine the possibility of a further amendment so that, where four councils in a group of five councils agree to the amalgamation, the amalgamation of the four councils can take place without the vote in one area destroying that possibility.

I agree with what the Hon. Mr. Gilfillan has done when only two councils are involved. However, I refer to a town corporation area which comprises a large population, around which is a district council that comprises only a small population. To have the total vote of those two areas as the determining factor in any poll would indeed be unfair. If this was enlarged to more than two councils involved, it could, under the amendment, involve a miscarriage of justice.

The Hon. G. J. Gilfillan: But those four could start again.

The Hon. R. C. DeGARIS: That is so, but should they be forced to do so? On the other hand, if two councils in a poll agreed and a third disagreed, could not the amalgamation between the two agreeing councils proceed without further polls having to be conducted in their areas?

The Hon. T. M. Casey: This would have to be discussed with the Royal Commission committee before the poll was held, wouldn't it?

The Hon. R. C. DeGARIS: Yes, it would.

The Hon. T. M. Casey: Then wouldn't the Royal Commission committee point this out? Your case seems to be hypothetical.

The Hon. R. C. DeGARIS: Certainly, it is a hypothetical question.

The Hon. T. M. Casey: I cannot see it ever happening.

The Hon. R. C. DeGARIS: If the Minister is happy with the provision as it stands, I will say no more. I was merely trying to solve a problem that could arise for the Government in future.

The Hon. D. H. L. BANFIELD: It is not a matter of the Government's being happy with the provision. A poll would be conducted throughout the whole area. It involves not individual districts but the majority of voters in the whole area. It would not therefore be a matter of working out which areas did not want to amalgamate, as the voters in all districts would be expected to vote. The Government would not be pleased about the position, just as it would not be pleased if only 1 per cent of the people voted. However, this is something for which we cannot legislate. It seems to me that the other four areas would have to return to the Royal Commission and start again; I can see no other way around it. If the vote was taken over the whole area, it would not be feasible to say that one area only did not want to amalgamate.

The Hon. R. C. DeGARIS: If, to cite a hypothetical case, a poll of three councils was taken, two councils agreeing and the other one disagreeing, could those two agreeing councils amalgamate immediately without a further poll?

The Hon. D. H. L. BANFIELD: No, because the poll would have been taken over the whole area.

The Hon. R. C. DeGaris: No, it would not have been.

The Hon. D. H. L. BANFIELD: The poll would have been taken over the whole area, and not in individual areas. A small council does not therefore have the right to say what the position will be. A poll is taken of ratepayers in the whole area and not in individual council areas.

The Hon. R. C. DeGaris: It must be.

The Hon. D. H. L. BANFIELD: That is not so.

The Hon. C. M. HILL: There seems to be some confusion in this matter. The Government proposes that the poll should be held over the total area, although under the amendment that the Committee has just carried a separate poll will be held at the same time in each area.

The Hon. T. M. Casey: That is what he means.

The Hon. C. M. HILL: The point that has been raised by the Hon. Mr. DeGaris is the core of the whole debate. Honourable members have been arguing in favour of self-preservation of ratepayers in one council area if it wishes to stay alone, and not amalgamate. Yet the Hon. Mr. DeGaris says that in some circumstances it would be in the best interests of the whole to look at the possibility of encouraging (and I use that word advisedly) total amalgamation. I hope the matter does not rest in its present amended form, that further consideration and thought will be given to it, and that a better solution will eventually prevail.

Clause as amended passed.

Title passed.

Bill read a third time and passed.

CROWN PROCEEDINGS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It is consequential on the amendments made to the Local and District Criminal Courts Act in 1974. Those amendments established a special "small claims" jurisdiction in the local court. In order that the citizens of the State should have free personal access to the court on an egalitarian basis, and should not suffer disadvantages through their lack of legal knowledge and expertise, restrictions are imposed by that legislation on rights of legal representation unless all parties to the proceedings desire such representation. In consequence of these restrictions, it was necessary to provide for representation of bodies corporate by officers or employees who do not possess legal qualifications. The question arises whether these provisions are applicable to the Crown. There is, in fact, authority for the proposition that they do so apply because, by common law, the Crown is a corporation sole. It could be further argued, if the Crown desired to do so (which it does not), that the Crown is, by virtue of its constitutional immunity, not bound by restrictions on representation imposed by the new legislation, and hence can appear and be represented in proceedings in any manner that it thinks fit. However, the question has been raised whether the Crown can be represented in "small claims" proceedings in the same manner as can other bodies corporate. The purpose of this Bill is to put this matter beyond doubt. Clause 1 is formal. Clause 2 provides for representation of the Crown in the manner that I have previously explained.

The Hon. J. C. BURDETT secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL (GENERAL)

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

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

That this Bill be now read a second time.

It makes amendments to the principal Act, the Administration and Probate Act, 1919-1973, relating to several matters. It also provides for amendments designed to enable the Public Trustee Department, as an operating department, to pay its own way. Under these amendments, any annual deficiency arising from the operation of the Public Trustee Department could be charged to an account to be kept by the Public Trustee and to be called the Common Fund Interest Account. This account is to comprise the interest earned by investments made from the common fund, that is, the moneys held by the Public Trustee which he is not required to invest in any specific securities. Any operating deficiency may be charged to this account after the crediting of interest to each estate and trust, the moneys of which form the common fund. Such a provision exists in the corresponding legislation of the other States.

Consequential to this amendment are amendments providing for any operating surplus to be carried forward in another separate account, the Income Adjustment Account, and empowering the Public Trustee to fix varying interest rates. It is intended that the Income Adjustment Account be applied towards previous deficits, whereas at present both operating surpluses and deficits go to general revenue. With respect to interest rates, these are at present the same for all accounts kept by the Public Trustee. These accounts include those of mental and protected estates, moneys held for minors, moneys held pursuant to orders of courts, and moneys held upon trust subject to a life interest, all of which are held for lengthy periods, together with moneys in current deceased estates, the administration of which is, generally speaking, completed within one year. The amendment will allow funds in estates held for a longer period to receive a higher rate of interest than those held for a short period.

In addition, the opportunity is being taken in this Bill to revise the money amounts specified in the principal Act so that they accord with current money values and to provide a power under the principal Act to fix fees for the services provided by the Public Trustee, the fees at present being fixed under the Fees Regulation Act, 1927. Clause 1 is formal. Clause 2 provides that the measure shall come into operation on a day to be fixed by proclamation.

Clause 3 inserts in the interpretation section of the principal Act definitions of the Common Fund Interest Account and the Income Adjustment Account to be kept by the Public Trustee and the Common Fund Reserve Account which is to continue to be kept by the Treasurer. Clause 4 increases the penalty provided in section 24 of the principal Act for failure to obey a summons from the $200 fixed in 1891 to $1 000. Clause 5 amends section 54 of the principal Act by increasing the provision upon intestacy for the surviving spouse of a person who dies without issue from the $10 000 fixed in 1956 to $30 000.

Clause 6 increases the penalty fixed in section 58 of the principal Act from $200 to $1 000. Clause 7 increases the penalty fixed in section 99 of the principal Act from $20 to $200. Clause 8 amends section 102 of the principal Act by providing for the matters previously referred to, that is, the establishment and application of the Common Fund Interest Account and the fixing by the Public Trustee of varying interest rates. Clause 9 increases the penalty fixed in section 109 of the principal Act from $20 to $200. Clause 10 amends section 112 of the principal Act to provide for the establishment and application of the Income Adjustment Account and the fixing of fees under the principal Act.

The Hon. J. C. BURDETT secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL (VARIOUS)

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

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

That this Bill be now read a second time.

This short Bill makes three disparate amendments to the principal Act. These amendments can best be explained in the consideration of the clauses of the Bill. Clauses 1 and 2 are formal. Clause 3 is intended to deal with a doubt raised by Her Honour Justice Mitchell in *Samuels v. Nield* last month. Her Honour doubted that section 62ba in its present form was sufficient to allow the admission of certain relevant material as evidence on an *ex parte* disposition of an offence under that section. The amendment is intended to put this matter beyond doubt.

Clause 4 amends section 106 of the principal Act by providing that written statements of witnesses in preliminary hearings shall be verified by an appropriate declaration in the form set out in paragraph (*a*) of this clause in lieu of an affidavit. Proposed new subclause (9) of this clause provides a condign penalty in the event of a false declaration. In addition, paragraphs (*b*) and (*c*) are intended to ensure that, if a witness who has already submitted a

statement is called to give oral evidence, he will be examined and then be subject to cross-examination in the ordinary manner. As the principal Act stands at present the witness is, on being called, immediately exposed to cross-examination. Clause 5 is a formal drafting amendment intended to remove duplication of section numbers.

The Hon. J. C. BURDETT secured the adjournment of the debate.

RUNDLE STREET MALL BILL

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

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

That this Bill be now read a second time.

The establishment of Rundle Street as a pedestrian mall has been advocated for many years, particularly by people who have seen some of the very attractive malls and plazas of Europe and North America, and in fact it was included in the policy of the present Government. In 1972, the Premier requested the City of Adelaide Development Committee to investigate all aspects of converting Rundle Street, between King William Street and Pulteney Street, to a pedestrian mall. This request gave rise to a series of studies and reports. The first study dealt with traffic and transport aspects of a mall and a group, headed by the Director-General of Transport and including representation from those having commercial interests in Rundle Street, reported that there were no insurmountable problems from a traffic and transport viewpoint to establishment as a mall.

The Adelaide City Council then commissioned consultant studies to look at the financial viability of a mall, the degree of public acceptance, and the design concept. The resulting reports were accepted by council in June, 1974, and in general these studies suggested that the mall would boost trade significantly by increasing store turnover and also demonstrated overwhelming acceptance by the public of the concept of a mall. Finally, a third report was commissioned by the Government to look into certain high-cost items, such as the pavement and sewer works, and the acceptance of this report will result in considerable cost savings in several areas.

Architectural design of the mall is being carried out by a prominent Adelaide firm of architects and the Adelaide City Council is proposed as the constructing authority. In addition, all aspects of the mall proposals, including the draft legislation, have been under the scrutiny of a steering committee which has equal representation from the affected business interests, the Adelaide City Council and the Government. From the foregoing it is clear that this Bill is the end result of a considerable period of concentrated research and discussion involving all interested parties. In the view of the Government, the proposed mall will increase trade in Rundle Street, make it a more comfortable and attractive place for shoppers and city workers, and boost tourism to this State. The Rundle Street mall will keep this State ahead in the area of central city development and provide a shopping precinct unrivalled anywhere in Australia.

Clauses 1 and 2 of the Bill are formal. Clause 3 sets out the definitions necessary for the purposes of this Act and they are commended to honourable members' particular attention. Clause 4 provides for the fixing of an "appointed day" by His Excellency the Governor. Clause 5 provides that the Rundle Street Mall shall be established on and from the appointed day. Clause 6 provides in effect that so soon as the mall is established the movement of vehicles therein will be substantially restricted to essential vehicles. Honourable members will note that a very substantial fine is provided for offenders against the prohibitions contained in this clause. The reasons for these quite substantial penalties is to emphasise the seriousness with which a breach of this provision is viewed. Vehicles left unattended could totally disrupt the operation of the mall.

Clause 7 is a general power in the council to carry out the works, as defined for the purposes of the mall. Clause 8 provides a specific borrowing power in the council to raise up to $600 000 by way of loan to finance its commitment. This is based on an estimated cost of the project of the order of $900 000, an estimate that may yet require revision. Clause 9 empowers the council to levy a special rate on property in the special rate area; that is, the area *hachured* in the plan in the schedule to the Bill. The purposes for which this special rate, which is limited to 5c in the dollar, may be applied are set out in subclause (6). For present purposes the most important object is the repayment of half of the money borrowed by the council pursuant to clause 8. This clause, when read with clause 13, makes it clear that the cost of the mall to the extent that it does not exceed $900 000 will, in effect, be shared equally between the Government, the council, and the benefiting ratepayers.

Clause 10 provides for the regulation of traffic in the mall, in general by means of a notice published in the *Gazette* and in particular by means of special permits. Clause 11 provides for additional by-law making powers for the council and the scope of the powers proposed is commended to honourable members' attention. Clause 12 confers a general power on the council to operate the mall. However, this clause should be considered in the light of Part V of the Bill, which provides for a Rundle Street mall committee. Clause 13 empowers the Treasurer to refund, up to a maximum of $300 000, one-third of the expenditure of the council on the mall works. The reference to $120 000 in subclause (4) is a reference to an agreed amount that has already been expended on the project. The effect of this provision is to make the Government liable to pay the council $40 000 on this measure being enacted. Clause 14 provides for the fixing of an appointed day for the purposes of Part V of the Bill. Clause 15 establishes on and from the appointed day a Rundle Street mall committee which will, under powers delegated from the council, have the management and control of the mall.

Clause 16 sets out the composition of the committee which reflects the tri-partite financial responsibility for the establishment of the mall. Clauses 17 to 24 are formal and, it is suggested, quite self-explanatory. Clause 25 sets out the areas in which the powers of the council may be delegated to the committee. Clause 26 sets out the areas in which the committee may expect to derive its funds. Clause 27 provides for proper budgeting control. Clause 28 provides for the transfer to the council of an appropriate car park site. Honourable members will be aware that the Rundle Street traders, to use a generic term, set great store by the provision of adequate car parking facilities to support the establishment of a mall. In earnest of its desire to meet the felt needs of the traders, the Government proposes to make available the site, known as the Foy and Gibson site, on extended terms and at no interest, representing a concession in money terms of the order of $250 000. Clause 29 is an evidentiary provision and in brief ensures that the principle of what may be described as "owner onus" will apply to offences in relation to vehicles. Clauses 30 and 31 are formal.

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

SHEARERS ACCOMMODATION BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2931.)

The Hon. A. M. WHYTE (Northern): I support this Bill, on which I think I am quite well qualified to speak. I am disappointed that there are not many provisions in the Bill; we do not really know what we are debating, because so much is left to regulations. I have participated in the shearing industry ever since I left school, with the exception of three years. I have participated in every aspect of the shearing industry, from being a tarboy to being a wool classer. I agree that shearers' accommodation should be reviewed from time to time and kept at a reasonable standard, but I am concerned that the standard may not be flexible enough. The shearer's aim is to have decent accommodation, but it is not really his aim to have stereotyped accommodation, and I am concerned that the regulations may provide for stereotyped accommodation.

The Hon. Mr. Geddes made a plea that the economic situation of the pastoral industry should be taken into consideration when demands were made for upgrading accommodation. The pastoral industry has changed in the past few years from being the goose that laid the golden egg to being a cinderella industry. As a result, this State's economy has been involved in a similar kind of transition. We can hope that there will be an upturn in the price of wool and that, therefore, some of the union's demands can be more readily met than they would otherwise be. At present, the rate is $45 a hundred for shearing and $13 a hundred for crutching. Those rates are fairly remunerative, especially when one remembers that a special taxation rate applies to shearers.

I can remember that, in 1936, Bob Cutler averaged 250 sheep a day for a very large shed. At present prices, that average would earn a shearer $112·50 a day. If a pastoralist had men able to shear sheep in the way that Bob Cutler did, the pastoralist would be happy to pay the shearer his due reward. The rates provided for must be considered in the light of the strenuous work that shearers do. Shearing is one of the few industries that involve very much physical effort today. I recall the story of the famous Jackie Howe shearing 320 sheep in a day with the blade. No-one denies that shearing involves a fair amount of physical effort. I believe that shearers are being paid a rate that is commensurate with that amount of effort, and many of the conditions are not nearly as appalling as some speakers in another place tried to suggest.

The Hon. R. C. DeGaris: Railway workers would be worse off.

The Hon. A. M. WHYTE: Many fettlers' houses would be substandard by comparison with shearers' accommodation. I hope that this measure will result in sufficient co-operation by employers, employees and unions to bring about a commonsense approach to accommodation. The appointment of an inspector was a move in the right direction. I believe that one inspector is sufficient, because he can cover much ground in a year. The appointment of an inspector has several advantages; for example, he can assess and compare the various standards of accommodation. This is a much better approach than the old system involving the laying of complaints by union officials. I cannot remember a top shearer permanently taking the job of team union representative in a shed. On only one occasion did I see a gun shearer temporarily do so; on that occasion they could not get anyone else to take the position. The gun shearer resigned when they got someone else. So, union representatives are not always the most popular or the best shearers in the team, but they are usually the most vocal.

The present inspector has the confidence of the industry generally. I hope that common sense will prevail, because it is not possible for regulations to be drafted to a set standard. It should suffice if there are no complaints from the team and if the inspector believes that the accommodation is fair and reasonable. It is all very well to talk about the industry providing garages and air-conditioned rooms for employees; there is no possibility of any of these amenities coming into being in the present economic situation. We have seen a marked decline in sheep numbers throughout Australia purely because sheep have not been an economic proposition. Indeed, in many instances sheep are kept only because there is no chance of diversification. Other farmers who are keeping sheep hope there will be an upturn in the economy. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. A. M. WHYTE: It is with some regret that, having entered into an interesting discourse on the shearing industry previously, the Council was interrupted for such a long period on matters that were not really of as much concern to the welfare of the people of this State. Before I sought leave to conclude my remarks, I said that there were 16 000 000 sheep in South Australia at present, a reduction of 3 000 000 having occurred over the past few years. I emphasised that, because of the depressed economy in the wool industry, it would indeed be hard for an inspector or anyone else to enforce unreasonable demands on the occupier or lessee of a property to upgrade accommodation for shearers, unless he was given plenty of time to do so. I should indeed like to see an inspector arrange finance for those concerned these days especially if $5 000 or $6 000 (on which 12¼ per cent interest would probably have to be paid) was needed to upgrade shearers' accommodation. An inspector would indeed be doing a good job if he could advance a sufficient argument to justify the granting of such a loan.

Another point that must be borne in mind is that, despite growing unemployment, it is almost impossible at present to get tradesmen to go into the outback to do any sort of work. Primary producers are not helped by things such as the Regional Employment Development scheme. Workmen are fairly well catered for in many instances without having to do much work at all, so it is difficult to get tradesmen or even unskilled men to work on outback properties. I do not say that the Bill is not necessary or that there is much wrong with it, but I am pointing out the difficulties. It would appear with all the legislation that needs to be altered that a boy is sent to scramble around amongst the Acts and, when he turns up with another one, the Minister says, "Put it through, and we will fix up the requirements later by regulation. The important thing is to get another Bill before Parliament."

The Bill is hardly debatable, because most of its provisions will be dictated by regulation. It is a great pity that this is the case, as it is in many other instances. I have no great opposition to the Bill, and there is nothing we can do with it because it will be dealt with almost entirely by regulation. Clause 6 deals with accommodation and amenities. Already, under the pastoral industries awards, for areas in which shearing is conducted away from the homestead, in crutching sheds, and so on, a camping allowance applies, and that should be considered

before any unreasonable demands are made in relation to accommodation. Usually these are small teams of men following this type of shearing, and I have not heard of any quibbles arising from these shearers, who carry small portable plants and shear away from the homesteads. They provide a wonderful service, especially in dry times and at other times when the sheep cannot be moved. They take their plant to the area and carry out the shearing; they do not require any special attention.

The Hon. Mr. Geddes spoke strongly about clause 9, and he has placed on file an amendment dealing with the time allowed for the requirements to be complied with. The necessity for leniency in this matter is emphasised, and the foreshadowed amendment will do something to make these requirements less onerous. The point was raised that the Minister should be able to give proper consideration to any appeal and that it should not be necessary to take every appeal to the court. If, in discussion with the Minister, a solution could be obtained, provision should be there for a lessee to obtain satisfaction in that way rather than having to go through the courts.

The Hon. Mr. Geddes quite rightly dealt with clause 11, which relates to prescribing by regulation the main standards of the Act. He made a valid point: at all times since the inception of the Act there has been fair accord between the department and the grower organisations. In the first instance, this involved only the Stockowners Association and the Australian Workers Union, but after the 1967 amendments the United Farmers and Graziers of South Australia Incorporated came into the act, and the U.F. & G., the Stockowners, and the A.W.U., have been able to confer on a whole range of details covering the shearing industry. The Hon. Mr. Geddes suggested that the organisation mentioned should again be consulted and should be supplied with a draft of the proposals before the regulations were submitted to Parliament.

He suggested that an officer of the Public Service, a person who, in the opinion of the Minister, is a suitable person to represent the interests of the shearers, and a person who, in the opinion of the Minister, is a suitable person to represent the employers should form a body to draft the regulations in the first place. He suggested then that the regulations should be submitted to the grower organisations and the A.W.U. for further study before being presented to Parliament. Those are the main points in the Bill I want to discuss. Perhaps I have forgotten something, but I make no apology for that because it is some time since I first spoke on the matter.

I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Notice to comply with prescribed requirement."

The Hon. R. A. GEDDES moved to insert the following new subclause:

(1a) The Minister may, upon the application of a person to whom a notice has been given under this section, extend to such extent as he thinks fit the time specified in the notice as the time within which the requirement must be complied with.

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the amendment because I believe that a year is an ample period in which the requirements of the notice should be complied with.

The Hon. C. R. STORY: I support the amendment, and I do not think the Minister is fighting very hard. His experience should lead him to believe that a Minister of Labour and Industry, although he may not be capricious, would not be over-generous in these matters. The amendment simply provides the opportunity for the Minister to give additional time in which the prescribed requirements can be complied with. The Hon. Mr. Whyte referred to the possibility of delays caused by floods and the scarcity of tradesmen and materials in outback areas. Therefore, difficulties could arise in some circumstances if the period is not extended beyond 12 months.

The Hon. R. A. GEDDES: The original legislation provided that the Minister had power to extend the time, on application from a pastoralist. At Orroroo this year a young man bought a property but, before the transfer had been completed, a bush fire burnt out all the buildings, including the woolshed, on the property. The sad part of the story is that the property was not insured because the transfer had not been placed in the young man's name. He has to build new quarters, and he is in financial difficulties. Surely it would be reasonable for him to be able to tell the Minister the position and ask for an extension of time in which to provide shearers' accommodation. The Minister might insist that 50 per cent of the work be done within the required period, but he could give more time for the remainder of the work. He would ensure that provisions for the workmen were adequate for the next shearing. I do not accept the argument that any Labor Party Minister or a Minister of any other political persuasion would be so generous as to give an extension in excess of the requirement.

The Hon. D. H. L. BANFIELD: The impassioned plea of the Hon. Mr. Geddes has caused me to support the amendment.

Amendment carried.

The Hon. R. A. GEDDES: I move to insert the following new subclauses:

(3a) A person to whom a notice is given under this section may, within one month after the date on which the notice is given, by instrument in writing, appeal to the Minister against any requirement contained in the notice.

(3b) The Minister shall give proper consideration to any such appeal and may confirm, vary or revoke the requirement.

When a landholder receives a notice, whether from a 16-year-old person or from any other person, he may have to write to the Minister to point out his problems. Under the amendment, the landholder must do that within 30 days.

The Hon. A. M. WHYTE: I support the amendment. I spoke earlier on the need to by-pass court action if at all possible. An agreement should be reached by an approach to the Minister, if possible. Subclause (3) provides that the notice may be left "with a person . . . apparently not less than 16 years of age". I should have thought it would be desirable for such a notice to be given to an apparently responsible person. A youth apparently 16 years of age in some circumstances may be at the Yalata mission by the time his boss gets back, and the boss may never receive the notice. There should be a better description of the person on whom the notice is to be served.

The Hon. D. H. L. BANFIELD: I oppose the amendment. The inspector will issue the notice only if the prescribed requirements are not being met. If they are being met, he does not get any notice. Therefore, there is no point in the right of appeal against any requirement contained in the notice, because the Minister has already power under clause 6 (3) to dispense with, or modify,

any of the prescribed requirements relating to accommodation or amenities. There is therefore no purpose in the amendments. If one wants to serve an employer with a notice and a lad is employed there who is apparently not less than 16 years, I see no reason why he should not be given the notice. As he has to be employed by the employer, it is assumed that he is then sufficiently responsible to receive the notice. If the word "and" was not there perhaps the Hon. Mr. Whyte would have an argument.

The Hon. A. M. WHYTE: I cannot accept the Minister's explanation. The Local and District Criminal Courts Act provides for a summons to be served on a responsible person over 21 years of age.

The Hon. D. H. L. Banfield: But this is not a summons.

The Hon. A. M. WHYTE: Nevertheless, if the notification is not received by the employer it would put him in an awkward position. I do not believe this provision is a good idea.

The Hon. R. A. GEDDES: The Minister referred to clause 6 (3) as a suitable let-out for the property owner in relation to clause 9 (3). Clause 6 applies where four or more shearers are employed in or about a shearing shed, whereas clause 9 deals with conditions on any property. Perhaps two shearers, two shed hands and a rouseabout are employed. We must ensure that there is some right of appeal apart from an appeal through the court, because the landholder might be concerned with only a minor matter. Surely he should not have to go to court to get satisfaction in respect of a trivial matter that could be easily handled in a Minister's office. The Minister's argument that clause 6 covers the amendment is incorrect.

The Hon. C. R. STORY: Clause 9 (3) provides that the notice shall be in writing and may be served on the employer personally or by post or by being left at his usual or last-known place of residence or of business with a person apparently resident therein or employed thereat and apparently not less than 16 years of age. Does that mean that in the case of a written notice a person is assumed to have received the notice if these three things have been complied with? I can accept the position if it is delivered to the employer personally, but if it is sent by post, is he assumed to have received it if it has not been related to the dead letter office? Is he assumed to have received it if it was handed to a person who appears to be about the age of 16 years and who appears to be employed at the property? Is the obligation then on the landholder to comply with whatever is in that instruction?

The Hon. D. H. L. BANFIELD: Yes. It is assumed that, if a notice in writing has been served on the employer personally or by post, he would have received it. The same applies if it is left at his usual or last-known place of residence or business with a person "apparently resident there or employed thereat and apparently not less than 16 years of age". The person needs to be apparently resident there, he needs to be employed by the employer, and he needs to be apparently not less than 16 years of age. It is then assumed that he is a responsible person able to receive the notice and give it to his employer, who has already accepted him as being sufficiently responsible to work for him.

The Hon. C. R. STORY: If that is how a person is instructed to carry out costly work, we must consider subclause (4), which provides that an employer who has been served with a notice and who fails to comply with its requirements can be subject, if found guilty, to a penalty not exceeding $500. I refer to the inconvenience and expense that a land owner is put to in going to litigation in order to defend himself against a notice that has been served on some person who is apparently resident at the place where the man was apparently last in residence, and the person was apparently employed thereat and was apparently not less than 16 years of age. Apparently one can get away with anything.

The Committee divided on the amendments:

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

Noes (5)—The Hons. D. H. L. Banfield (teller), B. A. Chatterton, T. M. Casey, C. W. Creedon, and A. F. Kneebone.

Majority of 6 for the Ayes.

Amendments thus carried; clause as amended passed.

Clause 10 passed.

Clause 11—"Regulations."

The Hon. R. A. GEDDES: I move to insert the following new subclause:

(6) Regulations shall not be made under this section except upon the recommendation of a committee appointed by the minister consisting of—

(*a*) an officer of the Public Service of the State;

(*b*) a person who is, in the opinion of the Minister, a suitable person to represent the interests of shearers;

and

(*c*) a person who is, in the opinion of the Minister, a suitable person to represent the interests of employers.

The Bill gives the Governor power to draw up instructions that shearers' accommodation shall be stipulated by regulation. It is only fair that industry representatives should have the opportunity to assist in the drawing up of the regulations, to avoid unnecessary confusion at any time. It would help the industry and unions to be represented on the committee and, naturally, it would help the Minister to have one of his responsible officers assisting. I believe that the small committee I have suggested would be equally as efficient as a larger committee. It would oversee the regulations so that if justice did not appear to be done, every attempt would be made in the initial stages to foster it.

The Hon. D. H. L. BANFIELD: I oppose the amendment for several reasons. Every Minister, before introducing regulations, discusses them with the people concerned, and these regulations would also be discussed with the people concerned before they were introduced. The amendment would mean that the Minister would have to accept all of the committee's recommendations. Once the regulations have been brought down, they are laid on the table in both Chambers, and any member of Parliament may move for their disallowance. I assure the honourable member that the Minister is carrying out his suggestion of discussing proposed regulations with the people concerned.

The Hon. R. A. GEDDES: One of the reasons for my introducing the amendment was the receipt of a letter which I have already quoted in the Council twice and which I received from the executive officer of the Stockowners Association, addressed to Mr. Lindsay Bowes, Secretary for Labour and Industry. Having noticed that His Excellency the Governor, in his Opening Speech to Parliament, had said that the Government intended to introduce the Shearers Accommodation Bill in the current session,

Mr. Kelly asked whether the Secretary to the Minister of Labour and Industry would forward a copy of the amendments to the association to enable it to examine them. That has been a traditional method of operation by the Stockowners Association since 1922. However, apart from an acknowledgement from the Secretary that he had received the letter, no other communication took place between the executive officer and the association until the Bill was introduced in another place only a few weeks ago.

That is why I consider that, because of the amount of work that the Labour and Industry Department has to do these days and because of the pressure that could be applied by inspectors, it is only fair and proper that employers should be considered in this matter. I said last evening that the grazing industry could not afford unnecessary expenditure. However, the Minister knows that the regulations can be proclaimed without Parliament's sitting and that hardships could be created. Because this departmental slip-up has been proved, I consider this to be a worthwhile amendment and that the industry should have an opportunity to help the Minister formulate any regulations.

The Hon. A. M. WHYTE: If the Minister or the department intend to confer with the people to whom reference has been made, there seems to be no reason why such a provision should not be included in the Bill. I therefore support the amendment.

The Hon. D. H. L. BANFIELD: The amendment provides not that the Government should confer with these people but that it shall accept the regulations suggested by the committee which the Hon. Mr. Geddes is trying to have set up. Any honourable member can move to disallow such regulations when they are laid on the table of the Council. Should it be mandatory, if the proposed committee is set up to recommend certain regulations? Should the power be taken from honourable members to move to disallow regulations?

If the system has broken down only once since 1922, it is not a bad record. If I concede that the system has broken down on this occasion, the fact still remains that representatives of the Stockowners Association had an opportunity to discuss the matter with honourable members of the Council before the Bill was passed, and they will have exactly the same opportunity to do so in future if the system breaks down again.

The Hon. C. R. STORY: I agree with the Minister regarding the amendment: it goes too far, providing as it does that the Minister shall accept any regulations recommended by the committee. If I was Minister, I would object violently to such a provision. A suitable alternative amendment may be that "regulations shall be made after consultation with a committee appointed by the Minister consisting of . . .", and then the members of the proposed committee could be set out. Perhaps something along those lines might be acceptable, as the Minister would not be obliged to take the committee's advice.

The Hon. Sir ARTHUR RYMILL: I oppose the amendment, as I do not believe in committees. We have far too many of them already and, anyway, regulations are already in the hands of the Council.

The Hon. A. M. WHYTE: I cannot agree with the Hon. Sir Arthur Rymill. Amendments should be given fair consideration before they are finally drafted. Many regulations must be withdrawn and amended because they are unsuitable for the Act to which they apply and, the more advice that can be given in drawing up regulations before they are presented to Parliament, the better it will be.

The Hon. R. A. GEDDES: I accept the advice given by the Minister and the Hon. Mr. Story that the provision is far too severe. Will the Minister perhaps report progress so that I will have an opportunity to draft a further amendment along the lines suggested by the Hon. Mr. Story?

The Hon. D. H. L. BANFIELD: I do not want it to be thought that I will support any amendment of the type suggested by the Hon. Mr. Story, as I have already assured the Committee that the Minister will discuss any problems with those in the industry. If a committee comprising three members is set up, someone in the industry who is interested must miss out. I have given an assurance that the matter will be discussed with the interested parties. If the honourable member wishes to persist in drawing up another amendment (which I will oppose and which the Government will oppose) I suppose no harm can be done. I agree with the Hon. Sir Arthur that the regulations get a fair airing in this place on a much broader basis than with a small committee such as the committee that would be set up under the proposal of the Hon. Mr. Geddes. However, I am all heart and I am willing to report progress and seek leave to sit again.

Progress reported; Committee to sit again.

Later:

The Hon. R. A. GEDDES: I have sought advice from wise counsel, and I understand that the amendment as originally printed is by far the best way to get a small committee working. However, it would create difficulties, especially for the public servant who would be the agent for the Government; having to argue with the trade union representative and the employers' representative possibly could put him in an invidious position. If, after the committee had met and the regulations had been drawn up, other people independently came to the Subordinate Legislation Committee and proved that anomalies still existed in the regulations, further embarrassment could be caused. If the Minister will assure me that every endeavour will be made to confer with the interested bodies in drawing up regulations under the Bill, I shall be happy to ask leave of the committee to withdraw my amendment to clause 11.

The Hon. D. H. L. BANFIELD: I have already given such an assurance, and I again assure the honourable member that representatives of people affected by the Bill will be consulted before regulations are brought down. I apologise for its having broken down this time; it was the first time in more than 50 years.

Leave granted; amendment withdrawn.

Clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

MANUFACTURERS WARRANTIES BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2880.)

The Hon. A. F. KNEEBONE (Chief Secretary): As several honourable members referred to certain matters in the second reading debate, I have a lengthy reply to give them and I hope that it will cover the points that have been made. I have been asked to give evidence of the need for this Bill and say what complaints have been made to the Government that would be cured by it. I have received information prepared by the Commissioner for Prices and Consumer Affairs, who states that, during 1974, a total of 1 282 complaints about faulty goods and services was

investigated by the branch. Of these, it is estimated that some 523 concerned defects in manufactured goods, such as electrical appliances, new motor vehicles, clothing, footwear, furniture and household goods. The remainder concerned services and mixed transactions. It is to be noted that the manufacturer could not necessarily be said to have been at fault in all of the 523 cases, nor could it be said that manufacturers attempted to avoid their legal or moral obligations in all these cases. In many cases, the manufacturer was not even approached, the matter in dispute being resolved satisfactorily at the retailer level.

The following are case histories in which the manufacturer was involved. A country woman bought a pair of sandals for her daughter. After about three weeks, the shoes were almost worn through on the heels and soles. The retailer agreed that they were faulty, but the traveller for the manufacturer's agents flatly refused to accept them back from him. The woman wrote twice to the manufacturer's Adelaide agents but received no reply. When the branch contacted them, they quickly agreed to pass a credit for the shoes.

A consumer purchased a dining-room suite from a suburban furniture store. After six months, the legs on two of the chairs began to loosen. The fault appeared to be in the original welding. The retailer returned the chairs to the manufacturer for repairs. A month later, when they had not been returned, and two more had become unusable for the same reason, the consumer complained to the branch. He wrote:

The retailer has done all he can in the matter; the fault lies with the manufacturer. I am unable to contact the manufacturer, as the labels on the chairs state that the purchaser must not contact the manufacturer but must apply through the retailer.

The branch's investigating officer did not take any notice of this admonition and, after verifying with the retailer that the repairs did seem to be taking too long, he contacted the manufacturer about the matter. All four chairs were repaired and returned within three days.

A suburban woman bought a pair of tennis shoes from a Rundle Street department store. She wore them on five occasions (a total of about seven hours), and found them badly worn. The retailer returned them to the manufacturer's agents, who admitted they had had several complaints but would not agree to replace them. The retailer suggested to the woman that she approach the Prices and Consumer Affairs Branch. The branch's investigating officer contacted the agents and suggested that the shoes did not appear to be of merchantable quality. After some discussion, the agents agreed to replace the shoes.

A motorist paid $4·700 for a new car and, on taking delivery, found that the windscreen and surrounding rubbers and hood lining were damaged He complained to the dealer but received no satisfaction. The manufacturer also refused to take any remedial action. The motorist contacted the Prices and Consumer Affairs Branch. At the suggestion of the branch, a Royal Automobile Association of South Australia inspection was performed, which confirmed the faults. However, although pressed by an officer of the branch, the dealer was still reluctant to authorise the necessary replacements and work, as he felt he was unlikely to be reimbursed by the manufacturer. The work was eventually done, and the faulty parts replaced, and the branch agreed to put in writing its opinion that the replacement was justified because of the failure of the existing windscreen to conform to the standards laid down by the relevant Australian design rule.

It has been suggested that there is no need for this legislation, as in most cases the manufacturer provides a warranty. Providing a warranty and providing a satisfactory warranty are two different things. It is sometimes the case that the warranties given by a manufacturer are misleading and of no real value to the purchaser. Examples of what I am referring to are, for instance, warranties prominently headed "10-year warranty", or other periods of impressive length, thus leading the purchaser to think the manufacturer is offering full warranty for the indicated life of the document. Closer examination reveals that the extended warranty covers only some of the components of the product and that the entire product is warranted for a much shorter period.

Another deceptive form of warranty is one which covers only replacement of defective parts and transfers all responsibility for labour costs to the consumer. Since the labour costs are as high as or even higher than the cost of parts, the warranty is only of limited utility to the purchaser. A particularly reprehensible clause found in some warranties makes the warrantor the sole judge of whether or not the product is defective and whether the defect is attributable to the process of manufacture. Sometimes warranties require the purchaser to return the defective article to the selling merchant or the manufacturer. In the case of readily portable items and defective vehicles that still manage to run, this normally creates no hardships. It does create difficulties when the product is, say, a grand piano, or a car that has broken down many miles from the dealer's premises because of the defect of which the buyer complains.

The Bill does not aim at preventing manufacturers from giving warranties in addition to those contained in the Bill. What the Bill does do is ensure that every manufacturer gives a basic meaningful warranty, namely, that the goods are of merchantable quality. It has been suggested that this Bill conflicts with other legislation, in particular section 71 of the Trade Practices Act. That section imposes liabilities on corporations that supply, by way of sale, exchange, lease, hire or hire-purchase, goods to consumers. This Bill imposes liabilities on manufacturers of goods who do not, in the normal course of events, sell, exchange, lease or hire goods to consumers.

I am at a loss to understand how honourable members can imagine that the Bill conflicts with such Acts as the Weights and Measures Act and the Food and Drugs Act and the standards set by the Standards Associations of Australia. The Bill requires manufacturers to provide goods that are of merchantable quality, that is, that they are fit for the purpose for which goods of that kind are ordinarily purchased as is reasonable to expect having regard to the manufacturer's description of the goods, the price received by the manufacturer, and any other relevant factors. This is the obligation imposed on retailers by the Consumer Transactions Act and by all vendors by the Sale of Goods Act. The Sale of Goods Act provision, however, can be excluded if the parties so desire. So, this provision is not a new concept. What is new is that manufacturers can no longer manufacture goods that are not of merchantable quality and place all responsibility for the defect in the lap of the retailer.

Honourable members have criticised the definition of "consumer" on the grounds that a consumer may not be the person who first purchased the goods. It frequently happens that goods are bought by a person not for his own use or enjoyment but for the use of the members of his family or to be given as a gift to a friend. Another common

situation arises where appliances are installed in a new home and the builder sells the house to a person, or the house is sold by one person to another. In all these cases, if the goods turn out to be defective the person who received or purchased the goods directly or indirectly from the original buyer would have no contractual rights of recovery against the retailer or manufacturer because of the absence of privity of contract between him and them. To compound the third party's difficulties, he will usually have no recourse against his immediate seller because the warranties in the Sale of Goods Act will be excluded and the warranties in the Consumer Transactions Act do not apply to private sellers.

The Government sees no reason, however, why the right of a consumer with a derivative title to enforce the warranties which accompanied the first retail sale of the goods should depend on the largesse of the manufacturer or retailer. The reasoning which militates in favour of allowing the retail buyer to sue the manufacturer directly without showing of privity applies at least as strongly in the present circumstances. Indeed, it can be argued that the consumer with a derivative title has a stronger case. The retail buyer at least has a right of recourse against the dealer, whereas the later buyer is left remediless. It may also be remarked that the current legal position provides an undeserved windfall for the retailer, since in many instances it may not be practicable for the original buyer to lay a complaint. Even if he could be persuaded to do so, his damages would not necessarily coincide with the damages suffered by his successor in title. It is not expected that the relaxation of the horizontal rules of privity will lead to a flood of unwarranted claims. The successor in title will still have to show that the malfunction in the article was due to a defect in the manufacturing process and not to some intervening cause, and, in the absence of long-term written warranties, most of the claims are likely to be brought within a short period following the original purchase.

A reference was made to the fact that a manufacturer will have no evidence as to who has used goods, and goods on hire may have been used by 30 to 40 people. I point out that clause 4 (3) provides that, where goods are not of merchantable quality, by reason of an act or default of a person other than the manufacturer, the manufacturer is not liable for a breach of his warranty. The Bill places a liability on the manufacturer to ensure that when goods leave his control they are of merchantable quality; it is not a warranty that the goods will remain for any period of merchantable quality. So, matters of wear and tear and secondhand goods do not enter into the argument. The typical case in which a plaintiff will succeed in a breach of warranty case against the manufacturer is where a manufacturing defect (some defect in the article itself) can be established. In other words, if a person buys a washing machine and it does not work, or if some fault develops in it, by examination he can often prove that there is some fault in the machining or the parts or something in the manufacture of the article itself that shows clearly that the fault is to be found in the manufacture, the final assembling of the machine, or in some of the component parts incorporated in it.

It has been suggested that it is unduly oppressive to include a body corporate in the definition of "consumer". I am unable to see how a body corporate that receives the benefit from this measure could say it was being oppressed. While this measure is primarily designed as consumer protection legislation, there is no good reason why the protection should not extend to all purchasers. If a businessman buys an electrical kettle for use in his home and another for use by the company employees, why should the manufacturer's responsibility be different in relation to the two kettles? The definition of "express warranty" has been criticised for being too wide. All this definition seeks to do is to ensure that a manufacturer stands by the statements he makes about his goods. This is not asking too much of him.

It has also been suggested that a manufacturer could be held responsible for verbal statements made by retailers. Generally speaking, a salesman does not have authority to give a warranty binding even on his own employer. However, the point is that the manufacturer, under this Bill, is made liable only for warranties which he himself gives or which are given by someone on his behalf, and "on his behalf" means as his agent and with his authority. He is not bound by some warranty given by the vendor, the merchant, or any salesman employed by the merchant. He is bound by warranties which he gives or which are given on his behalf by someone having the authority to give a warranty on behalf of the manufacturer. There is no question here of imposing on the manufacturer a liability with regard to express warranties given by the retailer or by anyone else, except with the manufacturer's authority. Honourable members said that under the Bill the manufacturer will be responsible for the standard of goods over which he may have no control and that persons holding patent rights or a trade mark that appears on the goods are also liable for any warranty. That is true, and that is as it should be.

We are here choosing where the loss should fall and are assuming a position in which a consumer has come into possession of goods that contain a defect. For this purpose, we are assuming that the defect is in a component that was already defective when it came into the possession of the manufacturer. The choice we have to make concerns the party on whom the loss should fall, and in these circumstances should it fall on the consumer who had no say in the matter at all, or should it fall on the manufacturer of the finished article, because he, after all, bought the component from a supplier whom he chose and he is therefore in a position, if anyone is, to exercise some influence on the component manufacturer by getting him to replace it or by going elsewhere to purchase his components in the future? He has his remedy, which is easily pursued. It does not seem fair that the ultimate consumer should have to chase down the component manufacturer. A consumer is entitled to say, "I have bought an 'X' brand motor car and am entitled to expect that car to be in good condition. If the car has a defect, I am entitled to look to the people who put the trade name on it to rectify the defect." And this is equally true where goods are totally manufactured by a person other than whose brand name appears on them. If, say, a washing machine is manufactured by "X" company, but the trade name appearing on the machine is that of "Y" company, a consumer should be entitled to seek redress from "Y" company, that is, the company which stands by, or should stand by, the product. The "Y" company has the choice whether to purchase from "X" company or not.

It has been suggested that clause 5 should contain a defence if the manufactured goods have been used in a manner and for a purpose which the goods were not designed. I would point out again that this Bill is concerned only with manufacturing defects of some kind; it is not seeking to make the manufacturer liable for all defects that arise later. We are asking him to say that, at the time they left his control, they were of merchantable quality, which

means they were free from defects that, it the purchaser had known about them, would have influenced the decision of the purchaser to buy the goods or to buy at the price being asked. The manufacturer is not being asked to warrant that the goods will stand up to any misuse or abuse and this is made quite clear in clause 5 (3), which is a restatement of the position at common law. The Hon. Mr. Burdett suggested that the regulation-making power may be too wide. I am sure that the honourable member realises that warranty problems differ greatly from industry to industry and that no single set of statutory provisions can hope to deal adequately with the existing variety of factual situations. We do not wish to discourage competition. Manufacturers should be free to offer warranties additional to those contained in this Bill. It is hoped that manufacturers will comply with the spirit of the legislation and discontinue the practice of giving written warranties that are misleading and of no value to the purchaser, such as those to which I referred earlier. If it appears that manufacturers do continue to provide written warranties that are misleading, the regulation-making power is there to control them. Honourable members have always said that they greatly favour regulation-making powers because they have an opportunity to look at the regulations when they come into force and either disallow them, approve of them, or seek to have them withdrawn and amended in some way. It is over to honourable members regarding regulations, and they know it. It may be that only one industry is involved, and this can be dealt with by itself without interfering with the practices of other industries.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. J. C. BURDETT: I move:

In the definition of "consumer" to strike out all the words after "means" and insert:

any natural person who purchases the goods when offered for sale by retail and includes any person who derives title to the goods by way of gift from any such person.

In the second reading debate I said that I considered this legislation to be unnecessary and that no good examples had been given to show that it was necessary. I still maintain that stand very strongly. The Bill gives a right of action that is all-inclusive. In none of the cases quoted by the Chief Secretary was legal action taken by anyone against anyone. The complaints were remedied without action. This legislation would not have helped in most cases, because the only thing the Bill will do if it comes into force is to give a right of action against the manufacturer. The kind of matter outlined will be rectified in the future in the same way as it was rectified in the past. In none of the cases quoted did the consumers sue the retailers. There was no reason to suppose that, if they had, they would not have received justice.

If it had been necessary to sue in those cases (which it was not) it is just as likely that the consumers would have been successful against the retailers as it is that they would have been successful against the manufacturers. My amendment, first, excludes a body corporate in effect from the definition of "consumer". It means that a consumer, as defined, will mean a natural person, an individual only, and will not include a body corporate. I think the Government would be likely to accept this part of the amendment although, from what the Chief Secretary has said, perhaps not the second part of it because, in almost all the consumer protection legislation we have had to date, the person protected has been the individual, the person, the natural person as a consumer; in hardly any cases has a body corporate been protected.

I referred to this matter in the second reading debate and suggested that there is no need to give even a small body corporate, a family company, this kind of protection. Between bodies corporate, they have their own remedies. If there are two traders and the consumer trader is not obtaining satisfaction from the vendor trader, the consumer trader will not deal with the vendor any more. I acknowledged that this was not a sufficient protection for the individual, for the housewife who bought an electric iron that did not work. It would be no protection to her to say that she would not deal with the vendor any more, but it would be a protection between traders. If a retailer was purchasing from a wholesaler, the retailer could well be a body corporate and if the retailer continually got unsatisfactory goods the effective remedy would be to deal elsewhere.

I stress most strongly regarding this part of the amendment that in consumer protection legislation where there is a need the person who needs protection is the individual—the housewife who buys an iron, the man who buys a car. There is no need to give artificial protection to bodies corporate and to limited companies. The second part of the amendment has the effect of excluding the consumer who purchases by retail after the first. The reason why it is worded in this rather strange way is that, when objection has been raised previously to that portion of the definition of consumer as it stands in the Bill, it has been explained that the intention is to protect the donee, the person who received the gift. It has been suggested that, if my wife buys me an electric shaver for my birthday and it does not work, I should have a remedy because, under the present law, I was not in privity of contract with the manufacturer and my wife had parted with the goods. The purpose of the second part of the amendment is to preserve that so that the donee will have a remedy. The amendment seeks to exclude the liability of the manufacturer to the purchaser by retail after the first.

If the goods have changed hands several times, the liability is excluded. I listened with interest to what the Chief Secretary said on this score, and I said in the second reading debate that I acknowledged that it was unlikely that a purchaser after the first purchase by retail would be able to establish what is required to be established in clause 4 of the Bill in order to proceed against the manufacturer. In my submission it is not reasonable to extend the liability of the manufacturer to the purchaser by retail after the first. The Bill creates a new and radical concept by creating an artificial privity of contract between the manufacturer and the consumer. It appears unnecessarily wide to extend that protection to a consumer other than the first consumer, the first purchaser by retail. It has long been recognised that it is up to the purchaser of secondhand goods to be satisfied with his purchase.

Theoretically a case can be made out for the establishment of an artificial privity of contract between the manufacturer and the first purchaser by retail, so there is a liability on the part of the manufacturer to such consumer. I can see no good case to extend that liability to anyone other than the first purchaser. This takes it much too far. It is a radical enough concept as it stands, and it should go no further. This amendment does two things. First, it exclude bodies corporate from the definition of "consumer". It means that the only person entitled to protection is a natural person, an individual. Secondly, it means that the

definition of "consumer" is confined to the first purchaser by retail, and subsequent purchasers do not have a right of action against the manufacturer.

The Hon. F. J. POTTER: I am worried about the Hon. Mr. Burdett's contention that we should exclude a body corporate. If the words "(including a body corporate)" had not been in the Bill and the words "any person" were used alone it would have included a body corporate by virtue of the provisions of the Acts Interpretation Act. I presume that the words "(including a body corporate)" have been put there *ex abundante cautela* in case of argument about a body corporate being a consumer. The Hon. Mr. Burdett continually referred to a body corporate as a limited company, but there are many bodies corporate and I am worried about the little local football club, which is a body corporate (and which could be disadvantaged by this provision) if the club is incorporated under the Associations Incorporation Act. The Marriage Guidance Council, of which I am President, is an incorporated body and if it buys a refrigerator or similar item it has no right of redress if there is some defect in the machine.

The Hon. R. C. DeGaris: It has a right of redress, really.

The Hon. F. J. POTTER: I am talking about the right of redress that would apply if this provision were made law. This Bill reinforces and puts into statutory form what is part of the common law and what is incorporated in the Statutes in a limited way in our Sale of Goods Act. The concept of merchantable quality is not new. I question whether it is right to exclude a body corporate as there are so many smaller associations and organisations that are not in any way better equipped to make a judgment on the suitability of an article because they are bodies corporate, than is the ordinary consumer or housewife.

The Hon. R. A. Geddes: Is a family company considered to be a body corporate?

The Hon. F. J. POTTER: Yes. I do not see why a family company comprising parents and children should be excluded by the provisions of this Bill if they buy a motor car merely because they are a body corporate. I agree that bodies corporate that are in trade are in a slightly different position and if they are having difficulties with a trade product they can say that they will not take any more of a manufacturer's products because they are having trouble with them. However, a small incorporated body or a family company, especially an association, I do not think is in any stronger position to deal with this problem than is a housewife. In some areas remedies are available under our existing law, although the remedies are not so well known or are not so easy to use as are the provisions in this Bill.

Regarding whether the provisions of the Bill should cover a resale in respect of a secondhand article, I believe it is necessary to consider whether the warranty should go on in those circumstances. It is difficult to cover every possible case. An article could be first purchased and then resold within a couple of months. How can we say whether the warranty should apply in those circumstances? If an article is held for 12 months and then sold the usual warranty would probably not go on anyway. It is for individual members to decide whether goods becoming secondhand should have their warranty continue in force until the warranty, if it is written, ceases to apply at the end of a specific period. I cannot go along entirely with what the honourable member has proposed, although I sympathise with him on his second aspect. There are possibly some difficulties with goods that are sold secondhand. It would be difficult to make a rule to cover all the circumstances of every case.

The Hon. A. F. KNEEBONE (Chief Secretary): I know of many people in the rural industry who have turned themselves into corporate bodies, and I am told that they are not big people. But they would be other corporate bodies removed from the scope of the Bill if the amendment is carried. I know many other people who operate in a small capacity, and I think that any champion of the small man would support me in opposing the amendment. Although we hear much about the small man, the amendment seeks to preclude him.

The Hon. J. C. Burdett: I am trying to confine it to the small man.

The Hon. A. F. KNEEBONE: Yes, but the honourable member's amendment seeks to remove the small business man.

The Hon. J. C. Burdett: Then how should we define it?

The Hon. A. F. KNEEBONE: The other part of the amendment is limited to the first purchaser. The amendment would leave it wide open to all kinds of fiddling that would enable the Bill to be circumvented. Although a person might appear to be the second purchaser, in reality he would be the first purchaser. In the second reading debate, I referred to a person who buys a house, improves it, installs new fixtures, and sells it to someone else. The buyer would be the second purchaser. I am opposed to the amendment, because of my fears about it.

The Hon. J. C. BURDETT: The Hon. Mr. Potter said that it would be difficult to make a rule to apply in all circumstances, but that is exactly what the Bill does: it sets out to make a rule.

The Hon. A. F. Kneebone: It covers more than your amendment does.

The Hon. J. C. BURDETT: The Bill applies in all circumstances and makes a rule that would be fair in some cases and unfair in others. The Bill creates an artificial privity of contract, which is a rule, and it would be difficult to say whether it would be fair to some and unfair to others. My amendment is an improvement on the Bill. There are several kinds of corporation, but most of them can look after themselves. Family companies are invariably trading corporations. Although the Chief Secretary referred to farmers, only a few of them trade as family companies. They trade mainly as partnerships, though they may own land as companies; but only a few families carry on their business as a body corporate.

Sporting bodies, by reason of the charitable views people have towards them and because, if they are taken down, many people would know about it and be upset with the manufacturer, would rarely be in trouble in this way. Several honourable members have said that there are remedies so that anyone who considers that he has been taken down by a bad purchase has remedies now; my amendment would merely be an additional remedy. I doubt whether there will be many actions under the Bill.

The Hon. R. C. DeGaris: It will be like the Mock Auctions Bill.

The Hon. J. C. BURDETT: I think it will be a dead letter.

The Hon. D. H. L. Banfield: Even less if you have your way, do you mean?

The Hon. J. C. BURDETT: No. I invite the Chief Secretary to ask the Attorney-General to have a check made during the next year, if the Bill is passed. It would

not cost much nor would it be difficult. It would be interesting to see how many actions had been taken in the next year under the legislation. The only thing the Bill sets out to do is to give a right of action against a manufacturer; it does not give any other kinds of remedy. I suggest that my amendment is reasonable. It is difficult to strike a rule. The Bill strikes a rule and, because my amendment tries to strike a modified rule, we should try to strike a balance. The Hon. Mr. Potter said that between trading companies it was probably unreasonable that the purchaser should be deemed to be a consumer. There is merit in what he said about smaller corporations and that, with second-hand sales, it is difficult to strike a balance. However, the Bill suffers under the same difficulty, and I submit that the balance which the amendment tries to strike is about the best balance that could be struck.

The Hon. A. F. KNEEBONE: I do not know why the honourable member is so worried about the manufacturer.

The Hon. R. C. DeGaris: Someone must worry about him, because the Government doesn't worry too much about him.

The Hon. A. F. KNEEBONE: That is why the Leader is worried about him: the Bill places the liability on the manufacturer to ensure that, when the goods left his control, they were of merchantable quality.

The Hon. J. C. Burdett: I'm not seeking to amend that.

The Hon. A. F. KNEEBONE: This relates to the second purchaser. All the manufacturer must ensure is that the goods left his premises in a merchantable quality. It is all right for the Hon. Mr. Burdett and the Hon. Mr. Potter to say that remedies already exist. They are both legal men and know of the remedies, but does the man in the street know about them?

The Hon. J. C. Burdett: And he will not know about this.

The Hon. A. F. KNEEBONE: He may go—

The Hon. R. C. DeGaris: To the Consumer Affairs Branch.

The Hon. A. F. KNEEBONE: That is so, and he can be told that there is an Act on the Statute Book. Because of that, no court action will result. This Bill will strengthen the hand of the Consumer Affairs Branch. I urge honourable members to consider what I have said and to think of the small corporate farmer. The Hon. Mr. Burdett does not mind the ordinary consumer being protected, but he does not want the small businessman or the corporate farmer to be protected. The only thing this will do is to let the manufacturer off the hook in relation to his warranty.

The Hon. R. C. DeGARIS: I have considered carefully the views of honourable members who have spoken. It seems to me that the Chief Secretary really supports the Hon. Mr. Burdett.

The Hon. A. F. Kneebone: I thought you were in favour of the rural industry.

The Hon. R. C. DeGARIS: I am, but the farmer who is a body corporate—

The Hon. A. F. Kneebone: He can afford it, can he?

The Hon. R. C. DeGARIS: I am not saying that. He is a person in the market and is generally looked after by people who sell things to him. As the Chief Secretary has said, this Bill will never be used.

The Hon. A. F. Kneebone: I didn't say that. The Hon. Mr. Burdett said that.

The Hon. J. C. Burdett: You said it, too.

The Hon. A. F. Kneebone: I said it may not be used but that it will strengthen the department's hand.

The Hon. R. C. DeGARIS: The Hon. Mr. Burdett was correct when he said that it was a matter of balance.

The Hon. A. F. Kneebone: I would expect you to support him. You are talking on behalf of manufacturers.

The Hon. D. H. L. Banfield: And the shoddy manufacturers, too.

The Hon. R. C. DeGARIS: That is not so. I refute that interjection. The Hon. Mr. Burdett's point is correct: the Bill is all-embracing, and any injustice will rest just as heavily in its being in that way than if the amendment is carried. The cases referred to by the Minister were all picked up, so there has been no problem. The amendment is reasonable and, although the Government may want to come back in 12 months and say, "Look, certain things have cropped up. The Bill is not wide enough, as we have had complaints from corporate bodies," I do not think we will hear one more thing about the Bill. It will go on the Statute Book and, like the mock auctions legislation, we will hear no more about it.

The Hon. A. F. Kneebone: It stopped mock auctions, though, didn't it?

The Hon. R. C. DeGARIS: That may be so. Having listened to the debate, I come down on the side of the amendment.

The Hon. A. F. KNEEBONE: If I created the impression that there would be no prosecutions under this legislation, I misled the Committee.

The Hon. R. C. DeGaris: I am willing to say that there will not be any.

The Hon. F. J. POTTER: I do not think there will be a great number of actions under this provision. The Minister has made clear that this adds strength to the arm of the Consumer Affairs Branch and, as such, it is a Bill that is designed to inhibit the manufacturer and to see that he takes steps to live up to the warranties that he issues. Of course, the Bill also gives power to strengthen the terms of a warranty that may be given or required in a certain case. The main purpose of the Bill has really been disclosed.

I agree with the Hon. Mr. Burdett that this Bill imposes one rule for everyone. One has to make up one's mind whether it is better to have one rule for everyone or whether we should start to cut up that rule (as the honourable member has done) and say that there will be a rule for certain consumers only and not for others. If that is done, just as many difficulties will arise as if there was only one rule for everyone. Honourable members must really decide which way they will go in that dilemma.

The Hon. C. M. HILL: I approached the Bill with an open mind. I intended listening to the debate and making up my mind on the amendments as a result of what was said. I am concerned about excluding some bodies corporate. In this respect, I have in mind the family company. It seems unfair to me that, for example, if one man purchases his motor car in the name of his family company, and his neighbour purchases a motor car in his own name, one of those two purchasers should have rights under this Bill that the other one does not have. The Chief Secretary made a point regarding appliances acquired in certain circumstances. This raises in my mind the strong point that there would be some circumstances in which those who acquire such articles should have some rights if other people are to have rights as a result of this legislation. I agree with the point made that the necessity for this legislation must come under serious challenge but, if there is to be an Act of this kind on the Statute Book, I think that the existing definition of

"consumer" would be a better definition than the one proposed. For the reasons I have mentioned, I am unable to support the amendment.

The Committee divided on the amendment:

Ayes (6)—The Hons. J. C. Burdett (teller), Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, and V. G. Springett.

Noes (10)—The Hons. D. H. L. Banfield, B. A. Chatterton, T. M. Casey, C. W. Creedon, R. A. Geddes, C. M. Hill, A. F. Kneebone (teller), F. J. Potter, C. R. Story, and A. M. Whyte.

Pairs—Aye—The Hon. Sir Arthur Rymill. No—The Hon. A. J. Shard.

Majority of 4 for the Noes.

Amendment thus negatived.

The Hon. J. C. BURDETT: I move:

In the definition of "express warranty", after "to" first occurring, to insert "the quality, utility, capacity, performance or durability of".

Later in the Bill remedies are given for an express warranty being incorrect. This definition is very wide indeed, because it includes an assertion or statement in an advertisement. That is fair enough, but it goes as far as "any statement or assertion, the natural tendency of which is to induce a reasonable purchaser to purchase the goods". When one looks at the ordinary course of a sale, the negotiations preceding it, the approaches by salesmen, perhaps the manager of the company concerned, and so on, together with what is said in the course of a long conversation, much of it has a natural tendency to induce a reasonable purchaser to purchase the goods and so would be caught as an express warranty.

The amendment confines these statements which are caught as express warranties to statements about the quality, utility, capacity, performance, or durability of the goods. It seems to me that that is the only thing the manufacturer should be stuck with. That was really what the Chief Secretary said in his reply. He said that, during the second reading debate, there had been some criticism of the definition of "express warranty", and he said this definition applied only to statements about the goods. That was not correct. It goes beyond that, and the purpose of the amendment is to confine the definition to statements about the goods.

During the second reading debate, I gave an example of this. I referred to a manufacturer who may be selling an onion seeder. He could make statements, the natural tendency of which would be to induce a reasonable purchaser to purchase the goods, about the state of the market. He might say that the market is good or that Australia has a contract with Egypt. He could make all sorts of statements about the market. Unless they are fraudulent and can be demonstrated to be such (and there is legislation about that as well as common law rules about it) it is not reasonable that he should be stuck with those statements. We should not mollycoddle the consumer and the purchaser too much except as to statements about the goods.

The Hon. A. F. Kneebone: What is he likely to say other than that?

The Hon. J. C. BURDETT: I gave an example. He can talk about the international situation, saying, "You should buy this because the market is good", and so on.

The Hon. F. J. Potter: It has to be a statement about the goods.

The Hon. T. M. Casey: Isn't that covered in clause 4 (3)?

The Hon. J. C. BURDETT: We are talking about an express warranty, not about a statutory warranty. In his interjection the Minister was really talking about a statutory warranty, which is different from an express warranty. The Hon. Mr. Potter, by interjection, raised a doubt: the statement certainly has to be about the manufacture of goods. If the honourable member has a doubt, why not clear it up and support the amendment, which makes perfectly clear that the only kind of assertion or statement that the manufacturer can be stuck with is a statement about the quality, utility, capacity, performance or durability of the goods. I have been fairly generous in my amendment by allowing the manufacturer to be stuck with any statement about those aspects of the goods; that is an express warranty, and the manufacturer is liable if there is an incorrect statement there. What more do honourable members want?

The Hon. A. F. Kneebone: Doesn't it matter if the manufacturer tells lies?

The Hon. J. C. BURDETT: If the kind of statement that has been referred to is proven to be fraudulent, the purchaser has, and always has had, his remedies. Under this Bill, which creates a special remedy, the only thing that the manufacturer can be stuck with is his statement about the goods. Concerning other matters, the consumer can make his own inquiries just as successfully as can the manufacturer. The reason why the manufacturer should be liable in connection with statements about the goods is that surely no-one knows more than he does about the goods, because he made them. However, he should not be liable under this Bill for everything he says in a long conversation.

The Hon. R. A. Geddes: It would have to be proved in court that certain kinds of statement had been made, and that wouldn't be easy.

The Hon. J. C. BURDETT: It is a question of the balance of probabilities. It is perfectly reasonable to confine an express warranty of the manufacturer to what he is manufacturing.

The Hon. A. F. KNEEBONE: I do not oppose the amendment very strongly.

Amendment carried; clause as amended passed.

Clause 4—"Statutory warranties."

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

In subclause (3) to strike out all words after "by reason of" and insert:

(*a*) an act or default of the consumer or some other person (not being the manufacturer, or his servant or agent);

or

(*b*) a cause independent of human control, occurring after the goods have left the control of the manufacturer.

Because clause 3 is not quite wide enough in connection with the defence for the manufacturer, my amendment expands the defence for the manufacturer by including a new defence in connection with an act or default of the consumer or some person other than the manufacturer. This is a reasonable defence for a manufacturer.

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

Amendment carried.

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

In subclause (4) to strike out all words after "circumstances" and insert:

(*a*) that were beyond the control of the manufacturer; or

(*b*) that the manufacturer could not reasonably be expected to have foreseen.

This amendment is also a slight expansion of the provision in subclause (3).

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

Amendment carried; clause as amended passed.

Clauses 5 to 8 passed.

Clause 9—"Regulations."

The Hon. J. C. BURDETT: I move:

To strike out paragraph (*b*).

This paragraph provides that the Governor may make regulations preventing any misleading practice in the use of written warranties and, without limiting the generality of the foregoing, those regulations may prescribe, or regulate, the conditions or limitations to which they may be subject. While paragraphs (*a*), (*c*), and (*d*) are reasonable to provide for by regulation, paragraph (*b*) is not. Regarding these three paragraphs, the Hon. Mr. DeGaris suggested that difficulties could arise in providing for even this kind of thing by regulation. He suggested that such things should be written into the Bill. In the second reading debate I said that regulations should be as to form only and, if they were as to substance, they should be about relatively minor matters. Clause 9 (*b*) does not affect the statutory warranty provided by the Act, and whether this amendment is accepted or not the statutory warranty will remain. This amendment deals only with written warranties.

I object to regulations being able to provide the conditions or limitations to which written warranties may be subject. The regulations could be so wide and could so restrict the conditions or limitations that they would virtually exclude any limitations or conditions at all. If that is what is intended, it should be in the Bill. However, it would be possible by regulation virtually to exclude any kind of condition or limitation at all and, if the Government wishes to prescribe conditions or limitations to written warranties (not statutory warranties), it should be done in the Bill. The Chief Secretary referred to the many occasions on which this Council has preferred regulations, but he knows that where something is to be prescribed the Council prefers it to be done by regulation rather than by proclamation, whereas for a matter of substance and not form, when the Government wants to do something about conditions or limitations of a written warranty, it should write it into the Bill. It is far too wide to leave it to be done by regulation.

The Hon. A. F. KNEEBONE: All I can do is repeat what I have said, which apparently was not listened to. The Hon. Mr. Burdett suggested that the regulation-making power may be too wide. I am sure that the honourable member appreciates that warranty problems differ greatly from industry to industry and that no single set of statutory provisions can hope to deal adequately with the existing variety of factual situations. We do not wish to discourage competition. Manufacturers should be free to offer warranties additional to those contained in this Bill. It is hoped that manufacturers will comply with the spirit of the legislation and discontinue the practice of giving written warranties which are misleading and of no value to the purchaser, such as those to which I referred earlier. If it appears that manufacturers do continue to provide written warranties that are misleading then the regulation-making power is there to control them. It may be that only one industry is involved and this can be dealt with by itself without interfering with the practices of other industries. I suggest that the regulation-making provision should remain as it is in the Bill.

The Hon. F. J. POTTER: This amendment worries me because, if we do not include this provision for regulations to control the conditions or limitations of written warranties, there is no power whatever to control them and there may be circumstances where it is necessary to do this. Parliament will have an opportunity to examine regulations. I cannot see what conditions or limitations in warranties need to be regulated. There is all manner of goods, and this presents a difficulty in itself. Limitations as to time might be unreasonably given in certain circumstances, I suppose.

The Hon. J. C. Burdett: They are express, aren't they?

The Hon. F. J. POTTER: Yes. Limitations in respect of repairs, perhaps that an article must be repaired in workshops in Brisbane—

The Hon. J. C. Burdett: Again, that is express.

The Hon. F. J. POTTER: I suppose it is. I am worried that, if we cut it out altogether, we leave no loophole to deal with a specific case. If there are no difficult cases the provision will not be invoked. If it is invoked, it can run the gamut of the usual scrutiny by the Subordinate Legislation Committee and this Council. The honourable Minister is really trying to cut down the broad application of this Bill to specific instances, and that is not easy. I sympathise with what is being attempted, but should we cut this out? It does not do any great harm, and it can only be a useful safety valve.

The Hon. J. C. BURDETT: The only examples that the Hon. Mr. Potter could give were of limitations that would be obvious on the face of the warranty, that is, limitations of time and in respect of repairs in a specific place. This provision refers only to written warranties, so that any condition or limitation would have to be spelt out in the warranty itself. To restrict that is not, I believe, something that should be done by regulation.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett (teller), Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, V. G. Springett, and C. R. Story.

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

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (APPEALS)

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

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

In 1973, the Government established a committee, under the chairmanship of His Honour Judge Roder, to consider certain aspects of the present planning legislation in this State. The review was necessitated by criticism of the legislation in the Supreme Court. Changes to the Planning and Development Act are recommended by the Roder committee and other changes have been suggested by various interested organisations, including local government and conservation groups. Practical difficulties prevent the introduction of all of the proposed amendments in one Bill. It is expected that a further Bill will be introduced in the next session to deal with many other amendments not included in this Bill. The present Bill deals largely with three aspects of planning legislation.

First, it deals with matters relating to planning appeals. The proposed amendments incorporate the recommendations of the Roder committee and are intended to expedite, simplify and lessen the cost of the appeal process. In the past, the legal procedures involved have been the cause of delay, frustration and expense, much of which will be avoided as a result of the provisions of this Bill. The basic essentials of any appeal system, namely, speed, cheapness, impartiality and simplicity will thus be assured. I now come to two aspects of the Bill which do not arise from the Roder committee's deliberations. These deal with interim development control and the hills face zone.

At the present time, the State Planning Authority may delegate all of its interim control powers, or none of them; there is no intermediate course. The proposed amendments to the interim control provisions of the Act are intended to overcome this inadequacy by enabling the State Planning Authority to delegate various aspects of its interim control powers. At the same time, this will enable the authority to retain control of particular aspects of development in areas of special State-wide significance, such as the Murray River and the Flinders Range. The Bill also provides for certain kinds of development, such as minor building works, to be excluded from interim control. This will remove the conflict between the interim development control powers exercised by councils in country areas and the controls exercised under the Building Act where exemptions have been made under that Act.

The third aspect of the Bill relates to the hills face zone. There has been increasing concern at the large number of houses being built in the hills face zone, despite the amendments introduced by the Government into the Act to limit the size of allotments in the zone. It is now proposed that no further allotments should be created in the hills face zone, in an effort to preserve what is left of the natural face of the Hills.

Clauses 1 and 2 of the Bill are formal. Clause 3 repeals that section of the Act that provided for the constitution of the Planning Appeal Board before a certain day; this section is now obsolete. Clause 4 provides that certain procedural matters concerning appeals may be dealt with by commissioners of the board, the secretary to the board, or a registrar. Any question of law raised by a party to the appeal must nevertheless be referred to the board for determination by the Chairman or an associate chairman. Clause 5 enables the Appeal Board to restrict the publication of evidence given before the board, whether the hearing is in public or in chambers, and to exclude any person from a hearing. In addition, the penalty for non-compliance with a direction of the board given under subsection (2) is increased. Clause 6 seeks to simplify the procedures of the board by reducing the legal technicalities involved in appeals. This clause in particular seeks to expedite and simplify appeals, which will be conducted according to equity, good conscience, and the merits of the case before the board.

Clause 7 increases the penalty for failure of a witness to produce documents or answer questions at a hearing. Clause 8 similarly provides an increased penalty for misconduct before the board, disruption of an appeal, etc. Clause 9 sets out the circumstances in which the appeal board may order costs to be paid by a party to an appeal. These are restricted to appeals that are vexatious, trivial, frivolous or have been instituted for delaying or obstructing purposes, and for adjournments.

Clause 10 is consequential upon clause 11, which relates to appeals to the Planning Appeal Board. An applicant may appeal against an authorisation or verification of the Director, the authority or a council. The board may vary, as well as confirm or reverse, the decision appealed against. Appeals against the Planning Appeal Board's decision must be made to the Full Court. As the Act now stands, appeals may be made to the Land and Valuation Court and subsequently to the Supreme Court. New subsection (3) provides that appeals to the Full Court are restricted to questions of law. This is considered desirable because the Planning Appeal Board is a specialist body that has the benefit of hearing evidence on planning matters. Only in relation to questions of law is a further right of appeal necessary; this right of appeal is available within 30 days of the appeal board's decision. New subsection (5) provides that, in the interests of justice, any irregularity which may have occurred in the case may be cured. This will expedite hearings and prevent legal technicalities from barring an appeal.

Clause 12 clarifies certain procedural matters concerning appeals. It provides that two or more appeals arising from a single planning application may be heard together. In addition, it allows the board to fix a convenient time for hearing an appeal, and obliges the board to give reasons in writing for its decisions. Where the reasons are published subsequently to the announcement of the board's determination, the time for appeal runs from the date of publication. Clause 13 empowers the board to join any person it thinks proper as a party to proceedings before the board. Clause 14 provides that the Crown may submit arguments to the appeal board in any proceedings before the board that involve a question of law of major public importance. This simply allows the Crown, like any party to an appeal, to argue its case before the board. However, if the Crown intervenes, the costs of that intervention will be paid by the Government.

Clause 15 enables planning regulations to be made providing rights of appeal against decisions made in pursuance of planning regulations. This clause will widen the right of appeal, which is presently limited to appeals against a planning authority's refusal of consent, permission or approval, etc. For example, a right of appeal against refusal to issue a certificate could be provided in planning regulations as a result of this clause. In addition, the penalties that planning regulations may prescribe are increased.

Clause 16 deals with a number of problems relating to third party objectors. It abolishes the present $2 fee now payable when lodging an objection to a planning application. It is considered that the right of objection given by Parliament should be freely available and the present fee does not make any significant contribution to administrative costs. An applicant must be furnished with a copy of each objection made to his application. An applicant must be given the opportunity to answer any objection that may have been lodged, and any such answer must be considered by the authority or the council, as the case may be. The appeal board is to be notified of any objections that were lodged if an appeal is commenced. By the deletion of subsection (10), the power of the board to make a general order for costs is removed. The other provisions of the Act relating to appeals apply, as far as practicable, to appeals instituted under this section.

Clause 17 provides that minor amendments to planning regulations may be exempt from some of the procedures involved in making planning regulations. Whilst it is desirable that public participation in planning matters be

assured, there are many minor aspects, such as the procedures for making applications, metrication, etc., in relation to which full observance of all of the provisions of this section is unwarranted. The Minister may waive compliance in such cases.

Clause 18 deals with interim development control. It enables the State Planning Authority to delegate to local councils its power to grant or refuse consent to applications. Such delegation to councils may be subject to limitations and conditions. This will enable the authority to delegate power in respect of particular kinds of application, and to retain power in relation to other applications. In addition, the authority will be able to retain control over areas of particular significance. Such a delegation may be varied or revoked by the authority, and the authority may act in any matter notwithstanding the delegation. The penalty for infringement of interim control measures is increased. New subsection (6) clarifies the exemptions from the restrictions set out in subsection (5). Exemptions may be made by regulation. This will enable due exemption to be made in relation to certain minor works that are similarly exempted under the Building Act. New subsection (9) ensures that conditions imposed by a planning authority are able to be enforced even though interim control may have expired. A penalty is provided for breach of any condition that may have been imposed.

Clauses 19 and 20 provide for the increase of certain penalties. Clause 21 provides that the provisions of the Act governing appeals to the Planning Appeal Board shall apply also in respect of appeals against decisions of the City of Adelaide Development Committee. Clause 22 increases the penalty for sale or lease of land other than an allotment, without approval of the Director of Planning. Clause 23 is consequential upon clause 24.

Clause 24 provides that no new allotments may be created in the hills face zone, unless the Governor by proclamation exempts the land from this provision. The Governor may grant an exemption if he is satisfied that it is in the public interest to do so. A proclamation exempting land may be varied or revoked by the Governor. A transitional provision is included so that any application made prior to March 1, 1975, shall not be subject to this provision.

Clause 25 provides an increase in the present penalty in relation to dividing land without the necessary approval. Clause 26 deals with transfer of applications. Clauses 27 and 28 increase the monetary limits for penalties that may be prescribed for breaches of the regulations. Clause 29 provides for an increase in the penalty for a continuing offence against the Act. Clause 30 provides that the law to be applied in any proceedings relating to a decision of a planning authority is the law applicable on the day on which the decision of the planning authority was made.

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

[Midnight]

WARDANG ISLAND

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That this House resolves that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1973, a recommendation be made to the Governor that sections 326, 691 and 692 north out of hundreds, county of Fergusson, known as Wardang Island, subject to rights of way acquired by the Commonwealth of Australia over the above land as appears in *Commonwealth Gazettes* dated November 12, 1959, at page 4002 and April 27, 1967, at page 2038, vide notification in L.T.O. dockets numbered 3041 of 1959 and 2528 of 1964, be vested in the Aboriginal Lands Trust.

CONTROL OF WATERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2920.)

The Hon. C. R. STORY (Midland): I rise to conclude my remarks on this Bill. Its principal clauses amend sections 11 and 14 of the principal Act. The most important clause deals with section 14. I believe this amendment is necessary and is an improvement. The amendment results from a motion moved in another place on October 17, 1973. That motion provided:

That in the opinion of this House, all remaining wetlands in South Australia should be reserved for the conservation of wildlife and, where possible former wet-lands should be rehabilitated.

That motion was moved by the member for Chaffey (Mr. Arnold), and I am pleased to be associated with these amendments because they are in the best interests of conservation. They do not rob anyone of anything, and they give to the people (not only those of today but those of the future) something that is important. If there had not been some conservation efforts in these areas they would have been completely commercialised and there would be nothing of the original wet-lands left.

It is interesting to note that the Control of Waters Act was drawn originally in 1919, and was amended last in 1925. The drafting of this legislation and its objects were purely materialistic, and these amendments take a completely different slant in respect of the control of waters and the administration of land adjacent thereto. Under this Bill new section 14a is inserted with the following marginal note:

The Minister may have regard to certain matters in relation to permissions.

The new section provides:

14a. (1) Notwithstanding the provisions of section 11 or 14 of this Act, the Minister may refuse his permission under either of those sections, if he is of the opinion that, having regard to any factors affecting—

(*a*) the preservation of the amenity of the locality in which the land and watercourse are situated;
(*b*) the conservation of fauna and flora in the locality;
(*c*) the preservation of structures, relics or sites of historic anthropological interest;
(*d*) the preservation of the watercourse from pollution; or
(*e*) the preservation of the nature, features and general character of the locality,

he should refuse the permission.

That is probably one of the strongest pieces of legislation that we have had for a long time, especially in relation to conservation. I believe it is a proper piece of legislation, and I think it should be supported. The only clause of note is clause 5, which amends section 22 of the Act. It is somewhat of an object lesson to everyone in regard to what has happened to the value of our money since 1925. This clause deals with penalties. The sum of £1 ($2) is struck out and the new sum of $50 is inserted in its place. Then the sum of £20 ($40) is struck out and the new penalty provided is $200. The existing penalty of £10 ($20) is struck out and the new penalty is $100, and the sum of £100 ($200) is increased to $500. Despite the long period since 1925, those are steep increases in penalties. Besides the change in money value, I believe the Government is seized with its responsibility to give the courts power to deal with people who contravene the Control of Waters Act, which is an important Act and which will

become more and more important as the demand becomes greater on the Murray River and the consequent need for the protection of this amenity. The Murray River is not only a great amenity: it is our lifeline so far as the development of South Australia is concerned. I have much pleasure in supporting the passage of this Bill.

Bill read a second time and taken through its remaining stages.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2920.)

The Hon. R. A. GEDDES (Northern): I support the Bill, but with reservations, because I am at a loss to see how it will work. One of the most interesting parts of the Bill is the word "weigh", which ceases to have any meaning within the definitions in the Bill. The word "weigh" is substituted by a new word, "mass", as follows:

"mass" means—

(*a*) the quantity of matter contained in an object; or

(*b*) an object of known quantity of matter used to determine the quantity of matter contained in another object:;

One hesitates to understand how in these days of change one will convert measurements. Imagine one's wife weighing herself on the bathroom scales and, instead of saying, "I weigh so much," she says, "Good heavens, look at the mass I am." Another matter that concerns me is that paragraph (*f*) of clause 4, strikes out the definition of "public weighing instrument" and paragraph (*j*) strikes out the definition of "weighing instrument", and no terms are substituted for them. I cannot see what the substitute for a weighing instrument will be when people go and weigh their load of grain, timber or produce, because there will be no definition of these instruments. I hope that the Minister will explain how this "mass" problem will be overcome. The Minister's second reading explanation gives no clue. It states:

Specifically, the amendments involve the substitution of the more accurate term "mass" for the more common expression "weight" where it occurs in the principal Act. A change in the short title to the measure is also proposed to the end that it will, in future, be known as the Trade Measurements Act. Flowing from this are necessary changes in description of the officers whose functions are to administer the Act.

I went to *Cooks Science for Everyman* encyclopedia to get a definition of "mass", which states:

The basic property of matter which is a measure of its resistance to a change of motion. For all practical purposes, the mass of any body can be regarded as constant, and would be the same anywhere in the universe. At speeds near the speed of light, however, the mass of a body changes (see relativity). Differences between the masses of different bodies are shown by differences in the acceleration when they are subjected to the same force. The smaller the mass, the greater will its acceleration be. The force with which a body is attracted towards the earth is its weight so that equal masses will weigh the same at any point on the earth's surface. The difference between mass and weight is illustrated by the fact that the mass of a body would remain the same on the moon or on mars as it is on the earth. Its weight would, however, vary as the gravitational forces are different; on the moon, for example, an object of given mass would weigh less than on earth.

So, we have the confusion over how mass will be measured in some term, but I am at a loss to understand how the application of mass can be effected within the practical purposes of the everyday world. I hope that the Minister will give me a satisfactory reply.

The Hon. A. F. Kneebone: It's for the sake of uniformity and the result of changing to metrics.

The Hon. R. A. GEDDES: That is all very well. The Minister's second reading explanation states:

Clause 10 amends section 13 of the principal Act by providing that the two members representing local government on the committee, formerly known as the Weights and Measures Advisory Committee and continued in existence as the Trade Measurements Advisory Council, shall be appointed on the nomination of the Minister rather than of the Local Government Association. The Government considers that the association represents many councils but, until it represents certain substantial metropolitan councils that are at present not members of it, it cannot be said to be truly representative.

The Minister's argument is not specific, and I do not accept it, and I have amendments on file that deal with this problem. The remainder of the Bill amends the principal Act because the Government has changed the definition of "weighing" to "mass". I have checked the principal Act, and I consider the Minister's second reading explanation to be a true and accurate report. With diffidence, I support the second reading and hope that the Minister will give the Council some idea, if we are not going to weigh commodities on public scales, of what instrument will convert weight to mass.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. R. A. GEDDES: I move:

To strike out paragraph (*c*).

This is a test case. The definition of "elected member" refers to the local government representative. The Government's argument for not allowing the Local Government Association to nominate representatives for the advisory council is not substantial.

The Hon. A. F. KNEEBONE (Chief Secretary): Although we have heard much about democracy recently, the honourable member is saying that a certain number of people who represent local government and its association should appoint people to the councils that covers the whole area. The Weights and Measures Branch administers the whole area. The Government believes that some of the councils in the area who are members of a certain association should continue to nominate representatives to the advisory council. It was considered better for the Minister to appoint two people nominated by the council. I can see nothing wrong with the Bill as it stands, and I ask the Committee to reject the amendment.

The Hon. C. M. HILL: I support the amendment and register my protest at the back-handed manner in which the Minister has dealt a blow to the Local Government Association. I fail to see why the association, which I understand represents 130 of the 137 councils in this State, should be treated in the way in which it is being treated in relation to this Bill. It is proper that the association should have representation in the manner in which it was laid down in the Act before this Bill came before us. Now, the Minister has apparently lost faith in the Local Government Association and has cut out its right to submit a panel of names of its nominees. This treatment of the association is unjustified, and I wholeheartedly support the amendment.

The Hon. C. R. STORY: I, too, support the amendment. One would not be so perturbed if a degree of churlishness was not evinced by the Minister in his second reading explanation, when he referred to the number of councils in South Australia. In fact, of the 137 councils in South Australia, 130 are members of the association, the seven councils that that do not belong to the association not representing a large portion of local government in South

Australia. Surely, the Minister of Local Government would have sufficient confidence in the association to think that it was truly representative of local government. I believe that only six councils are not now members of the association, as at a mid-North meeting of the association last Friday one council rejoined it. The remaining six are not members because they withdrew over action taken by the association in defending ratepayers' democratic rights which were being eroded by a Bill relating to local government boundaries.

The Hon. R. A. GEDDES: The Local Government Association, in my discussions with it, has assured me that it may nominate persons whose councils are not members of the association but whom it considers have the necessary qualifications. Indeed, it recently nominated to the Minister in charge of underground waters the names of men who, although not involved in local government, were well versed in the problems of underground water in the Salisbury area. The Minister has just appointed such a person to the Underground Waters Advisory Committee. I am led to believe that, if a person whose council is not a member of the Local Government Association but who has the necessary qualifications is recommended for appointment, his recommendation will be considered favourably.

The Hon. M. B. DAWKINS: What the Hon. Mr. Geddes has said regarding recent appointments made by the Local Government Association illustrates that it is not tied completely to using its own people. If it finds a suitable person who has the necessary qualifications, the association is not afraid to nominate such a person. I add my support to the amendment, and express my disappointment at the Minister's attitude.

The Committee divided on the amendment:

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

Noes (5)—The Hons. D. H. L. Banfield, B. A. Chatterton, T. M. Casey, C. W. Creedon, and A. F. Kneebone (teller).

Majority of 6 for the Ayes.

Amendment thus carried.

The Hon. R. A. GEDDES: During the second reading debate, I asked whether the Minister would give some assistance regarding the definition of "mass" and how it would affect people's daily lives. A public weighing instrument is defined in the principal Act, but certain words have been deleted and I want to know how the advisory committee on the new Bill will be able to operate.

The Hon. A. F. KNEEBONE: I am sure the advisory committee will know how to operate, because in recent times its members have been instructed in the use of these terms. All weights and measurements are being converted to metric, and the definition of "mass" is in the Bill for the honourable member to read.

Clause as amended passed.

Clauses 5 to 9 passed.

Clause 10—"Establishment and institution of advisory council."

The Hon. R. A. GEDDES: I move:

To strike out paragraphs (*c*) and (*e*).

The argument in support of these amendments is the same as that for the amendment to clause 4.

Amendments carried; clause as amended passed.

Clause 11—"Casual vacancies."

The Hon. R. A. GEDDES: I oppose this clause.

Clause negatived.

Remaining clauses (12 to 26) and title passed.

Bill read a third time and passed.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2917.)

The Hon. R. A. GEDDES (Northern): I support the Bill, which provides for the dissolution of the Adelaide Circulating Library. This library has been the source of books for people in the metropolitan area and many country areas for about 150 years, so we are presiding over the death of an institution that has been part of the State almost since the State's inception. The library has been a source of books for many people. The President of the Adelaide Circulating Library Board told me that even to this day Sir Thomas Playford and the Chief Justice (Dr. Bray) still use the circulating library for their light reading. The library has still many subscribers, but now it is to be swallowed up in the chromium and polished rooms of the State Library, where subscribers need a card and need instructions on the reading of the index, and where the range of books is such that the range provided by the circulating library for so many years will not be so freely available. As I have always had a great love for tradition, it is a sad moment for me that this has come about. This situation has resulted because the Government has not contributed enough money for the upkeep and running of the library.

The State Library Board obtained a grant from the Government of $2 200 000 in 1974 and had a deficit of $1 900 000 in the same year, yet the grant to the Adelaide Circulating Library was only about $8 000. I had in mind making a long and informative speech about the total involvement of institutes and libraries and about the distribution of books in this State. However, bearing in mind the hour, it would be unfair of me to air my knowledge on this matter.

I have examined the Bill, which is completely clear. The Institutes Association is possibly the third tier in the system of book distribution with the Adelaide Circulating Library and the State Library. When the Institutes Association wishes to dissolve an institute and hand over control to the State Library and have a free subsidised library service, the existing Act makes this difficult, because the dissolution must take place before the next operation can commence. So, clause 14 provides flexibility in the dissolution of institutes by providing that a resolution to dissolve an institute may have effect at a future time, subject to the fulfilment of the conditions approved in the resolution. This is intended to enable the members of an institute intending to dissolve to ensure that a library service replaces that provided by the institute and to enable the establishment of the new library to proceed on the definite basis of the dissolution of the institute library. Although a technical matter, this is very necessary in these changing times. I am President of the Institutes Association, and it has had difficulty in dissolving the institute at Kingscote, Kangaroo Island, and the institute at Mount Gambier because of the rigidity of the existing Act. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Arrangement."

The Hon. R. A. GEDDES: Mr. Stockbridge, a former Chairman of the Adelaide Circulating Library, is concerned that three members of its staff will be absorbed into the Public Service or by the State Libraries Department. As the Minister's second reading explanation does not make clear that these three staff members will be looked after, can he say what the position is?

The Hon. T. M. CASEY (Minister of Agriculture): The staff of the Adelaide Circulating Library will be absorbed into the Libraries Department.

Clause passed.

Remaining clauses (4 to 21) and title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (MAJOR ROADS)

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

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

That this Bill be now read a second time.

Its principal object is to provide the necessary legislative basis for the implementation of the Government's well-publicised scheme for a major-minor system of roads in this State. Honourable members will have heard much in the last few days on the subject, and so I do not propose to dwell at length on the various advantages and disadvantages of such a system. Most States in Australia have now adopted, or are in the process of adopting, schemes similar to the ones proposed for South Australia, and for this reason alone I believe that we must, in our turn, conform to the apparent national concept of major and minor roads. The obvious advantages will be the facilitation of the traffic flow on main roads and the probable avoidance of accidents at minor intersections. All intersections and junctions will eventually be properly sign-posted or marked, thus removing some of the possibility of human error.

Whilst the Bill imposes a clear and stringent obligation on a driver on a minor road to give way to a vehicle on a major road, it cannot be emphasised too carefully that the driver on the major road is still obliged, by virtue of sections 45, 45a and 46 of the principal Act, to drive carefully and with due consideration for other persons on the road. This Bill does not give such a driver a carte blanche totally to disregard persons coming from a minor road: he is still under a duty to avoid an accident when it is in his power to do so. The Bill also seeks to place the same duty on drivers approaching a "stop" line as that when approaching a "stop" sign. There have been several occasions when a prosecution has failed because a "stop" sign which a driver failed to obey was not visible at the time or had been knocked over. I commend this Bill to honourable members as a measure that is urgently needed for greater road safety in this State.

Clause 1 is formal. Clause 2 supplies the necessary definitions of "stop" line and "give way" line, both such lines have effect independently on any erected sign. The definition of "give way" line covers the proposed road markings that will indicate major roads (a broken white line, or lines, across the whole of the mouth of an intersecting or joining minor road). The definition of "traffic control device" is widened to include "stop" lines and "give way" lines.

Clause 3 provides that a driver coming to a "stop" sign, a "give way" sign, a "stop" line or a "give way" line shall give way to all vehicles in the intersection (with one exception that is set out in new subsection (1b)). A driver who is not governed by any such sign or line shall give way to his right, unless the vehicle on his right is required by a sign or line to give way. New subsection (1a) provides that a driver referred to in subsection (1), other than a driver at a roundabout, need not give way to a turning driver referred to in new subsection (1b). New subsection (1b) provides that a driver turning to the right at an intersection or junction must give way to oncoming traffic, unless he is on a major road, and the oncoming traffic is on a minor road.

Clause 4 removes any reference to right-hand turns at intersections and junctions, as this is now covered by section 63 of the Act as amended by the previous clause. Section 72 now refers only to right-hand turns into private property and U turns. Clause 5 imposes an obligation upon a driver to stop his vehicle at a "stop" line. New subsection (3b), however, provides that this obligation to stop is not imposed where lights are operating, or at a pedestrian crossing. The other relevant provisions of the principal Act cover these situations adequately, and this new subsection does not derogate from those provisions. Another desirable effect of this amendment is that drivers will be required to stop at an intersection at which the traffic lights have failed. Clause 6 is a consequential amendment.

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

VERTEBRATE PESTS BILL

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

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

This this Bill be now read a second time.

It is intended to replace the Vermin Act, 1931-1967, and the Wild Dogs Act, 1931-1970, Acts providing for the same purpose, the control of vermin. These two Acts, although they have been amended over the years, are now outmoded. This Bill is intended to provide a more effective scheme for the control of vermin, referred to as "vertebrate pests", and also a modern legislative expression of that purpose. The basic provision of this measure, as of the Vermin Act, 1931-1967, imposes a duty on the owner or occupier of any land to control vertebrate pests upon that land and, thereby, reduce the loss to agriculture and damage to the environment generally.

The Bill provides for establishment of an authority, called the Vertebrate Pests Control Authority, with a primary function of ensuring that landholders discharge that duty. For that purpose, the authority is empowered to appoint State authorised officers, who may inspect the control of vertebrate pests anywhere within the State. Councils are empowered to appoint local authorised officers, who are to inspect the control of vertebrate pests within the areas of their councils. The State authorised officers are intended to be concerned with areas both within and outside council areas. In relation to any land, where a State authorised officer is satisfied that the owner or occupier of any land has not adequately controlled vertebrate pests, he may give a notice to the owner or occupier requiring him to control the vertebrate pests. As under the Vermin Act, 1931-1967, a person given such a notice may have the notice reviewed by the Minister. If a person fails to comply with a notice, he will be guilty of an offence, and the authority is empowered to carry out the terms of the notice and recover the cost of so doing.

At the local government level, the Government is aware that there have been problems relating to enforcement, and it is in this area that this measure departs from the approach under the Vermin Act, 1931-1967. One basic problem has been lack of information at the central level about the degree and distribution of infestation by vertebrate pests within the State. Accordingly, provision is made requiring councils to supply such information to the authority in relation to their areas, and the authority will receive such information from its own officers in relation to the rest of the State. In addition, the central body, the authority, is intended to play a larger role in enforcement within local government areas, with local authorised officers being empowered to give only warning notices to defaulting landholders. A duplicate of any warning notice is to be forwarded to the authority, and a State authorised officer may issue his usual notice to a landholder failing to heed a warning notice. This approach should reduce the burden on local government and achieve a more uniform pattern of enforcement. As under the Vermin Act, 1931-1967, the central body, in this measure, the authority, is empowered to take action against a defaulting council, subject to review by the Minister.

The Bill provides, in addition, that any council which, for whatever reason, is ineffectively enforcing vertebrate pest control within its area, may, if it is able to reach agreement with neighbouring councils, request the establishment of a board comprised of persons representative of itself and such other councils as agree to take part. A board so established would take over from the participating councils the enforcement of this measure within their areas, enabling the cost of such enforcement to be shared. Where an arrangement of this nature is not entered into voluntarily, it may under the Bill be established by the authority, or the authority as a last resort may itself assume responsibility for enforcement of the measure within the area of the council and recover the costs thereby incurred.

One basic change from the Vermin Act, 1931-1967, involves the discontinuation of vermin boards. Vermin boards, with certain exceptions, have for some time ceased effectively to enforce vertebrate pest control within their vermin fenced districts, and this measure reflects that fact. Vermin boards instead have been primarily concerned with maintenance of the part of the dog fence within their districts, and provision is made in a Bill, to be introduced, amending the Dog Fence Act, 1946-1969, for establishing boards similar to the vermin boards, but charged only with responsibilities relating to the dog fence. Provision is made in this Bill for payment by the authority of bounties for the destruction of dingoes, and for that purpose provides for the imposition of a rate on land subject to infestation by dingoes, matters at present provided for by the Wild Dogs Act, 1931-1970.

Clause 1 is formal. Clause 2 provides that the measure will come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Acts making up the Vermin Act, 1931-1967, and the Wild Dogs Act, 1931-1970. Clause 5 sets out the definitions used in the Bill. Attention is drawn to the definition of "control", the basic concept for the purposes of the Bill, and the definition of "dingo", a term used in preference to the term "wild dog". Clause 6 is substantially the same as section 16 of the Vermin Act, 1931-1967.

Clause 7 formally establishes the Vertebrate Pests Control Authority. Clause 8 provides for the membership of the authority, and clauses 9 and 10 deal with the term and conditions of office and payment for office as a member of the authority. Clause 11 regulates meetings of the authority. Clause 12 validates certain acts of the authority, and provides immunity from personal liability for acts of its members done in good faith. Clause 13 makes provision for execution of documents by the authority. The functions of the authority are set out in clause 14 and include the administration of the measure, the control of vertebrate pests upon Crown lands, a research, co-ordinating and advisory role relating to vertebrate pest control, and the collation of information relating to vertebrate pests within the State. These functions may be delegated in the usual manner.

Clause 15 provides that the authority is to be subject to the general control and direction of the Minister. Clause 16 makes provision for staffing of the authority. While it is contemplated that most of the staff will be employed under the Public Service Act, at subclause (4) provision is made for employment of persons otherwise than under that Act. Clause 17 provides for the moneys required for the purposes of the Act. Clauses 18 and 19 provide for a rate, Government subsidy and the continuation of the Wild Dogs Fund under the name "Dingo Control Fund", all, in substance, unchanged from the provisions of the Wild Dogs Act, 1931-1970. Clause 18 also makes provision for the fund to be applied in the payment of the bounty for dingoes and for any other purpose relating to the control of dingoes. Clauses 20 and 21 provide borrowing and investment powers. Clause 22 requires the authority to keep proper accounts and for these accounts to be audited.

Clause 23 provides for an annual report of the authority. The authority is empowered under clause 24 to appoint State authorised officers, and a council is required under clause 25 to appoint a local authorised officer. Local authorised officers, by virtue of clause 25 (2), may exercise the powers of an authorised officer, set out in clause 26, in relation to their council's areas only. Clause 27 provides the usual protection for the authorised officers in their personal capacity. Clause 28 imposes the duty on owners or occupiers of land to control vertebrate pests upon that land and upon certain adjoining land, as is the case under the Vermin Act, 1931-1967, and provides for the enforcement of that duty by means of warning notices given by local authorised officers and notices given by State authorised officers, failure to comply with the latter notices being an offence. Provision is made in this clause for review by the Minister of a notice given by a State authorised officer. Clause 29 provides that the occupier of any land should ensure that no-one keeps vertebrate pests upon that land and, if he fails to do so, he is guilty of an offence.

Clause 30 exempts persons from compliance with the measure in the case of zoos, circuses or research institutions keeping any vertebrate pest, or any person keeping one cage of rabbits. Clause 31 makes it an offence to sell rabbits and other vertebrate pests, but exempts sales by zoos, circuses or research institutions. Clauses 32 and 33 make it an offence to let a vertebrate pest loose or to import a vertebrate pest into any island within the State. Clauses 34 and 35 provide for offences relating to dog-proof or rabbit-proof fences. All these offences are substantially the same as offences created under the Vermin Act, 1931-1967. Clause 36 sets out the duties of councils under this measure, namely, to prosecute offences against this measure, to cause inspections to be made of vertebrate pest control and to keep certain records. Clause 37,

providing for council finance for this measure, is the same as the corresponding provision in the Vermin Act, 1931-1967. A council is required by clause 38 to keep accounts and records relating to this measure. Clause 39 empowers councils to carry out vertebrate pest control work for a fee, the council often being best equipped to carry out this work in its area.

Clause 40 provides for establishment of a board upon the request of two or more neighbouring councils, to carry out the duties of those councils under this measure. Clause 41 makes provision for the authority to give a council a notice, requiring the council to cause inspections to be made of vertebrate pest control in its area, or to furnish information relating to the species, numbers and distribution and control of vertebrate pests within its area, the notice being subject to review by the Minister. Clause 42 provides that the authority may carry out the terms of a notice not complied with, and recover the cost from the defaulting landholder or council, as the case may be. Clause 43 provides that the authority may pay a subsidy to a council for cost incurred or to be incurred by the council in relation to vertebrate pest control, the Minister having this power under the present Vermin Act, 1931-1967. Clause 44 empowers the authority to recommend the establishment of a board comprised of two or more councils to carry out the duties of those councils under this measure. Such a recommendation may be made under subclause (2) if the authority considers one or more of the councils is, for whatever reason, not adequately discharging its duties under this measure. Alternatively, in the case of such a council the authority may under clause 45 take over from the council the responsibility of enforcing the measure within the area of the council and recover from the council the cost of so doing.

Clause 46 provides that the owners or occupiers of land inside and adjoining the dog fence may lay poison or set traps on land outside the dog fence on giving notice to the owner or occupier of that land. Clause 47 replaces a number of provisions in the Vermin Act, 1931-1967, providing for contribution towards the cost of rabbit-proof or dog-proof fencing by adjoining landholders. It is intended that this be regulated under the new measure relating to contribution for fencing costs and clause 47 provides that, where a dispute occurs relating to such contribution, the authority may, by providing the appropriate document, settle any question before a court as to whether a rabbit-proof or dog-proof fence is an appropriate fence in the circumstances. Clause 48 provides for the service of notices and clause 49 is an evidentiary provision. Clauses 50 and 51 are formal provisions relating to proceedings for offences. Clause 52 empowers the making of regulations including regulations relating to the supply and use of poisons for vertebrate pest control.

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

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL (FEE)

Adjourned debate on second reading.

(Continued from March 18. Page 2918.)

The Hon. C. M. HILL (Central No. 2): This is a short Bill which the Minister said was designed to overcome a minor problem in the principal Act. It may be a minor problem from the point of view of the Attorney-General but it has not been a minor problem from the point of view of those people who were charged $20 and who believed they should not have had to pay it in the circumstances in which they were placed; indeed, some were ready to go to gaol as a result of this issue. The Government accordingly has seen fit to overcome this error, and this is one of several adjustments required to the principal Act.

It deals with the payment of $20 which people have been charged in the month of February in relation to their licences or registration under the Act. The change in the Bill provides that in future this amount will be paid with an application for renewal of a licence or registration. Some people who have already paid or who were charged the amount did not wish to renew their licences, so an unjustice occurred.

I am pleased to see that, in the Bill before us, those who have paid and who do not wish to proceed to hold a licence for the 12 months from April, 1975, to March, 1976, will have the amount refunded. I support the Bill.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (MISCELLANEOUS METRIC CONVERSIONS) BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2919.)

The Hon. C. R. STORY (Midland): I support this legislation. I have been through the Bill and the explanation as thoroughly as one can do in the time available, and I cannot see anything that is other than as set out in the Minister's explanation: minor amendments are made. The amendment in clause 6, for example, simply alters 2 lbs. avoirdupois to one kilogram, and so it goes on through the whole of the Bill. It is essential for the amendments to be made because, if we want to have (as I suppose we do) a complete consolidation of the Statutes by the end of this year, this is the only way in which it can be done. The Bill seems all clean and tidy, and I see no objection to its passing. I support the second reading.

Bill read a second time and taken through its remaining stages.

TEACHER HOUSING AUTHORITY BILL

Adjourned debate on second reading.

(Continued from March 18. Page 2933.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I share the views of the Hon. Mr. Springett, who dealt with with this Bill yesterday. Personally, I cannot see the reason for the Bill. The Housing Trust should be responsible for providing houses not only for the community at large but also for the Education Department in particular. The Bill does not state that the Minister of Education is the Minister responsible for the legislation; I do not know whether the omission is by design or whether it is accidental. One would have thought that the Minister responsible would be the Minister of Education. I am not enamoured of the Bill but I see no course other than to support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 23 passed.

Clause 24—"Vacant tenancies."

The Hon. R. C. DeGARIS (Leader of the Opposition): In this clause, reference is made to the "the Minister", but there is no definition of who is the Minister responsible. Will the Minister of Education be the Minister responsible for the legislation?

The Hon. T. M. CASEY (Minister of Agriculture): Yes.

Clause passed.

Clause 25 passed.

Title passed.

Bill reported without amendment.

Bill recommitted.

Clause 4—"Interpretation"—reconsidered.

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

"Minister" means the Minister of Education.

My amendment follows the point raised by the Hon. Mr. DeGaris.

Amendment carried; clause as amended passed.

Bill further reported with an amendment. Committee's reports adopted.

Bill read a third time and passed.

ADJOURNMENT

At 1.32 a.m. the Council adjourned until Thursday, March 20, at 2.15 p.m.