LEGISLATIVE COUNCIL

Thursday, November 25, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Adoption of Children Act Amendment,
Constitution Act Amendment,
Cottage Flats Act Amendment,
Justices Act Amendment,
Teacher Housing Authority Act Amendment.

QUESTIONS

GAWLER TO HAMLEY BRIDGE ROAD

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Lands representing the Minister of Transport.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the completion of the sealing of the Gawler to Hamley Bridge Road which passes the Roseworthy College and Wasleys. A section of road between Wasleys and south of Hamley Bridge has been built up to sub-base standard for some time and has been left unsealed. As the Minister will know, there have been other cases where a considerable amount of money has been used for the preparation of a road and the road has not been sealed.

This road is designed to take from the Main North Road as far south as Gawler the traffic which would normally go through Hamley Bridge, Balaklava and towns in that area. The section which has not been sealed has been left in this partly prepared state for some considerable time. Will the Minister ascertain from his colleague when the road will be completed and when it will take over the load of traffic from the Main North Road in that area?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague, the Minister of Transport, and bring down a reply.

WEEDS

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to addressing a question to the Minister of Agriculture.

Leave granted.

The Hon. J. R. CORNWALL: Early this year, the Weeds Act was repealed and replaced with the Pest Plants Act. This provides for a Pest Plants Commission as well as a series of council-controlled weeds boards. Names of the commissioners were announced in July and since then I believe the commission has started setting up the various weeds boards. From what I read in the press, particularly in the South-East, it appears there is a certain amount of opposition to these weeds boards. In fact one vocal critic is quoted as saying, "The Pest Plants Commission has decided on a narrow policy which will have far-reaching implications of a detrimental nature." From what I can gather, some councils feel they are being forced into groups —groups that they feel are not in their own best interests. Can the Minister say whether councils are being forced into boards and do they, in fact, have any say in the matter?

The Hon. B. A. CHATTERTON: No, they are not being forced into boards. The legislation passed by this Parliament last year required the Pest Plants Commission to consult with the councils that become part of the structure under the new legislation. In establishing boards, the Pest Plants Commission had to start somewhere, and its first step was to write to councils with proposals (these are just proposals) for a possible grouping of councils into boards. I think some of the councils do not understand fully that these proposals are being put to them, as I have said, as a first assessment of the situation as the commission sees it. So far, about 60 per cent of the district councils in South Australia have agreed with the principle of multi-member boards that have been suggested by the commission, but about 21 of the councils want a single-council board, and another 14 councils have objected to the boards in principle, or have asked for further clarification of the details the commission put before them. As I said earlier, I hope the councils will continue to discuss the matter and put forward to the Pest Plants Commission their views on the formation of boards.

MINISTERIAL STATEMENT: HEALTH COMMISSION BILL

The Hon. D. H. L. BANFIELD (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. D. H. L. BANFIELD: On Tuesday last, when coming back from the conference between the two Houses on the South Australian Health Commission Bill, I was asked whether I would go back to Cabinet on the matter. I said:

During the course of the deliberations I was asked whether I would go back to Cabinet and ask the Government if it would be prepared to reconsider the question of rating, or secondly, would the Government consider the possibility of totally phasing it out of the field of local government or limiting the total amount raised by the levy to a specific sum? I indicated that I would be prepared to raise these two matters at a subsequent meeting of Cabinet but in no way was I prepared, nor was the Chairman of the conference, to take that as a part of the discussion for the purpose of the conference. That was the right attitude to adopt, otherwise it could be assumed that the conference was being directed by Cabinet as to what to do on the advice before them. I believed that Cabinet should not be involved concerning a further discussion at that stage. I did give an undertaking that I was prepared to take the two matters up with Cabinet, and I will give the undertaking that, subsequent to this Bill passing, I will raise the matter with Cabinet and that it will be for it to decide the attitude concerning the future levying of councils.

In accordance with an undertaking I gave to this Council on Tuesday, that I was prepared to take up with Cabinet two matters raised at the conference between the two Houses when discussing the 3 per cent levy on councils for capital expenditure by hospitals used by people from the various councils, I now report that I have carried out that undertaking and Cabinet has decided that there will be no alteration at this stage but that it will, when considering all other charges, bear in mind the points raised.

WATER RESOURCES ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Water Resources Act, 1976. Read a first time.

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

That this Bill be now read a second time.

This short Bill makes three amendments to the principal Act, the Water Resources Act, 1976, the need for which arises following the early stages of its operation. Clause 1 is formal. Clause 2 amends section 29 of the principal Act, which deals with the grant of licences to take surface water. The effect of the amendments is to enable the terms or conditions of a current licence to be varied, with the consent of the holder of the licence. It is not unknown that during the currency of a licence there arises a need to alter some of the terms and conditions to the advantage of the holder. Without a provision of this nature, the holder would have to surrender his licence and seek a new licence and this seems to be administratively cumbersome.

Clause 3 amends section 43 of the principal Act, which deals with licences to withdraw underground waters, and the amendments to this section are identical in form to those proposed in relation to section 29. Clause 4 amends section 64 of the principal Act by clarifying the powers of the Water Resources Appeal Tribunal to ensure that a successful appellant will receive the fruits of his victory.

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

VALUATION OF LAND ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Valuation of Land Act, 1971-1975. Read a first time.

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

That this Bill be now read a second time:

It amends the Valuation of Land Act in two significant respects. First, it seeks to deal with a problem arising from the judgment of His Honour Mr. Justice Wells in *Harry v. the Valuer-General.* In the judgment His Honour placed a rather restrictive interpretation upon section 16 of the principal Act which empowers the Valuer-General, in his discretion, to make separate valuations of any portion of any land, or to value land conjointly with other land. It is necessary for the Valuer-General to exercise his power to make a separate valuation of portion of a larger holding (*a*) where the land is under separate occupation and (*b*) in cases, such as those arising in the South-Eastern Drainage Act, where the Valuer-General may have to make a valuation of a proportion of land notwithstanding that it does not form a separate holding.

The principal Act at present provides that all parts of the State outside local government areas constitute a single valuation area for the purposes of the Act. It is administratively difficult to value that area as a whole and accordingly, the Bill provides that regulations may split up that portion of the State into separate valuation areas. Clause 1 is formal and clause 2 provides that the regulations may divide so much of the State as lies outside local government areas into separate valuation areas and clause 3 makes an amendment consequential upon a change of the name of the Commonwealth Institute of Valuers. Clause 4 clarifies the power of the Valuer-General to value land that does not constitute a separate allotment or parcel of land.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's message:

Schedule of the amendments made by the Legislative Council, to which the House of Assembly had disagreed

No. 1. Page 3—After line 9 insert new clause 4a as follows:

4a. *Power to take plea without evidence*—(1) When a person is charged with sexual intercourse of a person under the age of seventeen years, or with indecent assault, the justice sitting to conduct the preliminary examination of the witnessess may, without taking any evidence, accept a plea of guilty and commit the defendant to gaol, or admit him to bail, to appear for sentence.

(2) The justice shall take written notes of any facts stated by the prosecutor as the basis of the charge and of any statement made by the defendant in contradiction or explanation of the facts stated by the prosecutor, and shall forward those notes to the Attorney-General, together with any proofs of witnesses tendered by the prosecutor to the justice.

(3) The Attorney-General shall cause the said notes and proofs of witnesses to be delivered to the proper officer of the court at which the defendant is to appear for sentence, before or at the opening of the said court on the first sitting thereof, or at such other time as the judge who is to preside in such court may order.

(4) This section shall not restrict or take away any right of the defendant to withdraw a plea of guilty and substitute a plea of not guilty.

No. 2. Page 3, line 10 (clause 5)—Leave out the clause.

No 3. Page 4 (clause 12)—After line 18 insert new subsections (5) and (6) as follows:

(5) Notwithstanding the foregoing provisions of this section but subject to subsection (6) of this section a person is not indictable for rape, or indecent assault upon his spouse, or an attempt to commit, or assault with intent to commit rape or indecent assault upon his spouse (except as an accessory) unless the alleged offence consisted of or was preceded or accompanied by—

(i) assault occasioning actual bodily harm to the spouse; or

(ii) the threat of actual bodily harm to the spouse; or

(iii) the threat of the commission of a criminal act against a child or relative of the spouse.

(6) Subsection (5) of this section does not apply in any case where the element of sexual intercourse in the alleged rape was constituted by the introduction of the penis of one person into the anus of another or the introduction of the penis of one person into the mouth of another.

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

That the Legislative Council do not insist on its amendments.

You, Mr. Chairman, gave your casting vote in favour of the amendments in order that another place could consider them. The House of Assembly has now considered the amendments and has disagreed to them, because it believes they destroy the intention of the Bill and the principle encompassed therein. I support its reasons in this matter, and I refer to what was said during the previous debate on the Bill here. I ask the Committee to not insist on the amendments.

The Hon. R. C. DeGARIS (Leader of the Opposition): Again, I cannot agree with the Minister's view, and I ask the Committee to insist on the amendments involved. I believe they are reasonable, do not destroy the Bill or its general concept in any way but do provide protections needed in the legislation.

The Hon. F. T. BLEVINS: I support the motion and I disagree entirely with the Hon. Mr. DeGaris, because I believe that the amendments destroy the principles involved in the Bill. Because the issues have been exhaustively canvassed, there is little point in going through the matter again. The Opposition's treatment of clause 12 has been an education to me; I would not have believed that in this day and age some legislators would not concede that human beings have the absolute right to the integrity of their own bodies. The idea of granting this right to a woman as regards her anus and mouth but not as regards her vagina shows a real mental sickness.

Since last Tuesday, some honourable members opposite, who know that clause 12 should pass unamended, have allowed political considerations to change their minds. I would not normally object to that; we are all political animals and we should be responsive to political pressures. However, on an issue such as this, involving the fundamental right of all human beings to the protection of the criminal law against rape, for some honourable members opposite to succumb to political pressures and to go back on what they clearly said is the most disappointing thing I have witnessed since I became a member of this place. I appeal to honourable members opposite not to yield to political pressures; they should stand by their second reading speeches and give wives the same protection as that afforded to all other women.

The Committee divided on the motion:

Ayes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Pair—Aye—Hon. C. W. Creedon. No—Hon. M. B. Cameron.

The CHAIRMAN: There are 9 Ayes and 9 Noes. Because the processes of Parliament enabling further discussion and consideration of this measure have not yet been exhausted, I give my casting vote to the Noes.

Motion thus negatived.

Later:

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference to be held in the Legislative Council conference room at 9.15 a.m. on Monday, November 29, at which it would be represented by the Hons. D. H. L. Banfield, J. C. Burdett, R. C. DeGaris, C. M. Hill, and Anne Levy.

Later:

The House of Assembly intimated that it had agreed to the time and place appointed by the Legislative Council for holding the conference.

ELECTORAL ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from November 23. Page 2344.)

The Hon. R. A. GEDDES: I support the Bill in its present form. The Australian Labor Party has always been famous for its concern for the working man's vote, as long as that working man lives in the metropolitan area. Realising that it is generally getting only 40 per cent of the rural vote, the A.L.P. is searching for ways in which it can reach out to show the prospector, boundary rider, fettler or nomad that at last it is giving lip service to the problem, which is magnified by indifferent mail services, and the long distances and sparsity of population in that great land mass, the North of this State.

What lip service, originality and progressive thinking it was when in February a concerned back-bencher, the Hon. A. M. Whyte, because of his knowledge and concern for these people on the Strzelecki track north of Moomba, and the Birdsville track west of Woomera, introduced a Bill to allow them to register and be able to claim a general postal vote by a far simpler system than that which existed at the last State election, when so many people were denied a vote.

The Bill will allow the voter to register as a general postal voter. However, this will apply only to those people who live within the prescribed area. We do not know what a prescribed area will be and, indeed, when that area will be prescribed. We are told, although this does not appear in the Bill, that the prescribed areas will not be known until the writs are issued and until the Electoral Department decides where the polling booths shall be established. Should there be a snap election, with which we have become familiar in this State during the last decade, by the time the Electoral Department is able to have the areas prescribed and the voters enrolled as general postal voters, an election could well be over and the Liberal Party in Government. Then, we can set to and do a better job.

I now refer to the machinery of the Bill. I refer particularly to the problems experienced by postal voters who live in the remote areas of this State. I beg the question: when will the prescribed areas be decided? When the Government answers that question, I should also like it to explain how the prescribed areas will be described. The North of this State, that great land mass, has few distinguishing landmarks. Even tracks can be in one area one month and in another area another month. The country can be covered in feed and flowers in one season and moving sand in another season. Therefore, I cannot quite see how a prospector or boundary rider will ever be able to glean whether he is within a prescribed area or not from the description that may appear in the *Government Gazette*.

The suggestion put forward in the Hon. Mr. Whyte's original private member's Bill, and by amendment already on file, is that where a person lives beyond 40 km of a polling booth he should be entitled to this form of special postal vote privilege. That to me seems a practical way because of the commonsense attitude. A person knows whether he lives near a settlement where there is a likelihood of a polling booth, whereas he would not know positively whether he was living inside or outside a particular prescribed area.

I suggest the Bill as it stands will not work in a satisfactory manner and as the Government would wish it to work. With those few words I support the second reading so as to have the privilege of supporting some amendments at a later stage.

The Hon. M. B. DAWKINS: Very briefly I want to support the second reading and to commend the Hon. Mr. Whyte for the preliminary work he did on this particular Bill and also for the amendment which he has foreshadowed. I express some concern about the electoral visitor. I hope that the people who will be appointed to this task will be people who are suitably qualified and who are of a non-political persuasion, to use a phrase

which has been used in electoral matters for some years. I am pleased to see by the provisions of the Bill that these electoral visitors will be appointed by the Electoral Commissioner.

I support the provisions which provide for the Electoral Commissioner and Deputy Electoral Commissioner to be appointed and if it is the intention of the Minister to appoint the people who are now in effect holding those positions, I believe that the people of South Australia, the Government and the Opposition can have every confidence in those particular gentlemen. With those few comments I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—"Application for registration as a general postal voter."

The Hon. A. M. WHYTE: I move:

Page 5, line 15—Leave out "within a prescribed area" and insert "more than forty kilometres distant from the boundaries of any polling place for the time being appointed pursuant to subsection (1) of section 14 of this Act".

In the first place I want to thank all honourable members who have given me credit for initiating this measure. I want to say also that I am very grateful that the Government has taken the steps that it has in providing the means by which practically every person who has ever cast a vote will under this measure have the opportunity in South Australia to do so. However, I question very much the wisdom of introducing the legislation in its present form and of prescribing areas rather than allowing a person with the necessary qualification to become a general postal voter merely by virtue of the fact that he lives 40 kilometres or farther from a polling booth.

I would imagine that to provide for all of those people who do live farther than 40 kilometres from a polling booth and wish to enrol as a general postal voter it would be necessary to prescribe probably about three-quarters of the land area of the State, and in doing so we would need a roll that would be I think 10 times larger than would be necessary to facilitate the requirements of the general postal voter whom we wish to help. I believe there would be areas in the Murray Mallee, some isolated cases in the electorate of Flinders, and certainly the present electorates of Eyre and Frome would contain the biggest majority of people who would wish to apply. There is also the light-housekeeper to be considered. Not all of these people would have to be within a prescribed area in my amendment, and it seems quite unnecessary and unweildy to me, if we are going to prescribe a large area and make a large number of people eligible to place their names on this roll, when it is probably only necessary to have a roll of perhaps 300 or 400 people in this State.

The possibility of people changing their address and the necessity to upgrade the roll frequently would to a large extent, I believe, be alleviated if my amendment is carried. In discussions with the Attorney-General last night he pointed out to me that the 40 km distance as proposed was not all that was necessary because a person could live within 40 km of a polling booth but may not be able to reach that polling booth—

The Hon. T. M. Casey: On the day of the election.

The Hon. A. M. WHYTE: —unless he travelled much farther than the 40 km. I take the instance of a person living on the one side of the Flinders Range and a polling booth situated directly opposite him on the other side of the range which may be only a distance of 25 km, but he would have to travel much farther by road to reach that polling booth and therefore should, in my mind, be eligible to apply for enrolment as a general postal voter. I would ask, with the permission of the Committee, to include in my amendment after the words "more than 40 kilometres distant" the words "by road". I seek leave to amend my amendment accordingly.

Leave granted; amendment amended.

The Hon. A. M. WHYTE: Having made that amendment to my amendment, I believe the amendment I now have on file serves a better purpose than the wider provisions outlined in the Government's Bill. It is unnecessary to prescribe huge areas of this State and leave the rolls so open that thousands of people could be enrolled under these special provisions. This amendment does nothing to the provision now in the Act enabling any person to apply for a postal vote in the already normal circumstances. This amendment merely creates a situation for those people who are disadvantaged by the fact that there is not a mail service running often enough for them to register a vote, on many occasions.

The Hon. T. M. CASEY (Minister of Lands): Whilst I have the greatest respect for what the Hon. Mr. Whyte is trying to do (I am not trying to take any kudos from him; it has been said already that he was responsible in some way for the introduction of this Bill into Parliament), the Bill as it is is better than what is contemplated by this amendment. I know the Northern country very well, probably better than any other person in this Parliament, and say that unequivocally.

The Hon. C. M. Hill: Are you sure of that?

The Hon. T. M. CASEY: I am positive. In the Bill, "prescribed area" is the terminology used. I would sooner have prescribed areas, which would be prescribed by the Commissioner, than what the Hon. Mr. Whyte is suggesting—that there would have to be a distance of more than 40 kilometres by road—because the honourable member knows as well as I do that there are plenty of places like that. For instance, there is the Brachina railway siding; four families live at Brachina. I have called there at election time, and they have no way of getting to Parachilna to vote. They are not 40 kilometres away from Parachilna. That is one example and, going up the north-south railway line, for small places the nearest polling booth is at Oodnadatta.

The Hon. R. C. DeGaris: Why can't they get there?

The Hon. T. M. CASEY: They have no motor cars; that was my experience at Brachina.

The Hon. R. C. DeGaris: How about Parachilna?

The Hon. T. M. CASEY: They used to travel by train, if a train came on that day; but it did not necessarily come through on that day.

The Hon. R. C. DeGaris: But they could go by road.

The Hon. T. M. CASEY: Prescribed areas will overcome the problem. If we are to have a restriction of so many kilometres, we defeat the whole purpose of the clause. No flexibility is allowed.

The Hon. R. C. DeGaris: There is plenty of flexibility.

The Hon. T. M. CASEY: No; it is not allowed, but it is allowed with prescribed areas.

The Hon. R. C. DeGaris: No, it is not.

The Hon. T. M. CASEY: Yes, it is. We can prescribe the whole of the Northern area, but the Hon. Mr. Whyte is confining it to 40 kilometres distance from a polling booth.

The Hon. A. M. Whyte: Anywhere in the State.

The Hon. T. M. CASEY: It just does not work. Going up further on the north-south railway line, we get the same situation north of Marree; the next town we come to is William Creek. There is a siding at William Creek, and those people would be in trouble in the same way. There is probably the same situation on the east-west railway line, although I do not know that as well as I know the north-south line. No doubt there are problems there but, from my own experience, I say you are putting problems into the hands of the Commissioner, who wants to proclaim prescribed areas. If this amendment is carried, we are creating problems. If the prescribed areas remain, I think we must rely on the judgment of the Electoral Commissioner, who knows how many people are on the roll in certain areas and where they come from. If we do not allow him this flexibility, we shall tie his hands. That is my personal experience during election time.

The Hon. A. M. WHYTE: I cannot understand the Minister's argument about flexibility, because in the prescribed area provisions there is no flexibility unless another area can be prescribed. We may find an isolated case where a person is eligible to apply to become a postal voter and we have to prescribe another area, which takes in hundreds of square kilometres, just for one election, which is unnecessary under my amendment. I know that the Minister represented Frome and was a satisfactory member at that time, but I point out to him that, despite his covering that area when he was a member of another place, I was probably packing horses through all that country while he was going to a nice college, so I know more about that area than he does. The position of the people at Brachina which he mentioned is that there is a mail service to Brachina, so they are not precluded from applying under the provisions of the present Act for a postal vote. It is not necessary for the fettlers to be put on this special electoral roll, because they can apply under the Act now for a postal vote, and they will get that postal vote and return it in time to be counted. The provision I envisage is much more flexible.

The Hon. T. M. Casey: No, in no way.

The Hon. A. M. WHYTE: There is no need for the Commissioner to go any further with the Act. Once my amendment is carried, a person automatically knows whether or not he is eligible to become enrolled as a general postal voter and, once he has qualified, the Commissioner has to do nothing more about prescribing areas and having areas prescribed by way of regulation in order to accept him. It is as simple as that. There is much more flexibility in my amendment than there is in the present Bill.

The Hon. T. M. CASEY: I know a person who lives less than 40 kilometres west of Oodnadatta, and he and his wife seldom visit Oodnadatta. They normally get their mail, and so on, from there, but they are happy to remain on their property. They have missed out on voting several times, because they have not known that the election was being held.

The Hon. A. M. Whyte: Was the man too busy painting?

The Hon. T. M. CASEY: He could have been, and what the honourable member says is fair enough. There must be other similar cases, and the amendment does not allow flexibility. Because there are few trains on the north-south line, it is difficult to get mail at regular intervals. I have asked station masters what time the next train will arrive and have been told, "When it gets here." The Bill corrects all the anomalies that have existed in the Far North. We want to allow people in remote areas to remain on the roll and vote. However, the amendment ties the matter down unduly. If the honourable member wants to try to get something through, then it is his prerogative but the amendment would give the Commissioner problems.

The Hon. C. M. HILL: I think the Minister said that there would be a small booth at Parachilna.

The Hon. T. M. Casey: There are about four families there.

The Hon. C. M. HILL: How far does the Government intend to go in prescribing areas? This seems to be a means by which the Government intends to close down many small booths, and I do not believe in closing down booths in country centres. If the area prescribed included Parachilna, the town would be in the same prescribed area.

The Hon. T. M. Casey: Not necessarily.

The Hon. C. M. HILL: In that case, prescribed areas may look like jigsaws, dodging townships and settlements. I thought that a fairly large area would be prescribed. At a Federal election, people at Paruna or Parachilna will be waiting for their votes.

The Hon. F. T. Blevins: Your colleagues in the Senate prevented us from doing this in the Federal sphere.

The Hon. C. M. HILL: People will be confused if they have to go to the polling booth for a Federal election but must work under the system in the Bill for a State election. A fundamental of the Hon. Mr. Whyte's proposal was that few people would be involved. He did not want the proposal to cover a vast area through the North. People in remote areas, particularly where the mail arrangements were bad, were prevented from voting previously, but the Government would not accept the Hon. Mr. Whyte's original plan. Let the Government say how many people will be on this large roll, because we must consider the cost of policing and maintaining it.

The Hon. F. T. Blevins: If you think the Bill is no good, throw it out.

The Hon. C. M. HILL: We are trying to arrive at the best solution, and I think the Government is running into danger with the prescribed area basis. Many people who now apply for and obtain postal votes and are happy with that arrangement will be under the same arrangement as that referred to in the reply regarding the people of Brachina.

The Hon. T. M. Casey: They have been using postal votes for a long time.

The Hon. C. M. HILL: The scheme will be changed, and the Government should consider the Hon. Mr. Whyte's simple proposal.

The Hon. T. M. CASEY: I cannot follow the Hon. Mr. Hill, because many times in the past 10 or 15 years booths have been closed. For example, at Ucolta, where I used to vote, there were nine people on the roll.

The Hon. R. C. DeGaris: At one stage, the voting was nine Liberal and no Labor, was it not?

The Hon. T. M. CASEY: I voted there and always voted Labor. How many people would be in Parachilna?

The Hon. C. M. Hill: About 12.

The Hon. T. M. CASEY: I understand the Post Office has been closed. There would be a hotel keeper and his wife, a school teacher, and perhaps four families. How could we justify having a polling booth, with 11 voters on the roll? Blinman is about 40 kilometres away. It has a bigger population and people from outlying areas can still choose to vote at a polling booth there. In

considering the position of such remote areas of the State, honourable members should recall that the population is diminishing in those areas, and it is up to the Commissioner to determine exactly what will be the prescribed areas. It would be foolish for us, who in comparison with the Commissioner, know little about the electoral system, to try to influence him to do something that he would find administratively difficult to do. It is up to the Commissioner to close booths if he considers they are not necessary because of the few people they service. Having given the example of the small town of Ucolta, I also refer to Johnburgh. It had only about 15 voters at one election I contested, but I was pleased to get one vote from that booth. I see nothing the matter with the Bill as it stands. It is a good Bill, giving the Commissioner the flexibility he must have. I do not want to tie his hands in any way whatever.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Minister said that he did not want to tie the Commissioner's hands in any way whatever. I accept that, provided the Commissioner has a discretion about whom he puts on the postal voters' roll other than merely on the basis of distance. This clause provides that by regulation the Government will determine the areas in the State from which a person can apply to go on the postal voters' roll. The Hon. Mr. Hill's point is valid. Does the Government intend closing small polling booths? If the Commissioner were given terms of reference under which a person could be put on the postal voters' roll if he showed just cause why it was extremely difficult or impossible for him to vote, say, because of the mail services, the Commissioner could put that person on the postal voters' roll. More than distance is involved. I refer to a fisherman at sea who cannot get back in time to vote, whereas if he were included on the roll he would probably receive his voting papers a week earlier and could send them off. I will agree if the Minister wants to give maximum discretion to the Commissioner, but this Bill does not do that. It allows the Government to prescribe areas.

The Hon. T. M. Casey: That fisherman could apply for a postal vote.

The Hon. R. C. DeGARIS: He might be able to vote efficiently for years without any problem, but in one year he might not get back in time to vote.

The Hon. T. M. Casey: He could take the necessary precautions.

The Hon. R. C. DeGARIS: The Commissioner should have the discretion—

The Hon. T. M. Casey: In prescribed areas.

The Hon. R. C. DeGARIS: The Minister did not say that.

The Hon. T. M. Casey: But that is what we are talking about.

The Hon. R. C. DeGARIS: What has been suggested is more satisfactory than prescribing areas. Will all of Eyre and all of Frome be prescribed areas? People in, say, Peterborough will be on the postal voters' roll.

The Hon. A. M. Whyte: There is nothing to stop them once that area is prescribed.

The Hon. R. C. DeGARIS: True, and that was not the intention of the Hon. Mr. Whyte's Bill. How will we draw lines across the State indicating prescribed areas? That will not work. Therefore, the Government will have to prescribe areas such as Eyre and Frome.

The Hon. T. M. Casey: Areas could be prescribed outside local government areas.

The Hon. R. C. DeGARIS: Yes. How will areas in the Murray Mallee be prescribed? If the Minister will allow the Commissioner to run his own postal voters' roll on that basis, where just cause can be shown by a person, irrespective of where he lives in the State, because of the peculiar difficulties of the mail or his occupation, he should be allowed to be put on the roll, it would be a much better system than the system advocated by the Minister.

The Hon. A. M. Whyte: If it were left to the Commissioner's discretion to draw areas it would not be long before he came down in favour of my amendment.

The Hon. R. C. DeGARIS: I am sure that is so. The existing position is not good enough. As the Minister said, we must give the Commissioner the maximum discretion within the guidelines. The Hon. Mr. Whyte is correct when he says that prescribing areas by regulation is not satisfactory.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte (teller).

Noes (9)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, and C. J. Sumner.

Pair—Aye—Hon. M. B. Cameron. No—Hon. N. K. Foster.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable further consideration to be given to this matter by the House of Assembly, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 15 and 16 passed.

Clause 17—"Registration of general postal voters and issue of certificate and ballot-papers thereto."

The Hon. A. M. WHYTE moved:

Page 6, line 13—Leave out "within a prescribed area" and insert "more than forty kilometres distant by road from the boundaries of any polling place for the time being appointed pursuant to subsection (1) of section 14 of this Act".

Amendment carried.

The Hon. A. M. WHYTE moved:

Page 7—

Line 3—After "the writs," insert "by notice in writing to an elector,".

Line 3—Leave out "any" and insert "that".

The Hon. T. M. CASEY: I accept the amendments.

Amendments carried; clause as amended passed.

Clauses 18 to 22 passed.

Clause 23—"Enactment of Part XA of principal Act."

The Hon. R. C. DeGARIS: Part XA introduces a totally new proposal relating to voting in institutions that may be declared as institutions for the purpose of this part of the legislation. New section 87b provides:

(1) The Governor may, by proclamation, declare—

(*a*) any hospital;

(*b*) any nursing home;

or

(*c*) any other institution (whether or not of the same kind as those referred to in paragraphs (*a*) or (*b*) of this subsection) that has or may have inmates who are electors and for any reason precluded from leaving the institution and attending at any polling booth to vote,

to be a declared institution for the purposes of this Part.

This provision really sets up a new type of polling booth. An electoral visitor, appointed by the Electoral Commissioner, will visit a declared institution and collect absent votes, really, from the inmates. Every honourable member

would agree that the present position, where people canvass hospitals and nursing homes for postal votes, is rather undesirable. I do not think there is any real opposition to the new concept. I do not intend to move any amendments in connection with this matter, but I would prefer a system whereby declared institutions became actual polling booths, with a returning officer appointed for these declared institutions and with the voting taking place on the day of the election. In all other polling booths the candidates are able to have scrutineers. New section 87i provides:

Any person present when an elector is voting with an electoral visitor shall—

(*a*) obey all directions of the electoral visitor; and

(*b*) except as provided in section 87g of this Act—

(i) refrain from making any communication whatever to the elector in relation to his vote;

(ii) refrain from assisting the elector or in any manner interfering with him in relation to his vote; and

(iii) refrain from looking at the elector's vote or doing anything whereby he may become acquainted with the elector's vote.

Penalty: Four hundred dollars, or imprisonment for three months.

One would assume that that provision really permits the appointment of a scrutineer, but there is no way in which a candidate could appoint a scrutineer, because he does not know when the electoral visitor will visit a declared institution. If new section 87i is in the Bill really to allow scrutineers to go with the electoral visitor, there should be some means whereby such scrutineers can be appointed and whereby they can know when the electoral visitor will go to certain institutions. It is reasonable to assume that new section 87i deals with scrutineers. Several different types of institution will be declared, and I will deal with only two of them.

I refer, first, to the Helping Hand Centre in North Adelaide. It is reasonable to assume that that organisation will be one of the declared institutions. Also, nearly every person residing in that establishment would be enrolled in the district in which the institution is located. I do not see any difficulty in appointing a scrutineer there, because the candidates in Torrens District would appoint a scrutiner, who could then go there when the electoral visitor went to the institution.

We then come to the difficulty of an institution such as the Royal Adelaide Hospital. If there were at that hospital people from every electoral district in the State, the appointment of a scrutineer would become a difficult problem. If scrutineers are to be allowed there, it seems that we must adopt a new system to allow some scrutineers to act on behalf of a political Party. This becomes difficult under the present law, as there is no recognition of political Parties.

I hope that the Minister can understand the point that I have tried to make about this new concept. Although I do not oppose it, I think it could be improved. I ask the Minister to consider what I have just said and to report progress, as I am now examining amendments along the lines to which I have referred. We could then return to a consideration of the Bill with amendments relating to scrutineers in the new type of polling booth to be established at these institutions.

Progress reported; Committee to sit again.

Later:

The Hon. C. M. HILL: In the institutions where electoral visitors obtain votes from inmates, there ought to be opportunity for candidates to have scrutineers when the vote is cast. The present provision gets away from the time-honoured principle that candidates can have a scrutineer present at voting time. If the candidates can have scrutineers available and if the electoral visitors gave notice to the candidates of the days on which they would be at institutions, that would avoid the need for a second electoral visitor.

In the second reading debate, I asked the Minister a question regarding clause 23, but apparently that has been overlooked. It seems that, if a husband went to visit his wife in an institution and advised her to apply for a postal vote, he would be committing an offence and would be liable for a penalty of $200, because the husband would be counselling his wife. That is ridiculous.

The Hon. R. C. DeGARIS: Although the Minister has not replied to my point about the new Part, I have had discussions with the Parliamentary Counsel and the Electoral Commissioner. I said that there were two categories of declared institution, one being a hospital such as Royal Adelaide Hospital, where there would be electors from every district in the State, and the other being an institution such as Helping Hand, where practically all the electors would belong to one district. Concerning an absent voter in a hospital, it can be argued that there is no need for scrutineers, because the provision merely extends the front counter of the Electoral Office to the hospital situation. No scrutineer would be needed when an absentee voter casts his vote in that situation. Yet, it is entirely a different situation in an institution such as the Helping Hand Centre where practically all the inhabitants will be on the electoral roll for that district in which the centre is situated.

I have considered moving an amendment in this matter, but I have received an undertaking from the Commissioner that, where he is satisfied that the majority of electors in an institution are from the one district, he will advise candidates that an electoral visitor will be attending the institution at a specific time and the candidates can appoint scrutineers to attend at that time. With that undertaking and its approval by the Government I am willing to accept Part XA. Has the Minister anything further to add?

The Hon. T. M. CASEY: I have nothing to add, as the Leader has covered the matter well. The Hon. Mr. Hill referred to new section 87k. The Electoral Office will be responsible for issuing postal votes in such institutions. It undertakes to do this. It wants to eliminate people canvassing in institutions. If a husband visited his wife in an institution and said that he believed she should get a postal vote, even if he did not know what the Act stipulated, no action would be taken. The idea is to stop people canvassing, trying to get people to fill out a postal vote and influencing them in some way. The Electoral Office will be responsible for issuing postal votes to inmates of institutions.

The Hon. C. M. HILL: Does the Government want to do away with traditional postal voting in prescribed institutions?

The Hon. T. M. Casey: The Electoral Office will be responsible for issuing postal votes.

The Hon. C. M. HILL: We should not deny a person his right to apply for a postal vote. We should not be taking this right from people. I do not agree that I need not worry about that part of the clause to which I referred, because it provides clearly that, if a person counsels another person to apply for a postal vote from a prescribed institution, the person giving that advice is guilty of an

offence. A husband in visiting, say, his wife, in an institution and while telling her of the happenings in the outside world, suggests that she gets a postal vote should not be possibly subject to a fine of $200.

What sort of legislation are we passing if we just shrug this off and say the matter will never apply, and whip it through nevertheless? It is not the best possible legislation. Has the Minister any further comment? I asked another question in the second reading stage to which I have not yet received an answer. Who does the Government intend to appoint as electoral visitors? I presume they will be officers normally employed by the Electoral Office on polling days, and this may be extra work that they could do during the campaign period. I have never heard any complaint in this regard, but I am asking my question in good faith.

The Hon. T. M. Casey: You are bang on.

The Hon. C. M. HILL: Is any investigation made by the Electoral Office of the integrity of officers appointed to such positions? Unless this is done, in an intense election campaign someone from either side could claim that unreasonable influence was exerted by these people in institutions. Parliament should be able to reject such claims because the Electoral Office has made every inquiry to ensure the integrity of officers working in this situation, that they would not influence people in institutions as to how they should vote.

The Hon. T. M. CASEY: The honourable member has answered his own question, because he does not doubt the integrity of electoral officers appointed by the Commissioner. The honourable member has no cause for alarm. The same people appointed by the Electoral Commissioner at present will be appointed in exactly the same way as electoral visitors. In reply to a point made earlier by the honourable member, I do not think there would be anything wrong with a husband visiting his wife in hospital, discussing the election, and perhaps suggesting that she should vote in one way or another; that is a personal matter.

The Hon. R. C. DeGARIS: As I understand the provision, a person in a declared institution cannot vote by means of a postal vote. New section 87f provides:

(1) Subject to this section, an electoral visitor may, within the period commencing at the time of nomination and expiring at five o'clock in the afternoon of the day preceding polling day, subject to the regulations, issue a vote certificate and ballot-paper to any elector who is in the opinion of the electoral visitor qualified to vote under this Part.

(2) An electoral visitor shall not issue a vote certificate and ballot-paper to any elector to whom a postal vote certificate has been issued or whose name is noted on the certified list of voters as an elector to whom a postal vote certificate and postal ballot-paper have been issued unless the elector first delivers his postal vote certificate and postal ballot-paper to the electoral visitor for cancellation.

In view of this provision, I doubt whether an electoral visitor is there for the purpose of arranging postal votes at all: he is there to provide a vote certificate. This is an extension of the absent voting procedure: instead of the voter going to the Electoral Office and casting a vote, the Electoral Office goes to him. New section 87k provides:

No person shall counsel or procure any elector who is an inmate of a declared institution to make an application for a postal vote. Penalty: Two hundred dollars.

The Hon. Mr. Hill's point is perfectly valid. A wife could be in hospital, and her husband could come along and say, "I am not keen on the electoral visitor system. I suggest that you apply for a postal vote." If he says that, he is liable to a penalty of $200. Perhaps a person in an institution should not vote by means of postal voting; perhaps he should use the services of the electoral visitor. It seems strange that a person in an institution does not have the right of choice. There is no way in which a person in an institution can get a postal vote: he has an absent vote.

The Hon. T. M. Casey: If it's a declared institution, it will be an absent vote.

The Hon. R. C. DeGARIS: That is exactly the opposite from what the Minister said a moment ago.

The Hon. T. M. Casey: It does not apply in all institutions, but only to declared institutions.

The Hon. R. C. DeGARIS: Part XA deals only with declared institutions. If a husband suggests to his wife that she should apply for a postal vote, he is liable to a penalty of $200.

The Hon. C. M. HILL: If postal votes are to be dispensed with entirely in declared institutions, there is no need for new section 87k. I do not mind if the Minister wishes to check the matter more fully, but, if it is the case that postal votes are to be done away with in declared institutions, there is no need for this new section with its provision that no person shall counsel or procure any elector who is an inmate of a declared institution to apply for a postal vote.

The CHAIRMAN: Is there anything in the Bill that provides that a person in a declared institution shall not vote by post?

The Hon. R. C. DeGaris: No.

The Hon. A. M. Whyte: No.

The CHAIRMAN: The Bill seems to contemplate that if an electoral visitor makes his visit there might be half a dozen who have already received a postal vote, anyway.

The Hon. C. M. HILL: If we are speaking of the Royal Adelaide Hospital, people may be going home or perhaps going away on holidays for convalescence before the electoral visitor is expected, in which case a husband could say to his wife, "I have thought about your vote, and the only way is to vote by post, so please apply for a postal vote", and he is up for a $200 fine.

The Hon. T. M. Casey: That would be a declared institution.

The CHAIRMAN: That would be if you could ever obtain any evidence.

The Hon. C. M. HILL: It is not good legislation. Let us assume that there will be cases where people will exercise postal votes. I suggest that what should be added to this clause is that no person other than a member of a person's family shall counsel or procure.

The Hon. R. C. DeGaris: Or "No-one shall apply as an inmate of a declared institution for a postal vote." The person in a declared institution cannot apply for a postal vote.

The Hon. A. M. Whyte: That would mean the repeal of section 73, and I would not be prepared to tackle that at this time of the night.

The Hon. T. M. Casey: If your wife was in hospital and you visited her and advised her to get a postal vote, who would know about it?

The Hon. C. M. HILL: Here we have a Minister of the Crown saying that as long as no-one finds out that you broke the law it is all right. The Minister should refer to the Premier. The Premier is a specialist in that type of thing.

The Hon. F. T. BLEVINS: What do you mean by that? On a point of order, Mr. Chairman, the Hon. Mr. Hill has just made a most unparliamentary remark about the Premier. I cannot allow that reflection to pass. It was a very clear reflection, and an offensive remark. I ask that the Hon. Mr. Hill should withdraw and apologise.

The Hon. C. M. HILL: Will you agree that the Premier has said that a person can break the law as long as he is prepared to suffer the consequences?

The Hon. D. H. L. Banfield: That's different.

Members interjecting:

The Hon. C. M. HILL: It is not different. The Hon. Mr. Casey said a moment ago that no-one would ever find out.

The Hon. F. T. BLEVINS: Mr. Chairman—

The CHAIRMAN: Order! I ask the Hon. Mr. Hill to resume his seat. The Hon. Mr. Blevins.

The Hon. F. T. BLEVINS: What I objected to was that the Hon. Mr. Hill said that the Premier agreed that, if you break the law and no-one finds out about it, that is all right.

The Hon. T. M. CASEY: I should like to clear up one point with the Hon. Mr. Hill. I merely said, "If you visited your wife in hospital and you counselled her to get a postal vote, who else would know about it?" That was the simple question I asked, yet the honourable member has tried to drag the whole thing through the mud heap.

The Hon. C. M. Hill: The Minister said, "Who would find out about it?"

The CHAIRMAN: Order! There has been an objection that the Hon. Mr. Hill has cast a reflection upon the Premier. Unfortunately, I did not hear exactly what he said. I am convinced that Government members seem to think that what the Hon. Mr. Hill said was a reflection on the Premier, and I call upon the honourable member to withdraw his remark.

The Hon. C. J. Sumner: And apologise.

The CHAIRMAN: Order! I shall decide whether or not the honourable member must apologise.

The Hon. C. M. HILL: If honourable members opposite think that I offended the Premier—

Members interjecting:

The CHAIRMAN: Order!

The Hon. D. H. L. BANFIELD: I understand, Sir, that you have asked the honourable member to withdraw the statement he made. It does not seem that the Hon. Mr. Hill is going to obey that direction. Where do we go from here if the Hon. Mr. Hill ignores that direction from the Chair? What is the position, your having ordered him to withdraw his statement?

The CHAIRMAN: I have called on the Hon. Mr. Hill to withdraw his imputation, if that imputation exists, as I assume it does.

The Hon. C. M. HILL: If that imputation exists, then I will withdraw it.

The Hon. F. T. Blevins: And apologise.

The CHAIRMAN: Order! I do not think this is an occasion on which the Hon. Mr. Hill should be called on to apologise, because he has just said "if there is an imputation". It was not a direct attack or reflection on a member of another place, and I do not think this is a suitable case for an apology to be made.

The Hon. F. T. Blevins: The Hon. Jim Dunford had to apologise as well as withdraw.

The CHAIRMAN: Since reading *Hansard*, and seeing how the Speaker in another place interprets that Standing Order, I intend—

The Hon. C. J. Sumner: You've been around longer than he has.

The CHAIRMAN: —to follow him on this occasion.

The Hon. C. M. HILL: If we return to the serious business before us of trying to make the best possible provision under which the people of this State will conduct their voting practices, we must seriously examine this clause and try to improve it. This Council has never in the past, from my experience, passed a law that obviously had a serious weakness in it. Whether or not a husband or wife can be detected when breaking the law, this situation should not continue. I accept the fact that it is possible for a person in a declared institution to apply for a postal vote, although an electoral visitor may attend at that institution. I agree with the principle that an organiser of a Party should not be allowed to go into a declared institution and counsel or procure an elector to apply for a postal vote, but surely a member of that persons family should be able to do that. There must be some exemption provided, and I ask the Minister to allow me time to draft a suitable amendment that can be discussed later.

The Hon. R. C. DeGARIS: I believe that an electoral visitor should not be able to hand out postal vote forms. However, what would happen if a person's wife, son, or daughter was in a hospital but left the declared institution before the election? The husband may say to the wife, "You have to apply for a postal vote because you will not be here when the electoral visitor comes around." At that point alone, he breaks the law. Is that person to apply for a postal vote because he or she will not be in the institution when election day comes along? The Minister should examine some of these matters and come back with some answers. I am not happy about new section 87k as at present drafted.

The CHAIRMAN: What you are trying to get at is some sort of intent to procure a vote unlawfully, with some sort of malice aforethought.

The Hon. R. C. DeGARIS: How does one know that? If a man says to his wife, "You will not be in hospital; you will be at home convalescing, so you had better apply for a postal vote", surely a person should have that right. It seems that the matter has not been thoroughly examined. I suggest that the Minister report progress at this stage so that he can obtain answers to the queries raised.

The Hon. A. M. WHYTE: The Electoral Act, 1973, provides that a person may apply for a postal certificate and ballot-paper if, for some reason, he cannot be at the polling booth. There is nothing in the Bill that countermands that provision. Can a person apply for a postal vote although he is in an institution? I believe he can, or he could use the services provided by the electoral visitor.

The Hon. T. M. CASEY: That is correct. As I understand the situation, if a person in an institution wants to have a postal vote and he applies for it himself, he can do that; but if he goes along to the matron of a hospital and says, "I want a postal vote", and the matron replies, "We have these electoral visitors who will be handing out voting papers in the same way as absentee votes", I am sure those services will be available to him. Most people in declared institutions will be full-time inmates. The Hon. Mr. Hill can throw up all the furphies in the world and say, "What if these people are out of hospital on

election day?" If that happens, they can go to a polling booth and have an absentee vote, if they are no longer in their own electorate. There are hundreds of people not living in their own electorate on election day who can have an absentee vote.

The Hon. C. M. Hill: I want the Minister to look at all these points.

The Hon. T. M. CASEY: The main bone of contention is new section 87k. The object of this provision is to stop the past procedure of people going into institutions and actually soliciting votes. A lot of that has happened. We are trying to clear up this anomaly that has been occurring in our electoral system for many years. There is no other way we can do it except by saying that no person shall counsel or procure any elector who is an inmate of a declared institution to make an application for a postal vote. That does not preclude these individuals from having a postal vote. The provision is that they are not allowed to be counselled or solicited in regard to obtaining a vote. Both Parties have been guilty in the past and the provision in the Bill will prevent what has been going on for years.

The Hon. M. B. DAWKINS: We seem to be putting all types of people together in regard to institutions. We all want to enact good legislation, and later we should ask the Minister to report progress so that difficulties can be overcome. The situation at the Royal Adelaide Hospital is quite different from that at Helping Hand. People in Royal Adelaide Hospital will have electoral visitors coming around, and I take it that those people will be suitable for the work and not politically aligned, having regard to what has happened in the past. However, in Helping Hand, only some people are hospitalised, whereas others are independent and will want to go to the polling booth. I hope that the Minister can assure me that nothing will prevent independent people from going to the polling booth if they wish.

The Hon. T. M. Casey: If they can apply for a postal vote or vote at a booth, what is the point?

The Hon. M. B. DAWKINS: I want to be sure. They are active people, and they should be able to apply for a postal vote or vote at a booth, as they desire. New section 87e (2) provides that an electoral visitor may require a person apparently in charge of the declared institution to furnish him with a complete list of the names and addresses of all inmates in the institution who are over the age of 18 years. I want to be sure that the fact that it will be a complete list does not mean that the people concerned are thereby debarred from voting in the ordinary way.

The Hon. C. J. SUMNER: A provision like new section 87k is fundamental in preventing practices that went on previously in hospitals and similar institutions.

The Hon. R. C. DeGaris: What went on?

The Hon. C. J. SUMNER: I suspect that some matrons and some members of political Parties voted for patients. The postal voting system in hospitals was potentially open to abuse, and the Bill removes any doubt about the practices and allows the Electoral Commissioner and his officers to ensure that the voting is fair and above board. Some provision, such as 87k, is obviously necessary, but that does not mean that, if the person on his own account applies for a postal vote, he cannot exercise that postal vote, or, if the person is able to go to the polling booth, that he cannot go to the booth. That still applies. What it does is prevent a sister, matron or member of a political Party going to the institution and counselling or procuring a voter to apply for a postal vote and subsequently to vote in that manner. That is obviously what the intention is. However, there may be some problems. For instance, the Hon. Mr. Hill raised the question of the immediate family (husband, wife, or close relatives) who visit the patient.

The Hon. C. M. Hill: Only in regard to the application, not in regard to the vote.

The Hon. C. J. SUMNER: As a matter of practice, patients in the institution will not be voting by post. They will vote with the electoral visitor as set down in the legislation, although there may be the odd person who, on his own initiative, applies for a postal vote. I suppose that someone not from the Electoral Office could assist him to fill it out, but that would be the exception to the rule under the legislation. It seems to me that there may be some grounds for inserting in 87k such a clause as "no person except members of the immediate family", or some appropriate addition like that, to cover the case the Hon. Mr. Hill raised. Undoubtedly, a clause of this kind is obviously essential to the policy of the Act. Perhaps the Minister might decide to report progress in order to consider that point.

The Hon. T. M. CASEY: I ask that progress be reported.

Progress reported; Committee to sit again.

CITY OF ADELAIDE DEVELOPMENT CONTROL BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2417.)

The Hon. J. C. BURDETT: I support the second reading. This Bill seems to me to be fraught with so many difficulties both conceptually and in detail that one is almost tempted to say that the best place for it is in the waste paper basket. However, other honourable members have foreshadowed amendments, and it may be possible for this Council once again, in Committee, to rescue a Bill that was full of defects when introduced by the Government. First, I question whether it is proper to distinguish the area of the Adelaide City Council from that of other councils and, in effect, to make a special little law for planning for the Adelaide City Council.

The Hon. C. J. Sumner: Don't you think it is in a special position?

The Hon. J. C. BURDETT: I will come to that aspect. The Hon. Mr. Hill has said that the Adelaide City Council has a good record for administration. I certainly agree with that, but so have many other councils, both metropolitan and country. The Hon. Mr. Hill also said that the Adelaide City Council has traditionally had a certain independence from the rest of local government. This is likely to happen, I expect, with all capital city councils, and is, to a certain extent, healthy. However, we speak in a loose sense of a three-tier system of government. We do not want a fourth tier, so that we would have local government, the Adelaide City Council, State Government, and the Federal Government. Although on the one hand this is a special Act for the city of Adelaide, we find that precious little power is left to the Adelaide City Council. The commission is to comprise seven members, four of whom will be Government appointees. This seems to me to be another aspect of the Government's obvious desire to infiltrate itself into the controlling bodies of the City of Adelaide.

I will certainly consider amendments that have been foreshadowed to the composition of the commission, so as to give the council, as against the Government, its fair share of control. The Bill has been said to be necessary to ensure the expeditious handling of applications in planning matters. I certainly support the idea of the quick processing of applications. I believe that this Bill has become necessary partly because of the defects in the Planning and Development Act. Because of the faults in that Act, and those that have appeared in its administration, applications take what appear to be an unconscionable time to be processed, and the time lag can be exacerbated in the appeal stages.

The principles are referred to in various places in the Bill, and are approved therein. They are undoubtedly intended to and will influence the interpretation of the Bill. For instance, land use in the various districts is prescribed in the principles. Although the principles themselves are expressly approved in the Bill, and thereby approved by Parliament, there is no provision for Parliament to scrutinise or have any control over alterations to the principles. Alterations to the principles could conceivably have far-reaching effects. I will certainly consider the amendments that have been foreshadowed by the Hon. Mr. DeGaris providing that Parliament shall have the right of disallowance in regard to changes in the principles.

I now refer to clause 11. Having regard particularly to the extent of political control throughout this Bill, it is necessary, I believe, that the Government appointees should hold office for a fixed term so as to ensure a certain amount of independence. I oppose clause 17, which gives the power of delegation by the commission. In view of the functions of the commission, I do not think that any power of delegation is necessary. The commission's powers are general powers. If unimportant detailed decisions were necessary, the position would be different. I might add that I do not oppose the power of delegation given in the Bill to the council, because this relates to detailed and administrative matters.

Clause 17 is in a fairly standard form for powers of delegation. I consider that it may have slipped into this Bill by mistake or without a specific thought regarding whether or not it was warranted. Clause 19 (2) provides that the Minister must be satisfied about a substantial interest. This involves his making a decision of a kind on an application at this stage, and yet he ultimately is called upon to determine an appeal. This is entirely contrary to natural justice.

The appeal provisions generally are unjust. I do not necessarily oppose a final appeal to a Minister on an administrative matter. However, many of the decisions made by the commission will be *quasi* judicial ones, and I will support an amendment to provide an appeal to a single judge of the Planning Appeal Board. I would also support an amendment to provide that persons other than the applicant should have an opportunity to put their views on a certain development to the council and that the council should consider them. I refer to the final clause in the Bill (clause 40). I believe that the proposed regulations under this Bill have many of the characteristics of planning regulations and should be placed on public display. I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. J. C. BURDETT: I understand that various members are having amendments drafted and I ask the Minister whether he would be good enough to report progress at this stage.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I ask that progress be reported and that the Committee have leave to sit again.

Progress reported; Committee to sit again.

RAILWAYS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The purpose of this short Bill, which amends the principal Act, the Railways Act, 1936-1975, is to facilitate a more informative system of accounting by the State Transport Authority. Members may recall that I mentioned this proposal in my financial statement to the House on September 7 last. At page X of that statement I said that rail division operations would be treated in future in the same manner as the operations of the bus and tram division.

This Bill then is a procedural measure to overcome an impediment to the proposal to accord the same treatment in the Budget to all operations of the State Transport Authority. Under the principal Act at present "railway revenue" must be paid into General Revenue where it ceases to be identified and railway expenditure must be authorised by Parliament. The operative clause of this Bill, clause 2, provides that "railway revenue" will be immediately available to the State Transport Authority for expenditure either on railways or for the general purposes of the authority. If this amendment is agreed to it will be possible for this House to obtain a clearer picture of the financial operations of the State Transport Authority.

The Hon. R. A. GEDDES secured the adjournment of the debate.

THE STATE OPERA OF SOUTH AUSTRALIA BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2435.)

The Hon. M. B. DAWKINS: I intend to support this Bill. I believe that in many ways the policy of the present Government concerning the supporting of the arts is an excellent policy and I would in the first place commend the Government, and I particularly commend the Premier for his attitude towards the arts. Perhaps it is unusual for me to commend the Premier, but I must at the same time take due note of what the Hon. Mr. Carnie said yesterday when he indicated that most honourable members today believe in some support for the arts, but certainly not full support. We have watched the situation concerning finance—

The Hon. C. J. Sumner: Do you agree with the I.A.C. report?

The Hon. M. B. DAWKINS: I am glad the honourable member mentioned that. He mentioned the Industries Assistance Commission report which was instituted by a certain Government led by the Hon. Mr. Whitlam. I believe

such a commission as the I.A.C. should never have been asked to report on the arts, and this is one of the very many mistakes of the Hon. Mr. Whitlam's Government.

The Hon. C. J. Sumner: I asked you if you agreed with it.

The Hon. M. B. DAWKINS: The less honourable members opposite say about that the better.

The Hon. C. J. Sumner: I ask you if you agreed with it?

The Hon. M. B. DAWKINS: No, I do not agree with the report.

The Hon. F. T. Blevins: You have read it?

The Hon. M. B. DAWKINS: The report should never have been asked for in the first place. I do not intend to query the small grants which have been made by the Government for assistance to the arts. I have noted that in a number of instances small grants, which I consider to be highly desirable, have been made and, as I have said earlier, I commend the attitude of the Government on this matter. I do have some query concerning the larger grants. I am not querying the overall amount but the portion in which the grants are made.

I agree with the Hon. Mr. Carnie that the total sum has to be watched and we must be quite sure that we do not let the matter get out of hand and are not giving what might be declared as full support to facilities such as this. But I do note that in the larger grants for the arts the South Australian Theatre Company received nearly $500 000 (the actual figure was $497 500); the New Opera (as it then was) received $226 000; and the Adelaide Symphony Orchestra only received $80 000. Much has been said about the desirability of establishing the State Opera on a permanent basis, and this is what the Bill sets out to do.

I believe the purchase of Her Majesty's Theatre was probably a very good buy on the part of the Government. I was in Perth a few months ago, and if my memory serves me correctly, and I am subject to correction here, Her Majesty's Theatre in Perth was offered to the Western Australian Government I think for the sum of $750 000, and I believe the Government there did not proceed with that matter. If the South Australian Government purchased the theatre for $440 000 it certainly bought it very well. I am sure it will make a very appropriate home for the State Opera in South Australia in the future. When I see the proportion of the moneys which have been dealt out to the various arts bodies I wonder whether the Government has not been unduly generous with the South Australian Theatre Company. The three sums of money I read out totalled between $800 000 and $900 000. If that money had been allocated more or less equally we certainly would be doing far more for the Adelaide Symphony Orchestra and the State Opera than we do at the present time.

I believe that in future it will be necessary to support the State Opera somewhat more than we are now, but I endorse the view, as the Hon. Mr. Hill said recently, that the State Opera is not expecting to be fully supported by the Government. It is prepared to take initiatives of its own.

The Hon. Anne Levy: You agree that the Australian Broadcasting Commission should not cut out the South Australian Symphony Orchestra?

The Hon. M. B. DAWKINS: All this business about the A.B.C. running the symphony orchestra—

The Hon. Anne Levy: It does, doesn't it, to a large extent?

The Hon. M. B. DAWKINS: It does, to some extent, but it surely should not have the total responsibility for running the symphony orchestra.

The Hon. Anne Levy: The State gives it $80 000.

The Hon. M. B. DAWKINS: That amount is peanuts, as I said a moment ago. There is $80 000 for the orchestra, $226 000 for the new State Opera, and $497 500 for the theatre company. I said that, if that was divided more equitably, we might be providing about $300 000 for State Opera and about $300 000 for the Adelaide Symphony Orchestra, which would be a much more equitable distribution of the money.

The Hon. Anne Levy: The orchestra gets money from the A.B.C.

The Hon. M. B. DAWKINS: I am aware of that. I have been associated with the A.B.C. for the last 35 years. In fact, I sang with the orchestra, so I know something about it. The honourable member is not telling me anything when she says that the orchestra gets money from the A.B.C. On its own, the A.B.C. should not have to support the orchestra fully. I have just stated that the overall amounts are generous but, if they were properly distributed, the Adelaide Symphony Orchestra should get far more than it does, in my opinion, from State funds.

The Hon. Anne Levy: Does the same apply to the theatre company?

The Hon. M. B. DAWKINS: I think the Government is being over-generous with the theatre company.

The Hon. Anne Levy: It should also get money from central funds.

The Hon. M. B. DAWKINS: I hope that the South Australian Theatre Company, like State Opera, will endeavour to stand more on its own feet in the future.

The Hon. Anne Levy: Do you think it should get more money from Federal funds?

The Hon. M. B. DAWKINS: I thought I was making this speech; I have something to say about something I know about, and I do not intend to spend the afternoon answering questions from the Hon. Anne Levy; in some cases, they are not relevant. This Bill sets up State Opera as a proper statutory body with a statutory board. I am concerned, as is the Hon. Mr. Carnie, about the appointment of the board. I understand the honourable gentleman has an amendment on file, which I shall support, because I believe the board should have more permanence than is provided for in this Bill. I say no more about that.

I am pleased that State Opera is to be set up on a proper basis. Also, State Opera does provide in South Australia permanent or semi-permanent employment for a number of singers who otherwise would not be able either to stay here or to come here, as the case may be. In my opinion, the standard of singing teaching in this State is not high. The situation as I see it is that not only is State Opera providing employment for singers of repute and ability and enabling people to stay here or come here and work here for State Opera but it is also providing employment for people in South Australia who can instruct young singers in this State. After all is said and done, opera is related to singing almost entirely, and it enables—

The Hon. R. A. Geddes: Do they talk also in opera?

The Hon. M. B. DAWKINS: They do sometimes; they also talk too much in Houses of Parliament.

The Hon. F. T. Blevins: Hear, hear!

The Hon. J. E. Dunford: Sit down!

The Hon. M. B. DAWKINS: Interjections are out of order. It is all very nice for members opposite all the afternoon to interject while a member on this side is speaking but, if someone interjects from this side, it is not the same. If members opposite will allow me to conclude, I say that the establishment of State Opera is a good thing for South Australia and for the standard of singing here. We shall be fortunate in South Australia to have these talented people in this State. Therefore, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"The board of management."

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

Page 3, lines 1 and 2—Leave out all words in these lines and insert—

(4) An appointed member shall, subject to this Act, hold office for a term of three years, except in the case of members first appointed after the commencement of this Act who shall hold office for such terms (not exceeding three years) as are respectively specified in the instruments of their appointment.

This is to be a board of management to manage the affairs of the State Opera. Without being facetious, I say that all members will agree that opera, ballet, and theatre generally at times can be difficult to manage. We are dealing with a matter that is difficult to manage. We have also had some discussion on this Bill. There will be a large budget and complex administration involved and tours to be arranged. Not all decisions made by the board will be popular, and it is vital that the board of management not only has a reasonable tenure of office but also has security of tenure. As it is written in the Bill at the moment, it is "not exceeding three years", which does not provide sufficient security.

One reason put forward to me for having it worded in this way is that it is wished to have the membership staggered, so a term "not exceeding three years" covers this. Also, my amendment covers this—"except in the case of members first appointed after the commencement of this Act who shall hold office for such terms (not exceeding three years) as are respectively specified".

In this way, the Minister or the Governor can appoint some members for one year, some for two years, and some for three years, so the board will be staggered. I would have preferred to have a term of five years rather than three years, because that is more usual and has been provided for in other Bills that we have dealt with this session, but I do not intend to do anything about that matter.

The Hon. T. M. CASEY (Minister of Lands): Whilst the honourable member has said that provisions similar to the amendment are in other Bills, the provision in this Bill about the composition of the board is also similar to that in other measures. I think that this will be the trend of things as far as the Parliamentary Counsel is concerned. The amendment would restrict flexibility. In debate in another place last evening an honourable member asked a question about a provision on similar lines to the provision in this Bill, and he said he was pleased that that provision was written as it was, because it gave flexibility.

The Hon. M. B. DAWKINS: I support the amendment in the interests of the better operation of the State Opera. I believe that there should be more security of tenure, because policy would be carried out better if there was. The Hon. Mr. Carnie has provided for the terms of the first appointees to be staggered, and this has been accepted in other Bills.

The Hon. C. M. HILL: I support the principle that the Hon. Mr. Carnie wants to apply and I would support the amendment, except that I am concerned about at least one appointed member. The Bill follows largely the Statute under which the South Australian Theatre Company operates. Companies controlled by Statutes of this kind should have a representative of the company or the players on the board, and that applies to the South Australian Theatre Company. I should imagine that the Government would want the same thing to apply here. Liaison between the board and the players is necessary.

The CHAIRMAN: I think a theatre company has more of a static or permanent group than an opera, where players come and go for their performances.

The Hon. C. M. HILL: I agree. As I said in the second reading debate, whereas the company has seven artists now, it hopes to obtain a further seven in the coming calendar year. They would be visiting artists under contract for the season. The players may appoint a visiting artist to the board, because of his skill. If the term was three years, problems could arise if the player retired after 12 months, when his contract expired. He might not retire from the board for another two years, during which time he would not be with State Opera, and I do not think the Bill should establish that situation. Therefore, I am wondering whether the amendment should not be amended to exempt a person who may be in those circumstances. I do not think we want to have terms of less than three years. Many people give time and knowledge voluntarily.

The Hon. T. M. Casey: Unfortunately, we cannot give everyone a three-year term. We must stagger the times.

The Hon. C. M. HILL: That is covered in the amendment.

The Hon. T. M. Casey: It is covered in the Bill, too.

The Hon. C. M. HILL: In terms of the Bill, periods could be staggered and some person whose worth on the board might be doubtful, could be given a term of 12 months. Many unfortunate situations could arise.

The Hon. T. M. Casey: There should be flexibility. A board member may prove not to be a good member. Should he be appointed for a further three years?

The Hon. C. M. HILL: Such personnel must be checked out. The Minister's concern about the continuity of board membership is covered by the amendment. The first appointees are appointed for varying terms, but thereafter the appointment shall be for three years. There will not be retirements at the same time. I agree that appointees should have a three-year term after the first appointment has expired. I want to see allowance made for a representative of the players, whose term I do not believe should be for three years, because that representative falls into a special category, as I have described.

The CHAIRMAN: The Bill does not provide that there has to be a players' representative.

The Hon. C. M. HILL: True, but that should be the case, especially if this statutory body is to follow the same form as bodies like the South Australian Theatre Company.

The Hon. C. J. Sumner: Will you support the Government's policy of worker participation?

The Hon. C. M. HILL: I support the Liberal Party's policy, that it must be on a voluntary basis.

The Hon. J. E. Dunford: That's the Labor Government's policy.

The Hon. C. M. HILL: The Government wants to lay it out in legislation. I was a manager at a conference in the last session when it sought to lay it out in legislation. I said then that one could not have two carpenters on the Housing Trust board without allowing the General Manager to be a board member. The Premier would not agree to the compromise at the conference to provide for one carpenter and the General Manager to be on the board. That shows his views on worker participation. He would not agree to a compromise.

The CHAIRMAN: Will the honourable member come back to the clause?

The Hon. C. M. HILL: Yes, Sir. The Hon. Mr. Carnie's amendment is correct in principle. Provision should be made for an artists' representative to be on the board, but it should not stipulate that such nominee shall have a three-year term. Will the Minister report progress so that the Hon. Mr. Carnie can consider this aspect? I would be pleased to support such an amendment.

The Hon. J. A. CARNIE: I, too, hope that there will be an artists' representative on the board of management. It is essential in such cases.

The CHAIRMAN: There is a long tradition of this in theatre companies.

The Hon. J. A. CARNIE: It is dealt with specifically in clause 7. However, I slightly disagree with the Hon. Mr. Hill because, no matter how one becomes a member of the board, one should be there for three years. I do not agree that merely because a board member is a member of the company his term should be for only one year. If such a member leaves the company, it is covered by clause 9(*c*), and that person resigns by written notice to the Minister. What is the need for this special provision? All board members should have three-year terms. I cannot understand the Minister's opposition.

Recently, the same principle has twice come before us, and in each case the Government has accepted such minor amendment. The flexibility referred to by the Minister is contained in the amendment. The Minister said the Government wanted to keep power to get rid of someone who was not proving to be a good board member, and that is the crux of the matter. Not all decisions made by the board will be popular, and some will not please the Government. The Government should not have the power to sack a board member merely because it does not agree with what he is doing. A board member might not do his job as well as he could because he lacks security of tenure. I would like to see the amendment carried in its present form. I see no impediment in having a member of the company on the board of management. I ask the Committee to support the amendment.

The Committee divided on the amendment:

Ayes (8)—The Hons. J. C. Burdett, J. A. Carnie (teller), Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, D. H. Laidlaw, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, C. M. Hill, Anne Levy, and C. J. Sumner.

Pair—Aye—Hon. M. B. Cameron. No—Hon. N. K. Foster.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clauses 7 to 17 passed.

Clause 18—"Objects, powers, etc., of State Opera."

The Hon. C. M. HILL: This clause provides:

(1) Subject to this Act and in relation to and not in derogation from the powers and functions elsewhere conferred on it the State Opera may . . .

(*j*) grant or dispose of rights to televise, broadcast or record any operatic or theatrical performances undertaken under its auspices.

I hope the State Opera will carefully consider the possibility of selling television rights, and I cannot understand why other statutory bodies associated with the arts do not sell television rights to a greater extent. The sale of television rights is a potential means of raising considerable revenue for the State Opera, the South Australian Theatre Company and the Adelaide Festival Centre Trust. I realise that some people may say that, if there is a direct telecast from the theatre on the night of the performance, the audience may not be as keen to attend the theatre when they can view the performance at home. However, arrangements could be made for the television presentation to be screened subsequently. Actually, even if there was a direct telecast on the night of the performance, in my personal view I do not think it would make much difference to the number of people attending the theatre. In view of their need for revenue, the State Opera, the South Australian Theatre Company, and the Adelaide Festival Centre Trust should carefully investigate this potential source of revenue. The Industries Assistance Commission's report on the arts proposed that, through television, the arts be taken into the homes of tens of thousands of people who normally would not go to live performances in theatres. The provision I have quoted gives the State Opera the right to grant or dispose of television rights.

The Hon. T. M. Casey: Do you compliment the Government on including that provision?

The Hon. C. M. HILL: If the Government is seeking compliments, I am willing to say that I am pleased that the provision is in the Bill. I hope the organisations to which I have referred will investigate the suggestion I have made.

Clause passed.

Remaining clauses (19 to 31) and title passed.

Bill read a third time and passed.

RACIAL DISCRIMINATION 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.

I seek leave to have the second reading explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

Of all forms of discrimination between man and man, perhaps racial discrimination is the most obnoxious. No just or fair society can be established upon the proposition that any group of people within that society is inherently superior or inferior to others merely by virtue of genetic factors over which they have no control. No responsible Government can afford to allow the practice of racial discrimination to develop within the society for which it is responsible. Recent events in South Africa furnish an ominous warning of the appalling consequences that ensue where racial discrimination is actively encouraged or countenanced. The suppression of legitimate human aspirations

to freedom from oppression, equality of opportunity and the right to self-expression, aspirations that are frustrated and suppressed where racial discrimination exists, inevitably places intolerable stresses on society, stresses that may well erupt in violence and bloodshed.

The present Bill repeals the existing Prohibition of Discrimination Act, 1966-1975. That Act, while it has had a valuable effect in numbers of individual cases, is deficient in a number of important respects. Moreover, the recent enactment of the Sex Discrimination Act argues for the enactment of a new Act that follows rather more closely the form of that Act. The present Bill is much more comprehensive than is existing legislation. For example, the definition of "race" is expanded to include the racial ancestry and racial characteristics of a person, or of persons with whom he resides or associates. The Bill provides that a person discriminates against another on the ground of his race where his decision to discriminate is motivated by a number of factors, one of which is the race of the person discriminated against or an actual or imputed racial characteristic of that person. By contrast, the present Act requires the prosecution to establish that race is the sole basis of discrimination, an almost impossible task. The Bill prohibits discrimination in the field of employment and in relation to the supply of goods or services, accommodation, access to licensed premises, places of public entertainment, shops and other places to which the public ordinarily has access.

The Bill contains a provision enabling the Governor to grant exemptions from the provisions of the new Act. This power may, of course, need to be exercised, for example, where children's homes have been established for particular ethnic groups. An important provision of the Bill provides that where, in proceedings for an offence against the new Act, the court is satisfied on the balance of probabilities that an offence has been committed, the onus then shifts to the defendant to satisfy the court to the contrary. While this provision is rather novel in the field of criminal liability, the Government believes that it is justified because of the extreme difficulty of establishing the basis upon which a particular act of discrimination has occurred.

Clause 1 is formal. Clause 2 repeals the existing Prohibition of Discrimination Act. Clause 3 contains definitions necessary for the purpose of the new Act. Clause 4 provides that the new Act will bind the Crown. Clause 5 elaborates upon the meaning of discrimination. A person discriminates against another on the ground of his race where he does so on that basis, or on the basis of an actual or imputed racial characteristic of that person. Racial discrimination occurs where the decision to discriminate is motivated or influenced by a number of factors, one of which is the race of the person discriminated against, or an actual or imputed racial characteristic of that person. Clause 6 prohibits an employer from discriminating against an existing or prospective employee on the ground of his race. An employer must offer his employees equal opportunities for promotion, notwithstanding difference in race.

Clause 7 prevents a person who offers goods or services to the public from discriminating against prospective customers on the ground of race. Clause 8 prevents a person from refusing access to a public place or imposing special conditions upon access to a particular place on the basis of the race of a person who is seeking such access. Clause 9 prevents discrimination in relation to the supply of accommodation. Clause 10 enables the Governor to grant appropriate exemptions from the provisions of the new Act. Clause 11 provides that, where the commission of an offence has been established on the balance of probabilities, the onus shifts to the defendant to establish that he is not guilty of the offence. Clause 12 deals with procedures for the hearing and determination of complaints of offences against the new Act.

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

RACING BILL

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

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It consolidates, revises and, in some areas, extends the legislation regulating the racing industry in this State. It amends the Lottery and Gaming Act, 1936-1975, and the Stamp Duties Act, 1923-1975, and repeals the Dog Racing Control Act, 1966-1967. The Bill has been prepared after consideration of the report of the Committee of Inquiry into the Racing Industry under the chairmanship of Professor K. J. Hancock and takes into account the recommendations made by the committee that relate to legislative matters.

The Bill provides for controlling authorities to control each of the three codes of racing. The committee of the South Australian Jockey Club Incorporated is continued as the controlling authority for galloping, and the Trotting Control Board is continued as the controlling authority for trotting. A board entitled the "Dog Racing Control Board" is established under the Bill as the controlling authority for dog racing. Since the introduction of speed coursing in 1971, the sport has grown rapidly, but the control of its conduct has rested in a body representative of open coursing interests. The Bill therefore provides that the proposed controlling authority for speed coursing be representative of the interests involved in speed coursing. The composition of the Dog Racing Control Board as proposed in this measure does, however, depart from that recommended by the Hancock committee. In the Government's view, the Hancock committee, in attempting to provide for direct representation of the major dog racing clubs and associations, proposed a controlling authority that would be far too large and unwieldy.

Accordingly, the Bill proposes that the board be constituted of five members, one being a person recommended by the Minister, to be the Chairman, two being nominated by the Adelaide Greyhound Racing Club, one being nominated jointly by the South Australian Greyhound Racing Club Incorporated and the Southern Greyhound Raceway Incorporated, the fifth member being nominated jointly by the Port Pirie and District Greyhound Club Incorporated and the Whyalla Greyhound Racing Club Incorporated. In the Government's view the Greyhound Owners', Trainers' and Breeders' Association may not at present be said to be adequately representative of the interests of owners, trainers and breeders, but, should its membership increase in future, the Government will give due consideration to providing for a nominee of the association to be an additional member of the board. The powers and functions of the Dog Racing Control Board as proposed in the

Bill correspond in all respects in relation to dog racing to the powers and functions of the Trotting Control Board in relation to trotting.

The Bill continues the Totalizator Agency Board in existence with its powers and functions largely unchanged. The Bill does, however, provide for a increase of ·5 per cent in the amount deducted from totalisator bets, which is to be channelled to the Totalizator Agency Board for its capital expenditure. This capital expenditure involves the computerisation of the board's totalisator operations and, in the future, the acquisition of the ownership of its agencies. Computerisation of the board's operations at a cost of about $6 000 000 has become an urgent measure because of rapid increases in labour costs that the board has incurred in a highly labour-intensive situation. This has resulted in lesser returns from the South Australian Totalizator Agency Board to racing clubs for the present year as against last year and, even though the board will effect all possible economies, this down-turn could continue if steps are not taken to computerise the board's activities. Very detailed studies have been undertaken regarding computerisation, and both the board and the Government are confident that the present computerisation proposals will curb rapidly rising labour costs.

The Government is mindful of the importance of the racing industry, and for this reason is effecting financial proposals in this Bill related to the South Australian Totalizator Agency Board and the racing industry which, together with the grant of $200 000 previously dealt with in the Estimates of Expenditure, will provide the industry with the necessary assistance until the financial benefits of computerisation become apparent. Under the Bill, it is also proposed to grant some financial relief to country racing clubs by reducing the amount to be paid into the general revenue of the State from their totalisator income to 1·25 per cent of that income, where it does not exceed $10 000 dollars, and 3·75 per cent of that income, where it exceeds $10 000 but does not exceed $20 000. Apart from these matters, the regulation of the actual conduct of totalisator betting by the Totalizator Agency Board and racing clubs is largely unchanged from that at present under the Lottery and Gaming Act, 1936-1975.

The Bill provides for the continuation of the Betting Control Board. Again, the powers and functions of this board are largely unchanged in substance. The Bill does, however, provide that the registration of betting shops, which exist at Port Pirie only, is to cease after January 31, 1983. The Bill also empowers the Betting Control Board to issue permits to bookmakers to operate on racecourses, this power being at present exercised by the racing clubs. This change should ensure a more even and appropriate allocation of permits than in some cases occurs at present.

The Racecourses Development Board is also continued in existence by the Bill. It is intended that the constitution of this board in future be based upon the nominations of the controlling authorities rather than racing clubs as at present. The board is to be empowered during the period of three years after the commencement of the measure to apply up to one-half of its funds towards the operating expenses of racing clubs as opposed to the development of public facilities on racecourses. The channelling of moneys into the development of public facilities on racecourses will, however, continue to be the principal function of the Racecourses Development Board.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation but that the commencement of specified provisions may be suspended. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Dog Racing Control Act, 1966-1967, the amendment of the Lottery and Gaming Act, 1936-1975, and the Stamp Duties Act, 1923-1975, and contains the necessary transitional provisions. Clause 5 sets out the definitions of terms used in the Bill. The definitions largely relate to the complex provisions in respect of the conduct of totalisator betting. Attention is, however, drawn to the definition of "racing club", under which any racing club that, after this measure is in operation, seeks to have totalisator and other betting at its race meetings will first have to become an incorporated association. This step is in fact a simple matter, but is both necessary from the point of view of the legislation adequately regulating clubs and desirable from the point of view of the members of the clubs.

Clause 6 provides that the controlling authority for horse racing is to continue to be the committee of the South Australian Jockey Club Incorporated so long as the committee continues to be constituted as it is at present or any variation of its constitution meets with the Minister's approval. Clause 7 provides that any person proposing to conduct a horse race meeting at which licensed jockeys or registered horses take part must first obtain the approval of the controlling authority. Clause 8 sets out certain definitions relating to the controlling authority for trotting. Clause 9 provides for the continuation of the Trotting Control Board. Clause 10 provides for the constitution of the Trotting Control Board as it is presently constituted under the Lottery and Gaming Act, 1936-1975.

Clause 11 provides for the term and conditions of office of the members of the board. Clause 12 provides for the remuneration of members of the board. Clause 13 regulates the conduct of meetings of the board. Clause 14 provides for the execution of documents by the board. Clause 15 provides for the validity of acts of the board and immunity of its members. Clause 16 provides that the functions of the board are to regulate and control the sport of trotting and the conduct of trotting race meetings and trotting races within the State and to promote the sport of trotting within the State. The clause also sets out the powers of the board, which are substantially the same as at present under the Lottery and Gaming Act, 1936-1975.

Clause 17 provides for delegation by the board. Clause 18 provides for the appointment of employees by the board. Clause 19 provides for investment by the board. Clause 20 provides for the accounts and the audit of the accounts of the board. Clause 21 requires the board to make an annual report to the Minister and provides for the report and audited statement of accounts of the board to be laid before Parliament. Clause 22 provides that any person proposing to conduct a trotting race meeting in which a licensed person or registered horse takes part shall not do so except with the approval of the board.

Clause 23 provides for the appointment of an appeal committee and the hearing of appeals against decisions in respect of which a right of appeal is conferred under the rules of the board. Clause 24 empowers the board to make rules for the regulation, control and promotion of the sport of trotting and the conduct of trotting race meetings and trotting races within the State. Clauses 25 to 41 inclusive provide for Division III of Part II establishing the controlling authority for dog racing, the Dog Racing Control Board. These provisions correspond exactly in relation to dog racing to the preceding provisions explained in relation to trotting. The Dog Racing Control Board is empowered to adopt under its rules any decision, determination or act of the National Coursing Association of South Australia Inc., including the imposition of any

disqualification or penalty and the grant, refusal, cancellation, or suspension of any licence, permit or registration, and is also empowered to require the association to furnish any of its records relating to such decision, determination or act.

Part III of the Bill provides for the regulation of totalisator betting, Division I dealing with the Totalizator Agency Board. Clause 42 sets out definitions relating to the Totalizator Agency Board. Clause 43 continues the board in existence. Clause 44 provides for constitution of the board as it is presently constituted under the Lottery and Gaming Act, 1936-1975. Clauses 45 to 49 provide for the establishment and regulation of the proceedings of the Totalizator Agency Board. Clause 50 requires members of the board to disclose any conflict of interest to the board at any meeting and not to take part in any decisions in respect of which the conflict of interest arises.

Clause 51 provides that the functions of the Totalizator Agency Board are to conduct off-course totalisator betting on races held within or outside Australia and to act as the agent of a racing club in the conduct by that club of on-course totalisator betting on the races held by the club and on any other races held within or outside Australia. The clause also sets out the powers necessary for the board to perform these functions. Clause 52 provides that the board is to be subject to the general control and direction of the Minister. Clause 53 provides for delegation by the board. Clause 54 provides for employment by the board. Clause 55 provides for borrowing by the board. Clause 56 regulates the application of the funds of the board. Under the clause, any moneys in the funds of the board that are not required to be paid to any other body or fund are to be applied towards the board's own operating and capital costs, and any surplus is to be paid to the controlling authorities for appropriate application towards the development of the three codes of racing. As explained above, the increase of ·5 per cent in the amount deducted from totalisator bets is to be ear-marked for capital expenditure by the board.

Clause 57 empowers the board to invest any moneys that are not immediately required. Clause 58 requires the board to keep proper accounts to be audited annually by the Auditor-General. Clause 59 requires the board to make an annual report which together with the audited statement of accounts is to be laid before Parliament. Clause 60 empowers the board to make rules regulating the acceptance and payment of bets by the board. Clause 61 requires the board to obtain the approval of the Minister before establishing new off-course betting premises.

Clause 62 prevents punters from making bets with the board on credit and continues the present requirement that the dividend on a totalisator bet with the board is not payable until the conclusion of the race meeting. Clauses 63, 64 and 65 provide that the Minister may fix the days on which totalisator betting may be conducted by racing clubs at race meetings in the three codes of racing respectively. Clause 66 continues the present regulation under the Lottery and Gaming Act, 1936-1975, of the adequacy of totalisator betting facilities at metropolitan horse race meetings. Clause 67 empowers the Minister, after consultation with the controlling authorities and the Totalizator Agency Board, to make rules regulating the conduct of totalisator betting.

Clause 68 requires the Totalizator Agency Board or an authorised racing club to deduct a percentage from the amount of totalisator bets made with the board or the club, as the case may be. The percentage to be deducted has been increased by 0·5 per cent from the percentage fixed under the Lottery and Gaming Act, 1936-1975, at present. Clause 69 requires the Totalizator Agency Board to pay 5·25 per cent of the amount bet with it into the Hospitals Fund and 1 per cent of the amount bet on double or multiple race results to the Racecourses Development Board. The balance of the percentage deducted by the Totalizator Agency Board may be retained by the board as part of its funds. Provision is made at subclause (2) for the present rebate on the amount payable by the board for the Hospitals Fund to be continued by regulation.

Clause 70 requires an authorised racing club to pay to the Treasurer for the general revenue 1·25 per cent of the amount of totalisator bets made with it on any day, where the amount of those bets does not exceed $10 000, 3·75 per cent where the amount of the bets exceeds $10 000 but does not exceed $20 000, and 5·25 per cent where the amount of the bets exceeds $20 000. Authorised racing clubs are also required by this clause to pay 1 per cent of the amount of totalisator bets made with them on doubles or multiples to the Racecourses Development Board. The balance of the amount deducted by an authorised racing club from totalisator bets made with it on any day after these payments may be retained by the club for its own purposes. Provision is made in this clause for exemption from the requirement to make the payment for the general revenue in the case of charity race meetings.

Clause 71 requires the Totalizator Agency Board and authorised racing clubs to accept totalisator bets of one unit, which is defined by clause 5 to be 50c or such higher amount as may, in the future, be fixed by regulation. Clause 72 provides for the establishment of totalisator pools between the Totalizator Agency Board and authorised racing clubs. Clause 73 regulates the application of totalisator pools. Clause 74 makes provision for totalisator jackpots. Clause 75 provides that the amount resulting from the non-payment of any fraction of 5c towards dividends on totalisator bets and, if necessary, the account at the Treasury known as the Dividends Adjustment Account may be applied towards the payment of dividends on totalisator bets if the totalisator pool is insufficient to meet the dividends.

Clause 76 provides that fractions accruing to the Totalizator Agency Board are to be paid into the Dividends Adjustment Account. Clause 77 provides that fractions accruing to an authorised racing club are to be paid to the Racecourses Development Board or, with the approval of the controlling authority, may be retained by the club. Clause 78 provides for unclaimed dividends on totalisator bets. Clause 79 prohibits the conduct of totalisator betting except as authorised by the measure. Clause 80 ensures that totalisator betting in accordance with the measure is lawful.

Clause 81 empowers the Minister to suspend or revoke the authority granted by him to a racing club to conduct totalisator betting if the club fails to comply with the provisions of the measure. Clause 82 empowers the Totalizator Agency Board to continue to co-operate with interstate agencies in the provision of totalisator betting facilities. Clause 83 requires authorised racing clubs to make returns to the Minister relating to their totalisator betting operations. Clause 84 requires authorised racing clubs to provide facilities for the police on any racecourse while totalisator betting is being conducted on races.

Clauses 85 to 124 (inclusive) fall within Part IV of the Bill, providing for the Betting Control Board and bookmakers. Clause 85 sets out definitions for the purposes of this Part. Terms defined by clause 5 of the Bill are

by this clause extended to include coursing to enable the present practice of bookmakers accepting bets at coursing meetings and on coursing events to continue. Clauses 86 to 92 (inclusive) provide for the continuation of the Betting Control Board, and regulate its appointment and proceedings. Clause 93 provides that the function of the board is to regulate and control betting with bookmakers, and sets out the powers of the board.

Clause 94 provides that the board is to be subject to the Minister's general control and direction. Clause 95 provides for delegation by the board. Clause 96 provides for appointment of employees by the board. Clause 97 provides that the board may make use of the services of public servants. Clause 98 provides that the moneys received by the board are to be paid into the general revenue. Clause 99 provides an exemption for the board from stamp duty on receipts given by the board. Clauses 100 to 104 (inclusive) provide for the licensing of bookmakers, bookmakers' agents and bookmakers' clerks.

Clauses 105 to 110 (inclusive) provide for the registration of premises to be used as betting shops. Clause 105 restricts further registration to premises situated within the city of Port Pirie, and provides that there are not to be any registered betting shops after January 31, 1983. Clause 111 provides that bookmakers must obtain a permit from the board before operating at any racecourse or in any registered premises, and clause 112 empowers the board to grant the permits. Clause 113 requires authorised racing clubs to permit bookmakers who have obtained a permit from the board to operate on their racecourses upon payment of a fee. Provision is made in this clause for the fee to be fixed by agreement or, upon failure of agreement, by arbitration. Clause 114 provides for the payment to the board by bookmakers of a percentage of the moneys bet with them. The percentages are unchanged from those fixed under the Lottery and Gaming Act, 1936-1975, at present. The present provision under that Act for the application of the percentage paid to the board is continued in substance.

Clause 115 provides, in substance, for the imposition of the same duty on betting tickets issued by bookmakers as is presently imposed under the Lottery and Gaming Act, 1936-1975. Clause 116 provides for recovery by the board of amounts payable to it by bookmakers. Clause 117 prohibits bookmaking or the making of bets with bookmakers except in accordance with this measure. Clause 118 provides that bookmaking in accordance with this measure is to be lawful. Clause 119 and 120 empower the board to regulate the communication of information as to the results of races and betting on races.

Clause 121 makes provision for unclaimed bets paid to the board under its rules. Clause 122 requires the board to keep proper accounts and provides for their audit by the Auditor-General. Clause 123 requires the board to prepare an annual report and that the report and audited statement of accounts be laid before Parliament. Clause 124 empowers the board to make rules regulating bookmakers and bookmaking. Part V of the measure comprising clauses 125 to 143 (inclusive) deals with the Racecourses Development Board. Clause 125 sets out certain definitions for the purposes of this Part.

Clauses 126 to 132 (inclusive) provide for the continuation of the board and its appointment and regulate its proceedings. The composition of the board is under the measure to be based upon nominations by the controlling authorities. Clause 133 provides for the continuation at the Treasury of the Horse Racing Grounds Development Fund, the Trotting Grounds Development Fund and the Dog Racing Grounds Development Fund. Clause 134 provides that the fund for each form of racing is to be applied by the board in performing its functions in relation to that form of racing. Clause 135 provides that the function of the board is to provide financial assistance for the development of public facilities in the grounds of racecourses used or proposed to be used for racing.

Clause 136 provides that the board is to be subject to the general control and direction of the Minister. Clause 137 provides that one-half of the funds of the board may be applied during the period of three years after the commencement of the measure in payment to the controlling authorities for purposes approved by the Minister. It is proposed that under this provision racing clubs will receive financial assistance in respect of their operating expenses. Clause 138 provides for delegation by the board. Clause 139 provides for employment by the board. Clause 140 provides that the board may make use of the services of public servants. Clause 141 provides for borrowing by the board.

Clause 142 provides that the board may invest any of its moneys that it does not immediately require to perform its functions. Clause 143 requires the board to keep proper accounts and provides for their audit by the Auditor-General. Clause 144 requires the board to prepare an annual report and that the report and audited statement of accounts be laid before Parliament. Part VI comprising clauses 145 to 154 (inclusive) deals with miscellaneous matters. Clause 145 provides for the continuation at the Treasury of the Dividends Adjustment Account. Clause 146 provides for the continuation at the Treasury of the Hospitals Fund and that the fund is to continue to be applied towards the provision, maintenance, development or improvement of public hospitals and equipment for public hospitals.

Clause 147 empowers the controlling authorities to bar persons from entering racecourses or training tracks. Clause 148 empowers racing clubs to remove persons from their racecourses. Clause 149 prohibits betting with infants. Clause 150 provides for an exemption from stamp duty on transactions involved in the amalgamation of the metropolitan horse racing clubs. Clause 151 provides for summary proceedings for offences under the measure. Clause 152 imposes personal liability upon persons concerned in management of bodies corporate convicted of offences against the measure. Clause 153 provides for the service of notices by post. Clause 154 provides for the making of regulations.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from November 24. Page 2429.)

The Hon. C. M. HILL: This is a long Bill, comprising 127 clauses, and is in the nature of the usual changes that are made to the Road Traffic Act almost every session. It is proper that the Government should keep abreast with changes in the area of road traffic control and, therefore, the parent Act should be kept up to date in this respect. This fairly extensive Bill incorporates many of the diverse changes that have been made this session.

Unfortunately, because of the pressure under which the Council is working, this Bill was made available to honourable members only at about 1.30 p.m. today. Therefore, I have not had enough time to examine the measure in the detailed way that I intended to do so. I intend simply to

make some preliminary remarks, and I trust that the Minister will permit me to conclude my remarks next Tuesday. The important changes in the Bill deal with increases in penalties for offences known as drink-driving offences. In his second reading explanation, the Minister said:

I think all of us agree that the increasing problem of drinking drivers must be attacked with courage and firm resolve.

I agree with the Minister on that aspect. I have held the belief for a long time now that one of the best possible means of attacking the road toll problem is to have strong penalties and to enforce discipline on drivers.

The Bill makes some metric amendments, and a whole series of minor matters come under change. I notice in clause 5 that it is the Government's intention to increase the size of the Road Traffic Board. The new members proposed to be appointed are, first, a person who has, in the opinion of the Minister, extensive knowledge and experience in the field of road safety and, secondly, a person who has, in the Minister's opinion, extensive knowledge and experience in the field of motor vehicle safety. Both of those people are to be nominated by the Minister.

I have, in the short time that I have had to examine the Bill, some grave doubts regarding the matter. The Road Traffic Board should be a body of scientists. It should enjoy considerable independence from the pressures of local government and Government departments and, indeed, from the Minister. The question of planning road environments and of traffic safety measures is, without any doubt at all, a science. I do not believe there is any other field in which laymen consider themselves as experts more than in this field of road safety.

The original guidelines in the design and planning of roads, of traffic planning and of measures to improve road safety must, in my view, be investigated and reported upon by highly-qualified and skilled personnel. It is in the area of the Road Safety Council and organisations of that type that the opinion of laymen and representatives of various associations within the community interested in road safety should be heard.

However, in the area of the Road Traffic Board, I do not think there is any place for laymen, and I am being quite frank when I say that. It seems to me (and the Minister has not given a lengthy or informed explanation of why the Government wants to increase the size of the board) that these nominees whom the Government intends to place on the Road Traffic Board could well be laymen. Whether or not the qualification of having extensive knowledge and experience in the fields of road safety and motor vehicle safety is sufficient for membership of this board is highly questionable.

I am not making these comments with a view to trying to reduce the effectiveness of road safety as it applies to the Road Traffic Board. I make my comments simply on the basis that, if laymen on the Road Traffic Board can override the opinions and recommendations of scientists, who must, in my view, be on the board, it is a dangerous situation for us to be in. Therefore, this aspect of increasing the size of the Road Traffic Board should be examined closely by the Council before the Bill passes.

In the Bill there are clauses that deal with laying down new scales of penalties for reckless and dangerous driving, and a mandatory period of disqualification is provided in clause 19, which also states that the court may reduce this period of disqualification only in the case of a first offence that is trifling. This stricter approach is also shown in clause 20, where a new scale of penalties for the offence of driving under the influence applies. Here again, in clause 20 the minimum penalty may not be reduced, except that the period of disqualification may be reduced in the case of a trifling first offence.

In clause 23 there is again a new scale of penalties where the driver of a vehicle involved in an accident refuses to permit a blood sample to be taken. I notice in clause 92 that further controls are being introduced concerning the prohibition against left-hand drive vehicles. Owners and drivers of left-hand drive vehicles I think have had greater licence in this State than in any other State in the past, but it appears that a stricter approach is to apply now. Clause 92 indicates that such vehicles will no longer be able to be driven indefinitely on traders' plates.

Clause 114 is an important clause because it deals with the matter of trailers: the present position concerning trailers in this State is a rather sensitive one because of the freedom that trailer owners have enjoyed in the past, and some of the restrictions that the Government has applied to trailer owners has caused a great deal of controversy, particularly in country areas. Some of this criticism coming from the country areas has been justified. Clause 114 provides that certain trailers must be marked with the required information, and the details of that are set out. Clause 124 gives the court power to postpone disqualification for a period. This seems quite reasonable and indeed sensible, because it permits a person after disqualification to at least drive the car away from the court. Previously, some serious problems have been caused by that restriction applying. As I require more time to look at these clauses in much greater detail, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is designed to provide for universal adult franchise in local government elections and polls. A Bill was previously introduced for this purpose in 1970. Unfortunately, it was defeated in the Legislative Council. The present Government has always regarded the implementation of genuinely democratic principles in all spheres of government as a responsibility of primary importance to the people of this State. Since the introduction of the previous Bill in 1970, significant advances have been made by the Government in carrying out its policy. A democratic franchise, and electoral system, has been achieved both for the Legislative Council and for the House of Assembly. The creation of a democratically based system of local government is a logical and necessary extension of the Government's policy.

There are two salient differences between the present Bill and the previous Bill. First, the Bill contains no provision for compulsory voting at local government elections. Secondly, ratepayers (including bodies corporate and partnerships) are given the right to vote in each area or ward in which they hold ratable property.

Clauses 1, 2 and 3 of the Bill are formal. Clause 4 inserts definitions of "elector" and "Electoral Commissioner". These definitions are required for the purpose of subsequent provisions of the Bill. Clause 5 makes a consequential amendment. Clause 6 repeals and re-enacts section 25 which deals with the constitution of a new area. The re-enactment is merely consequential upon the fact that voting rights are to be exercised in future by "electors" rather than by "ratepayers".

Clauses 7 to 15 make similar consequential amendments to other provisions of the principal Act relating to the constitution, amalgamation, severence or dissolution of local government areas. Clause 16 provides for the election of members of a council from amongst the electors for the council area. Clauses 17 to 20 make consequential amendments. Clause 21 sets out the criteria for enrolment of the electors for a council area. A person is entitled to enrolment as an elector if he is enrolled as an elector for the House of Assembly in respect of an address within the area, or if he is a ratepayer in respect of ratable property within the area. An elector is to be enrolled in a ward if he is resident in the ward, or if he holds ratable property situated in the ward. A body corporate or a partnership is to be enrolled under the name of a nominated agent. The clause deals also with a number of procedural matters.

Clauses 22 and 23 make consequential amendments. Clause 24 sets out the voting rights of an elector. He may vote both in respect of the area generally (for the election of a mayor or alderman) and also in each ward in which he is resident or holds ratable property. The remaining clauses of the Bill make various other consequential and minor amendments to the principal Act.

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

COUNTRY FIRES BILL

Adjourned debate on second reading.

(Continued from November 23. Page 2348.)

The Hon. M. B. DAWKINS: I rise to support this Bill. The honourable Minister indicated in his second reading explanation that the Bill does preserve many principles from the existing Bush Fires Act which have been proved by long experience, and I think that is a true enough statement. He also indicated the reasons for the change in title from the Emergency Fire Services to the Country Fire Services. This, of course, is designed to avoid confusion, and I agree with that provision also.

In general terms I have had a fairly good look at the Bill and believe it is an improvement and it does consolidate the situation as far as the country fire services are concerned. In some ways its drafting is better than that of the old Act. One or two things concern me which I will discuss as I look at the various clauses of the Bill. Following the formal clauses, we come to the situation where a Country Fire Services Board is set up, and the terms under which the board is constituted are contained in clause 7. They are quite usual and do not require any comment. Clause 8 states:

(1) The board shall consist of ten members, appointed by the Governor, of whom—

(*a*) one (the chairman) shall be a person nominated by the Minister;

(*b*) one shall be the Director;

(*c*) two shall be persons who are, at the time of their appointment, members of councils whose areas are wholly or partially outside fire brigade districts and who are, in the opinion of the Governor, suitable persons to represent the interests of all such councils;

(*d*) four shall be persons who are, at the time of their appointment, members of regional fire-fighting associations and who are, in the opinion of the Governor, suitable persons to represent the interests of all such associations;

(*e*) one shall be an officer of the Public Service with extensive knowledge of forestry, nominated by the Minister of Forests;

and

(*f*) one shall be a person who is, in the opinion of the Governor, a suitable person to represent insurers.

Personally, I do not quarrel with the composition of the board in any way. Subclause (2) provides for the appointment of deputies, and this is the usual provision for the composition of a board, including the provision for alternates. I would suggest one thing to the honourable Minister concerning clause 8(1)(*a*), which states that the Chairman shall be a person nominated by the Minister. Suggestions have been made that there ought to be at least one, and possibly two, members who are primary produces.

I believe that the people who are appointed from the local government bodies, or the people who are appointed by the regional fire-fighting associations, will probably be persons who are not unconnected with the rural industry. I suggest, however, that the Chairman should be a person, who in the opinion of the Minister has a wide experience in rural affairs, and that such a qualification should be included in the terms of his appointment. I propose to put an amendment on file in due course to provide for this at the request of some people who have asked for a specific person from the country areas to be on the board. I suggest that this is not an unreasonable requirement.

Under clause 9 we see the old story: "a member of the board shall be appointed for such term of office (not exceeding four years)". This matter "not exceeding" has been objected to in other Bills by the Hon. Mr. Hill, the Hon. Mr. Carnie and myself, and in two instances at least the Government was prepared to accept that the term should be more secure and that it should normally be four years, as in this case, and five years in some other instances. I believe that an amendment, drawn along the lines that the Hon. Mr. Carnie brought forward concerning the State Opera Bill, would not be inappropriate in this particular instance.

The succeeding clauses refer to the setting up of the Fire Services Board, to the quorum, appointment of subcommittees, power of delegation, and functions of the board. Those clauses are not exceptional, and I do not find any quarrel with them. Division II refers to setting up the officers of the board, including the Director of Country Fire Services. We have had a very capable and competent Director over a number of years and probably the Minister would want to continue him in that position under the new arrangements.

Division III refers to the setting up of regional and district associations, which operate now perhaps in a more informal way. Here again I see no complaint. Division VI refers to the appointment of fire control officers, and here I see some cause for concern. Clause 24(1) provides:

The board or a council may appoint suitable persons to be fire control officers.

I underline the words "suitable persons". The clause continues:

(2) Notice of any such appointment shall be published in the *Gazette*.

(3) A mayor, alderman or councillor is not disqualified by his office as such from appointment as a fire control officer.

I have no complaint about those three subclauses. Then clause 24(4) concerns me, to some extent. It provides that the following persons are fire control officers and, if this clause is not varied, they are automatically fire control officers. They are:

(*a*) The director;

No-one has any complaint about that. Then:

(*b*) the person in charge of a Government reserve;

(*c*) every forester—

and there again I think foresters are well versed in fire control; they know about the situation, and about the fire bug. Then:

(*d*) every person holding a prescribed office.

I suggest that (*b*) and (*d*) give cause for concern, and that the following words (or something equivalent) be added to those subclauses:

who is, in the opinion of the board or council, suitably qualified to hold the position of a fire control officer.

I suggest this because, under paragraph (*b*) and probably under paragraph (*d*), some people who are holding certain offices, worthy as they may be in other respects would not be suitably qualified or experienced to hold the office of fire control officer. There must be (in fact, I know there is) considerable concern about that clause. If a person automatically becomes appointed as a fire control officer, who has no experience and even may have been a resident of this country for only a short time prior to his appointment, that creates a situation that could be be dangerous. Therefore, I intend to put on file an amendment to take care of that situation.

Division VII refers to compensation. There has been some concern about this, because many people who work in voluntary fire services in this country are self-employed, and there has been some doubt about how they could be properly looked after in the case of accident when working on a fire truck. I am pleased that, in Division VII, clause 26 (2) provides:

The Workmen's Compensation Act, 1971-1974, applies in relation to a person to whom this section applies as if—

(a) his functions and duties as a fire control officer, fire party leader, or member of a C.F.S. fire brigade constituted his employment;

(*b*) he were receiving a prescribed wage in respect of that employment; and

(*c*) his employer were the board.

I believe that is a satisfactory conclusion of something that has been of considerable concern to many people for a long time. Therefore, I believe that clause is to be commended. I do not propose to deal with all the clauses of the Bill, but I shall refer to a few more as I look through the Bill. Other speakers may wish to refer to other clauses. Clause 50 refers to the power of the board or council to order the clearing of land. Subclause (2) provides:

If a council is of the opinion that the clearing of bush or grass from any land within its area is necessary in order to prevent or inhibit the outbreak or spread of fire, the council may, by instrument in writing, require the owner to take such steps to clear the land as may be specified in the instrument.

Subclause (8) provides:

Subsection (2) of this section does not apply in respect of and within a Government reserve.

I support subclause (2), but I am opposed to subclause (8): the same conditions should apply with respect to land in a Government reserve, and I propose that subclause (8) should be deleted. Clause 55 (1) provides:

A fire control officer may at any reasonable time enter any land or premises for the purpose of determining what measures have been taken on that land or in those premises for the prevention or control of fire.

In areas subject to considerable fire danger, that happens at present. There are responsible fire control officers who, at their own expense and in the interests of the district as a whole, make visits from time to time to see what measures have been taken for the prevention of fire. That is a good thing so long as it is not overdone. Subclause (2) provides:

Before a fire control officer enters any land or premises in pursuance of this section he must give notice in writing to the occupier of the land or premises of his intention to exercise the powers conferred by this section.

Normally, I would consider that perhaps that subclause had some validity, because I am not in favour of undue interference with any person at any time, but in this instance that clause (to the effect that a fire control officer must give notice in writing before he has the right to enter on any land) is impracticable, and therefore I think it should be deleted. I shall so move when we reach that point in Committee.

Clause 61 deals with the misuse of fire alarms, fire plugs, etc. I propose, therefore, to move to insert an additional subclause that may deter people from doing irresponsible things. The amendment I intend to move will be:

(3) A person shall not, without lawful authority, destroy, damage or interfere with any vehicle or fire-fighting equipment of a C.F.S. organisation.

I suggest that the penalty be $1 000 or imprisonment for six months. Because of that, I am aware that some people may say that penalties are already prescribed otherwise, but the penalty for this sort of irresponsible offence against equipment which, whenever it is needed is needed in an emergency, should be clearly spelt out in this Bill.

Clause 63 deals with onus of proof. Although I believe it has obtained before, I still think it is completely wrong. In saying that, I refer to subsection (1), not subsection (2) which is not an unreasonable provision; it is not so unreasonable as subclause (1), which provides:

In any proceedings for an offence against this Act, where it is established that a fire has been lit on any land, it shall be presumed in the absence of proof to the contrary that the occupier lit the fire, or caused it to be lit.

That is ridiculous. My colleague the Hon. Mr. Hill showed considerable interest some time ago (I do not know whether he pursued the matter) in primary production with regard to the running of a pig farm.

The Hon. C. M. Hill: You talked me out of it.

The Hon. M. B. DAWKINS: No, I did not. I thought you were proceeding with the matter. If the Hon. Mr. Hill had gone ahead with the purchase of a pig farm and had reared pigs on his property and had then gone overseas and there had been a fire on his property while he was overseas, he could have been presumed under this clause to cause the fire, and that is ridiculous. Can anyone imagine anything more ridiculous than that in legislation?

The Hon. J. E. Dunford: He would not have left the pigs by themselves; he would have left someone in charge.

The Hon. M. B. DAWKINS: He could be presumed to have lit the fire, and I will move to have that provision deleted, as it is a reversal of the normal onus of proof. Clause 65 provides for a minimum penalty and, whilst we should provide for maximum penalty, we should not provide for minimum ones.

Clause 67 refers to regulation-making powers and, although I believe that the provision is most necessary, I am concerned about the excessive regulatory powers in

the Bill. I believe that, by and large, the legislation is good and that it is an improvement on the present Act. I commend the Minister of Agriculture for introducing the measure and I commend the Minister of Lands, who was the Minister when the working party did its work under his oversight. I consider that my amendments are necessary, but in other respects I support the Bill.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

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

POLICE OFFENCES ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

FOOD AND DRUGS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

HEALTH ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 6.1 p.m. the Council adjourned until Tuesday, November 30, at 2.15 p.m.