LEGISLATIVE COUNCIL

Wednesday, November 17, 1971

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

QUESTIONS

MEAT

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to the questions I asked on November 10 regarding meat?

The Hon. T. M. CASEY: I have been furnished with data on this matter which I think will answer the inquiries of the honourable member, the Hon. Mr. Kemp and the Hon. Mr. Hart on November 10. The local representative of the Australian Meat Board has informed me that there is no contract with the U.S. authorities, nor is there an obligation on the part of Australia to fill a meat quota. Australia has, however, agreed to impose voluntary restraints on the amount of meat shipped to the United States. To assist in controlling the quantities of meat entering America under that country's meat law, the Australian Meat Board has introduced a diversification scheme which requires exporters to divert meat to other markets in order to earn entitlement to export to America.

Despite all the measures taken, a shortfall of 15,000 tons occurred. As I have previously stated, the Australian Meat Board was warned of the likelihood of strikes on the U.S. waterfront and endeavoured to encourage heavy early meat shipments. The Meat Board states that no blame attaches to any State or exporter for the so-called shortfall. In 1970, 230,679 tons of beef and veal and in 1971, 203,906 tons thereof were exported to America from Australia—South Australia's contributions to these totals being 5,202 tons of beef in 1971 and 5,927 tons in the previous year. In 1970, 23,158 tons of mutton were imported into America from Australia, but this figure fell to 10,699 tons in 1971.

New Zealand has been offered by America 9,000 tons of the Australian shortfall, but it is expected that that country will have great difficulty in taking advantage of the offer. Meat shipments to the Singapore, Malaysia and Borneo areas are being promoted and show a gradual improvement. During 1970-71, 2,403 tons of beef, 4,017 tons of mutton, 442 tons of lamb and 165 tons of pig meats were exported to these areas. Nevertheless, exports will be greater to those markets which offer the best returns.

SPEAR GUNS

The Hon. D. H. L. BANFIELD: A certain amount of misunderstanding and concern has been expressed about what is likely to happen regarding the licensing and registration of spear fishing guns. Concern was expressed that small boys and others may have to pay a registration fee to enable them to use these guns. Will the Minister of Agriculture clarify the position so that this misunderstanding will not continue?

The Hon. T. M. CASEY: I realize that owners of spear guns have been very confused as a result of hearsay and what has been said by people who think they know more than the department does. I hope I can clear up the matter. Under the regulations it is proposed that for every spear gun, other than hand spears, to which is attached an elastic propelling mechanism, a fee of $1 will be charged. That will mean that most spear guns now used by young spear fishermen will not carry a registration fee; that is the object of the regulation.

TIMBER SALES

The Hon. M. B. CAMERON: Has the Minister of Forests a reply to my recent question about timber sales?

The Hon. T. M. CASEY: The Conservator of Forests has informed me that approximately 75 per cent of the output from departmental sawmills is sold for use in the building construction industry. Approximately 54 per cent of the output is sold in South Australia, 36 per cent in Victoria and 10 per cent in New South Wales. Total sales tend, therefore, to reflect the combined levels of activity in these three States. In May, 1971, Victorian figures indicated a decline, and South Australia followed within two months. A normal winter seasonal reduction in building activities was emphasized by an apparent general lack of demand, including reduced Government spending. There has been a considerable improvement evident over the last four or five weeks, and sales are tending to move upwards.

SPEED LIMITS

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Roads and Transport.

Leave granted.

The Hon. A. M. WHYTE: Continuing concern has been expressed by members of Parliament, road hauliers and the general public about when the proposed amendments will be made to the Road Traffic Act to allow relatively heavy vehicles to travel at greater speeds. At present the speed limits are so restrictive that in many cases road hauliers, because of the gearing of modern trucks, find it impossible to keep their speed down to that provided for in the Act. Not long ago the Hon. Mr. DeGaris asked a question about this matter. Some of my constituents have recently been caught by the police exceeding the speed limit and have had a considerable number of demerit points recorded against them; they could possibly lose their licence and their livelihood as a result of exceeding the speed limit by only a very small margin. Can the Minister say how long it will be before the much discussed amendment to the Road Traffic Act will be made?

The Hon. A. F. KNEEBONE: I do not know what stage the drafting of the amendment has reached, but I will convey the honourable member's question to my colleague and bring back a reply as soon as possible.

DEEP SEA PORT

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Marine.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members are well aware of the activities of a committee that for several months inquired into the provision of a further deep sea port in this State. I believe that the Minister of Marine now has that committee's report and recommendations. Will the Minister of Agriculture ask his colleague whether he can release that report now and, if he cannot, when will he be able to do so?

The Hon. T. M. CASEY: I am sure that the honourable member will be pleased to know that this report will be tabled shortly.

CIGARETTES (LABELLING) BILL

Read a third time and passed.

RECLAIMED WATER

Adjourned debate on the motion of the Hon. H. K. Kemp:

(For wording of motion, see page 2858.)

(Continued from November 10. Page 2860.)

The Hon. T. M. CASEY (Minister of Agriculture): Having listened to the debate, I think that the reason for this motion moved by the Hon. Mr. Kemp was twofold: first, it was a political move—

The Hon. R. A. Geddes: Shame!

The Hon. T. M. CASEY: —to gain the confidence of growers that members of this Chamber were doing something that the growers wanted them to do. However, those members know very well that if they were in the situation in which they had to make a decision they could not do any more than has been done by the present Government. Secondly, it was moved to bring to the attention of this Chamber the real issue that about 20,000,000gall. of water a day was flowing out to sea, and that it could be practicable to use this water in future. However, I impress on all honourable members that much investigation has to be carried out before this water can be used to the satisfaction of all concerned in the project. If we consider the history of water resources in this State and go back to the Playford era, we will find that the Underground Water Preservation Act was passed by Parliament many years ago but not proclaimed until about 1965. By that time many farmers had established in the Virginia area and were drawing on a water supply that they thought was inexhaustible. That was the first mistake. When restrictions were imposed the people realized that there was a limit to the quantity of water that they could use on their properties. We have the situation today in which some people are claiming that the reclaimed water from the Bolivar treatment works is usable: that claim is correct, because the water is being used, and contracts have been signed to use the water, but only in certain circumstances. The Hon. Mr. Kemp knows that it is absolutely ridiculous to try to implement a scheme of this magnitude without being certain that all the factors relevant to the situation have been proved.

The Hon. H. K. Kemp: They have been!

The Hon. T. M. CASEY: They have not been proved, and this is the whole essence of the case.

The Hon. H. K. Kemp: That is why you are playing politics.

The Hon. T. M. CASEY: No; you are the one who is playing politics. I listened to you in silence; now you listen to me for a change! The Hon. Mr. Springett mentioned the health hazard, but I venture to say that, if the Hon. Mr. Springett was asked point

blank to give a "Yes" or a "No" answer to whether he would be prepared to use the Bolivar water in its present state over the whole Virgina area, as the Hon. Mr. Kemp wants to—

The Hon. H. K. Kemp: I have not asked for that.

The Hon. T. M. CASEY: —he would be reluctant to give an answer in the affirmative —and I wouldn't blame him, because he knows full well that he would not have all the facts at his disposal. Let us look at some of the problems.

The lowest level ever recorded in the Virginia school bore located at the heart of the cone of depression of the underground water was 132ft. below sea level in February, 1969. The current restrictions on the withdrawal of underground water are based on a 15 per cent reduction in the estimated consumption during 1967-68. As far as I am aware, there are no proposals by the Minister of Development and Mines to introduce further restrictions this year. It might be inferred that the Bolivar project proposals included provision for the effluent to be used to relieve the over-exploitation of the underground water in the Virginia area. In submitting the Bolivar project report to the Public Works Standing Committee in 1959, the Engineer for Water and Sewage Treatment stated:

The proposals submitted in the main report provide for a treatment and disposal works which are complete in themselves and entirely independent of any proposals for using the effluent for irrigation purposes, which might or might not be worked up later. This was deliberate and was because of uncertainty as to whether the effluent might or might not be used.

However, it was (and is) hoped that the effluent could be used but at no time during the project was it believed that this effluent might be used to relieve the then unknown depletion of the underground waters of the Northern Adelaide Plains. Certainly, the effluent was not "promised at least from 1960 onwards", according to the Hon. Mr. Kemp on October 6, 1971. Both preliminary and subsequent studies suggested possible irrigation areas to the west of the Port Wakefield Road.

In recommending the project in 1960, the Public Works Standing Committee suggested that a committee of experts should be appointed to report on possible uses of effluent for irrigation. The Committee of Inquiry into the Utilization of Effluent from the Bolivar Sewage Treatment Works was formed in 1963 and tabled its report in July, 1966. The first fully treated effluent became available in March, 1967. In brief, the committee concluded that, because of its salinity (1,600 parts a 1,000,000) and bacteriological and virological quality, the effluent could be utilized only for irrigation of certain salt-tolerant crops under specific conditions. Salad vegetables were excluded and an integrated 5,200-acre scheme for using the effluent on such crops as potatoes, tomatoes for processing, maize, sorghum, lucerne, pasture seed, etc., was evaluated. To be even marginally profitable, this scheme was limited to specific areas on the western side of the Port Wakefield Road, and at no stage was the effluent considered as a solution to the excessive usage of underground water in the Virginia market gardening area. At that time (1966) the Government decided not to proceed with a Government-operated integrated scheme but to allow private enterprise to develop the use of the effluent. Two offtake sumps from which private users could withdraw effluent under agreement were completed in February, 1968, but, in spite of much discussion, only very limited use has been made of them.

The decision to allow private interests to develop the use of effluent was reaffirmed by each successive Government until March 1, 1971, when the Government declined to commit a large proportion of Bolivar effluent to a private developer. This was to protect the interests of the Virginia people should the investigation by the Agriculture Department prove favourable. I think that in itself shows exactly what we must do in these circumstances. We have to be absolutely sure that everything is favourable for the people of Virginia before we go ahead with a scheme of this magnitude. The Government's refusal to allow Property Management Pty. Ltd. to supply landholders *en route* to its properties was also based on the awareness that such a proposal may jeopardize the economic viability of a future regional reticulation scheme to serve the Virginia area.

The District Council of Munno Para forwarded sketch proposals for a pumping and reticulation system to the Engineering and Water Supply Department on June 23, 1970. The council's proposal provided for the reticulation scheme to be developed as a State Government scheme financed with a Commonwealth grant from the Commonwealth Water Resources Fund. As pointed out by the council "these funds are available only on a Government-to-Government basis and any scheme sponsored must bear the backing of the State Government concerned".

Because of the health, agricultural and economic problems involved, the Government requested a full investigation before it could properly lend support to the scheme and provide appropriate documentation and recommendations to the Commonwealth Government.

That is the situation as it is at the moment. The investigation was authorized in August, 1970, and preliminary reports were received from the Public Health Department and the Agriculture Department by Christmas, 1970. The Agriculture Department recommended further studies, and a total of $31,000 has now been approved for the first 12 months of the study. Field staff have been appointed, the field laboratory constructed, and the field and analytical work has just commenced.

I have replied to this point on numerous occasions in this Chamber. It takes time to employ people capable of carrying out these studies, and this is probably one of the reasons why it has taken several months to acquire these personnel. We have them now, studies are going on, the laboratory has been constructed, and the first report should be made available towards the end of next year.

Comparisons have been made between the use of Glenelg and Bolivar effluents. The Glenelg effluent has been used only for the irrigation of salt-tolerant grasses grown on well drained sandy soils. Where drainage has been inadequate (certain low parts of the Patawalonga Golf Course), salinity problems have occurred. Because the effluent is discharged to a popular bathing beach, the effluent is required to be chlorinated and the cost of chlorination is charged to the cost of treatment and not to irrigation.

This is not the case at Bolivar, where the combination of treatment processes and discharge location does not warrant disinfection. Thus, costs for disinfection (approximately 12c a thousand gallons) must be considered in the economic assessment of Bolivar effluent utilization proposals.

The Hon. L. R. Hart: Was that figure 12c a thousand gallons?

The Hon. T. M. CASEY: Yes.

The Hon. L. R. Hart: You told me it was 1c when I asked.

The Hon. T. M. CASEY: It could be a misprint. I will check it.

The Hon. H. K. Kemp: I think that should be 1.2c.

The Hon. T. M. CASEY: I apologize. Apparently there has been a typographical error. I will get the matter cleared up. Similar arguments are applicable to the requirements for effluent discharge on the metropolitan watersheds, although the associated problem of potential eutrophication adds to the complexity of the situation.

There can be no question regarding the correctness or the efficiency of the Bolivar works. It is hailed throughout Australia and by oversea visitors as a most modern and advanced works. It is specifically designed to treat, in the most economical way, the domestic sewage and heavy industrial wastes from a major part of metropolitan Adelaide (design equivalent population 1,300,000). The works produce an effluent completely satisfactory for disposal to St. Vincent Gulf. The chemical quality of the effluent is equal to that which would be produced by any other conventional process and, because of the long detention in lagoons, the effluent is superior in terms of bacteriological and virological quality.

The effluent has known limitations for agricultural use. Its chemical constituents limit it to certain medium salt-tolerant crops; its bacteriological and virological quality considerably limits its use without further expensive disinfection; and economics limit its exploitation to consolidated irrigation areas close to the outfall channel to avoid high transportation costs and to allow relatively cheap drainage to be installed when required in the future.

I should also like to answer a question asked by the Hon. Mr. Hart. I assure the honourable member that the advantages and limitations of using this effluent for trickle irrigation of various crops were fully discussed with representatives of the company he referred to (namely, Property Management Proprietary Limited) prior to entering into an agreement, and appropriate provisions were written into the formal agreement. Regarding the health aspect, the use of this effluent for subsurface trickle irrigation on the specified crops (vines and almonds) as permitted in the agreement was considered satisfactory. I oppose the motion.

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

PISTOL LICENCE ACT AMENDMENT BILL

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Pistol Licence Act, 1929-1971. Read a first time.

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

That this Bill be now read a second time.

Earlier this year, the Pistol Licence Act was amended so as to exempt from the pistol licence provisions of the Act any member of a pistol club who possesses a pistol prescribed for the use of the club, or used or carried when engaged in or proceeding to or from target practice. After examining the implications of that amendment, the Commissioner of Police has reported to the Government that the exemption is far too wide, in that virtually any person of whatever age or character may possess a pistol without a licence, providing he is a member of an organization or body calling itself a pistol club, even if the organization or body is not a *bona fide* one. At least in one case the Commissioner has discovered that a 10-year-old boy is a proposed member of a pistol club and, as the Act now stands, there is very little the Commissioner can do in such a situation. The Government believes that this potentially dangerous situation must be rectified without delay, and for this reason I commend this Bill to honourable members. It seeks to give the Commissioner of Police power to approve the persons who may be exempted from the obligation to obtain a pistol licence. In this way, some measure of control will be regained.

The Bill also contains statute law revision amendments. I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 effects several decimal currency amendments to section 4 of the Act, which deals with the penalty for carrying an unlicensed pistol. The exemption provision is amended so that only rifle and pistol club members who are approved by the Commissioner of Police are exempt from the obligation to hold a licence for a pistol. Clauses 3 to 10 inclusive effect decimal currency amendments to sections 5, 9, 10, 11, 15, 16, 17 and 18 of the Act respectively. Clause 11 effects a statute law revision amendment to section 20 of the Act.

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

HEALTH ACT AMENDMENT BILL

The Hon. A. J. SHARD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Health Act, 1935-1971. Read a first time.

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

That this Bill be now read a second time.

It has two principal objects: the first is to extend the operation of certain provisions of the Act relating to clean air and air pollution to all areas of the State and to provide for an Air Pollution Appeal Board, and the second is to clarify the provisions of the Act relating to the licensing of private hospitals and rest homes and to make provision for the licensing of nursing homes. Section 91 of the Act as it now stands prohibits the operation of the two preceding sections of the Act within any part of the State to which the Noxious Trades Act applies. Those sections deal with offences arising out of a trade or business that has become or is likely to become injurious to the health of or offensive to inhabitants of a district. The court in such a situation may impose a penalty or may order that certain actions be carried out so as to prevent or mitigate the offence.

As the Noxious Trades Act applies virtually throughout the entire metropolitan area, the unfortunate situation exists whereby, as a consequence of section 91 of the Health Act, sections 89 and 90 of that Act cannot be applied to any trade or business (whether a noxious trade or not) within that area. The Government considers that every provision of the Health Act that enables some control to be had over the growing pollution of this State must be fully operative and effective. As the State becomes more industrialized over the years, the risks to our health and enjoyment of our environment must be minimized as far as possible. In recognition of the gravity of pollution offences, it is also proposed to increase the maximum penalty that may be prescribed for breach of a clean air regulation from $200 to $2,000.

At the same time, the Government fully realizes that industry must be given as free a hand as possible to operate efficiently and profitably, and this Bill seeks to provide for the establishment, by regulation, of a body to be known as the Air Pollution Appeal Board. It is intended that this board will entertain appeals from any person or body against decisions of the Director-General under the clean-air provisions of the Act. The Director-General is to be given under the regulations further powers with respect to setting limits on the emission of various pollutants into the atmosphere and to the imposition of specific conditions on individual industries. It is obvious that these powers are very necessary, and it is fortunate that various industrial interests have indicated that the restrictions that will necessarily follow will be accepted without undue opposition if there

is some right of appeal to an independent tribunal. The Government believes that co-operation between all interested parties in reaching a solution to the pollution problem is essential, so it is willing to set up the appeal board without further delay.

In amending the provisions of the principal Act dealing with the licensing of private hospitals, nursing homes and rest homes, the Government's primary concern is to clarify the definitions of these three classes of institution, so that the present conflict with corresponding Commonwealth definitions is resolved. As the Act now stands, no distinction is made between rest homes and nursing homes, whereas the Commonwealth has provided separate levels of benefits for those two types of institution. The Bill therefore contains various new definitions and provides for the licensing of nursing homes. These amendments partly result from an undertaking given to the Commonwealth Minister for Health which the Government wishes to honour as expeditiously as possible.

I shall now deal with the clauses of the Bill. Clause 1 is formal and, as regulations will have to be made, commencement is to be on a day to be fixed by proclamation. Clause 2 contains a consequential amendment. Clause 3 provides a definition relating to the Air Pollution Appeal Board. Clause 4 repeals section 91 of the principal Act. I have already referred to the reasons for this repeal. Clause 5 adds a further regulation-making power in that Part of the Act dealing with clean air and air pollution, providing for the setting up of an Air Pollution Appeal Board. Substituted paragraph (r) increases the maximum penalties for breaches of clean air regulations to $2,000, and to $200 a day for a continuing offence.

Clause 6 inserts a new section 94d which provides for the appointment of the Air Pollution Appeal Board. Clause 7 contains a consequential amendment. Clause 8 inserts a new section 145a which defines a private hospital, a nursing home and a rest home. Certain premises are deemed to be a nursing home or a rest home, as the case may be. Certain institutions which are covered by other legislation are excluded from the provisions of the Part. Clause 9 contains two consequential amendments to section 146 dealing with the licensing of private hospitals and also increases the maximum penalty for a breach of any of the provisions of the section from $100 to $200.

Clause 10 inserts new section 146aa which provides for the licensing of nursing homes. The same provisions are included as are now contained in the sections dealing with the licensing of private hospitals and rest homes. A building previously licensed as a private hospital or a rest home must, if it is to be used as a nursing home and comes within the definition of a nursing home, be licensed as a nursing home after the expiration of its current licence. Clause 11 contains two consequential amendments to the section dealing with the licensing of rest homes and also increases the maximum penalty for a breach of that section to $200. Clause 12 amends section 147 relating to the making of regulations, so as to conform to the new provisions relating to private hospitals, nursing homes and rest homes. The power to prescribe conditions relating to the refusal of an application for a licence (either for the hospital or home or the manager thereof) is also included.

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

FILM CLASSIFICATION BILL

Schedule of the amendments made by the House of Assembly to the amendments of the Legislative Council:

Legislative Council's Amendment—

No. 6. Page 2, line 29 (clause 6)—Leave out "six years and".

House of Assembly's amendment thereto—

Leave out "years and" and insert 'and insert "two" '.

Legislative Council's Amendment—

No. 7. Page 3, lines 5 and 6 (clause 6)—Leave out "had not attained the age of six years, or".

House of Assembly's amendment thereto—

Leave out all words after " leave out" and insert the words ' "six" and insert "two" '.

Legislative Council's Amendment—

No. 8. Page 3 (clause 6)—After line 11 insert new subclause (4) as follows:

(4) This section does not apply in respect of a child who has attained the age of sixteen years and who is employed by an exhibitor in the performance of duties and functions in connection with the operation of the cinematograph used for the exhibition of the film.

House of Assembly's amendment thereto—

Leave out all words after "who is" and insert "present in the theatre in the course of his employment".

Schedule of the Amendment made by the Legislative Council to which the House of Assembly has disagreed.

No. 5. Page 2, line 29 (clause 6)—Leave out "between" and insert "below".

Consideration in Committee.

Amendment No. 6:

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

That the House of Assembly's amendment to the Legislative Council's amendment No. 6 be agreed to.

The object of the amendment is to bring some semblance of sanity into the whole procedure. We are trying to decide what is the maximum age at which a young child should be admitted with its parents to an R film. Honourable members have pointed out that a child of six years could be harmed by such a film. However, we must remember that some parents would never be able to attend a theatre if they did not take their children with them. Consequently, if they want to see an R film, they may want to take their children with them. We must decide the appropriate age so that children will not be harmed by an R film. Because I believe that the age of two years is a reasonable age limit, I ask the Committee to accept the House of Assembly's amendment.

The Hon. G. J. GILFILLAN: Can the Minister say exactly what the House of Assembly's amendment does?

The Hon. T. M. CASEY: The clause was amended in this Chamber, but I agree that it is difficult to understand the other place's amendment.

The Hon. Sir ARTHUR RYMILL: I think it is wrongly worded: with the House of Assembly's amendment the clause would read "Where a child between the age of six two years and 18 years", but I do not think it is for us to set it out correctly.

The Hon. F. J. Potter: It may be a printer's error.

The Hon. Sir ARTHUR RYMILL: I do not think it is because—

The Hon. A. J. Shard: We know what they are driving at, but it is not worded properly.

The Hon. Sir ARTHUR RYMILL: Yes. I agree with the amendment, if it means what I assume it means. It shows much co-operation from the other Chamber and a growing awareness that much sense comes out of this Chamber. We in this Chamber have been pilloried and castigated on many occasions, but we do give careful deliberation to all Bills. We work as a genuine House of Review, and we have excellent members individually. We have people who have been most successful in their own fields of activity, but when we get together, according to the press, it seems that we become a conglomeration of absolute idiots. There is a tremendous amount of talent in this Chamber, but the press would have it that when all these talents are put together what emerges from our discussions is absolute nonsense. I am not castigating the Government about this amendment, because I think it has virtually accepted our amendment.

I think the acceptance of our amendment shows the worthwhileness of the House of Review. It has been noticeable this session that the Government has had to present many amendments to its own Bills, and this could not possibly be done with a unicameral system. I agree with the House of Assembly's amendment to our amendment. The substance of our amendment was good, because I think the Hon. Mr. Springett and other members with knowledge of this subject pointed out that children between the ages of two years and six years are in the period when they learn more than at any other stage of their lives, and are much more intelligent than ordinarily they are given credit for. We all know this to be fact, and I think that the Bill as originally drawn was not satisfactory.

The Hon. C. R. STORY: There seems j to be some confusion about the amendment at present, but one can easily understand what has happened in this matter.

The Hon. T. M. CASEY: I suggest that it would be appropriate to report progress at this stage.

Progress reported; Committee to sit again.

Later:

The Hon. T. M. CASEY (Minister of Agriculture): After much deliberation the Committee has finally resolved the situation regarding the House of Assembly's amendment. I am satisfied, as are other members of the Committee, that the amendment clarifies the position, and it is now agreed that anyone under the age of two years will be able to accompany his parents to the exhibition of a film with a restricted classification. I therefore ask the Committee to accept the amendment moved by the House of Assembly.

The Hon. C. R. STORY: If the amendment is accepted, the provision will read exactly the same as it did yesterday. This is indeed a difficult legislative measure because, as I warned in the second reading debate, the new R classification will open wide the matter of censorship. It has been asked (and I, too, have asked the same question) whether the State censor (that is, the Attorney-General) will take action that will in some way restrict the Commonwealth censorship board. Only two nights ago I saw on television a person who apparently runs drive-in theatres. He

assured the public that the new R classification would mean that eight films that could not previously be exhibited in Australia can now be shown here.

The Hon. F. J. Potter: That has been officially announced.

The Hon. C. R. STORY: That is so, and those films can be exhibited in open-air theatres which many young people can attend. A leading psychiatrist and a leading social worker have informed me of the types of film that can now enter Australia as a result of the new R classification, which provision was passed only yesterday. This is apparently why the legislation was passed so quickly and, indeed, why the Attorney-General wanted it passed yesterday. A leading social worker, who telephoned me yesterday and who would be well able to judge the ages of those involved, told me that last Saturday night 30 cars were parked outside of a drive-in theatre at which an erotic film was being exhibited and groups of young people were sitting in those cars. I only hope that the Attorney-General will, if these matters are brought to his attention, take action to ensure that these films are no longer exhibited. On two or three occasions that people have approached the department he has been reluctant to take any action whatsoever.

The Hon. T. M. Casey: I take it that all the people in the car were over two years and under 18 years.

The Hon. C. R. STORY: My informant would be well equipped to gauge the ages of these people, and she thought that they would be between the ages of 13 and 14 years. They were certainly not the type of persons who ought to be sitting outside a drive-in theatre watching such a film.

The Hon. T. M. Casey: There must have been some people over 16 years of age there because some were driving the cars.

The Hon. C. R. STORY: The Minister has a very glib tongue. I would have thought better of him. I do not want to be flippant about this serious matter. I believe I made a serious mistake in the first place in not trying to prohibit R films in open-air theatres. As a result, I have only one person to fall back on to ensure that that type of film is not shown in open-air theatres—the local censor, the Attorney-General. What is shown at such theatres is seen not only by those who are admitted but also by those who live nearby. I am disgusted that the Commonwealth censorship board has allowed eight films to be distributed throughout Australia uncut; my informant is the Australian Broadcasting Commission. I am most unhappy about the whole situation. If the parents of a two-year-old child want to take him to an R film, that is a very poor reflection on the parents. The original amendment provided that no children at all should attend theatres where R films were shown, but I suppose it does not matter unduly if children up to the age of two years are admitted.

The Hon. V. G. SPRINGETT: I agree with the Hon. Mr. Story that, if children of, say, 18 months are exposed to frightening or over-exciting situations, they respond to them and store memories of them. Of course, most children under two years of age who are taken in cars to drive-in theatres will be asleep during the programme. Further, people who go to enclosed theatres will not want a wriggling, restless child on their laps during the programme. In my second reading speech I said that people could stand outside a drive-in theatre and see the screen clearly. People can get a free look at events on some football grounds, but at some such places the police put up notices saying that parking is prohibited. I do not see why parking should not be prohibited outside drive-in theatres when any films (not only R films) are being shown. While the House of Assembly's amendment to the Legislative Council's amendment is not ideal, it is acceptable.

The Hon. F. J. POTTER: I moved the original amendment providing that no children at all should be allowed into theatres where R films were being shown, but I am not opposed to the House of Assembly's amendment. I was amazed to read in this morning's paper that some underhand deal might have been made with me and other honourable members in this place about this matter. Nothing more occurred than that a conversation took place as to whether we could find some solution to a problem that obviously had some practical aspects. I agree with the Hon. Mr. Springett that in some circumstances experiences can be registered on the minds of children even under the age of two years, but we must be practical. The problem will arise more frequently at drive-in theatres; a baby asleep in a bassinet will not cause much of a problem. I support the suggestion that we do not prohibit children up to two years of age from being in a theatre where R films are being shown.

Motion carried.

Amendment No. 7:

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

That the House of Assembly's amendment to amendment No. 7 be agreed to.

This is consequential on the previous amendment.

Motion carried.

Amendment No. 8:

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

That the House of Assembly's amendment to amendment No. 8 be agreed to.

This provision now embraces people in the theatre who are employed full time, in addition to the cinematograph operators.

The Hon. C. M. Hill: What do you mean by "full-time"?

The Hon. T. M. CASEY: They are employed, but not necessarily full time. We have to be realistic, although I do not know any persons under the age of 18 years who would be employed, except apprentice operators. However, other people may be employed and they would be present while the film was showing.

The Hon. C. R. STORY: I oppose the motion. The original amendment from this Chamber would enable a youth of 16 years to start his apprenticeship so that by the time he was 21 he would have been a fully qualified projectionist. I do not know why the provision has been extended to other people who may be employed. We could have boys and girls employed, and there need be no reason (if business was not good) why the proprietor could not dress up as many as 30 girls in mini skirts to parade as an attraction. A theatre is a place of entertainment, but the original idea was to give the apprentice the chance to do his work.

The Hon. A. F. Kneebone: It could be a female apprentice.

The Hon. C. R. STORY: I am satisfied with the provision for the male apprentice, because there could be two operators and there could be a girl projectionist. However, I believe this amendment has gone beyond the scope of what this Chamber tried to do and goes much further than the Government was willing to go in allowing apprentices to exercise their right to learn a trade at the age of 16 years instead of 18 years. I quote from page 2801 of the *Hansard* report during the Committee stage of this Bill:

The Hon. C. R. STORY: I understand that many boys just under the age of 18 are used in the business by the exhibitor as tray boys, for instance. I take it they will be excluded?

The Hon. T. M. Casey: No; it is in connection with the operation.

The Hon. C. R. STORY: Yes, but the general theme of what has happened will exclude all persons under the age or 18 years, so it will mean that any tray boy between the ages of 16 and 18 who earns his few cents pin money, as many do at present, will be excluded under the Act?

The Hon. T. M. Casey: Yes.

The Hon. C. R. STORY: The Minister does not intend to bring them in?

The Hon. T. M. Casey: No.

That was the opinion of the Government at that time, and I believe the Government was correct. I am not willing to go as far as the House of Assembly has gone in this matter. I think the reference that the Legislative Council has done a deal with the Attorney-General is a scurrilous attack on members of this Chamber who were merely asked whether they would be willing to come a bit of the way towards a solution. As I believe that this is the way politics should work, I am most upset that members have been attacked in this way.

The Hon. A. J. Shard: They weren't having a go at members here, but at the Attorney-General, and he is worth 10 of them. That's the way it read.

The Hon. C. R. STORY: I believe it is a scurrilous attack on members of this Chamber. I oppose the motion.

The Hon. M. B. CAMERON: I do not oppose the clause in its entirety because it is obviously designed to cover a large group of people.

The Hon. T. M. Casey: Representations have been made since the amendment was carried.

The Hon. M. B. CAMERON: There are people in the industry and in the theatre who are not necessarily apprentices but who can work perhaps one week and not the next, depending on the films exhibited. There must be a solution to this problem. I can understand the Hon. Mr. Story's concern about the possibility of bringing in large numbers of people to perform in the theatre but, at the same time, it is hard to oppose this clause completely. I am reluctant to support it because of the Hon. Mr. Story's views on the possibility of people being drawn in from outside to entertain during the showing of the film. However, I will support the amendment as it stands.

The Committee divided on the motion:

Ayes (8)—The Hons. D. H. L. Banfield, T. M. Casey (teller), M. B. Cameron, C. M. Hill, A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, and A. J. Shard.

Noes (11)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes,

G. J. Gilfillan, L. R. Hart, H. K. Kemp, E. K. Russack, V. G. Springett, C. R. Story (teller), and A. M. Whyte.

Majority of 3 for the Noes.

Motion thus negatived.

Amendment No. 5:

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

That the Legislative Council do not insist on its amendment to which the House of Assembly has disagreed.

This is really consequential on amendments Nos. 6 and 7, as we substituted "between" for "below", which must be put back into the clause because we have changed "six years" to "two years".

Motion carried.

The following reason for disagreement to the House of Assembly's amendment to amendment No. 8 was adopted:

Because the proposed amendment unreasonably widens the restricted intention of the Bill.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 16. Page 2976.)

The Hon. C. R. STORY (Midland): I rise to support this Bill because it is in conformity with Government policy. I have heard that term used recently in practically every piece of legislation we have had—that it is "in conformity with" some policy. For instance, it is "in conformity with Government policy" that the men working at the abattoirs should have four weeks' leave annually, and, in addition, an extra week's pay. This Bill is an innovation. Some time ago the New South Wales Rural Savings Bank adopted four weeks' annual leave, and the Public Service there has had four weeks' annual leave for some time. The generous Government of South Australia has seen to it that anyone who works for a board or is associated with the Government shall receive four weeks' annual leave.

The employees of the Savings Bank of South Australia, which is, as I understand it, a Government bank, are now to have conferred upon them the same privilege as some other people enjoy. That is all very well. No doubt, it will flow through to people of equal status throughout the whole industry, at a time when some apprehension is being expressed everywhere about inflationary pressures and when many people (particularly school-leavers with academic qualifications) are not able to get jobs. This is not the way to go about governing the country. The situation as I see it is that there will be a flow—through to all private banks in the State.

I do not think people should be discriminated against because they happen to be bankers, but the Government has a big responsibility to try to keep the people of this State as prosperous as possible. I have recently had letters about the increased costs that have resulted from the additional taxation and charges that have been imposed in the last 18 months on the average person engaged in small industry, and particularly primary industry. There seems to be no end to this business of hand-outs. I was intrigued this morning to observe the dire apprehension of the Premier and Treasurer of this State when he said that he was very worried about the number of school-leavers who would be unable to take up positions at the beginning of next year, and 2in. below that item in the newspaper I was equally surprised to see that he was exhorting the setting up of a committee to manage the festival centre and the $5,500,000 second-stage concepts that the Government envisages. Surely that will not be revenue producing to the point where the taxpayer will not be called upon to subsidize it.

Further expenditure that has been caused by the Government in the last 12 months is quite wrong; but I do not see why the bank officers of the Savings Bank of South Australia should be discriminated against when the Government has advocated this further expenditure. I say "advocated" because, if we peruse the speech made by the Premier when he returned to office, we see that, in his opening remarks in the debate on the Address in Reply, he said that South Australian workers should be put on exactly the same basis as workers in other States.

As a State, we had always been most fortunate, because at one time we were able to produce and import, which had been our salvation. We had been able to keep down our transport, electricity, gas, and other basic commodity costs; but the time came when we were determined to "keep up with the Joneses", so to speak, and the Premier set out to see that everyone in South Australia got the same wages as everyone in New South Wales, irrespective of the cost of housing or living. The cost of housing in South Australia has still been kept down because of the prudence of the previous Liberal Governments, which bought tracts of land sufficient to keep the price of land within reasonable bounds, and the building

industry so far has been able to build more cheaply than the industry can in New South Wales.

The Hon. R. C. DeGaris: We are catching up with costs in other States, though.

The Hon. C. R. STORY: There is no doubt about that because, once we take away private enterprise, we start to catch up. That is the present situation in which we find ourselves. However, I shall not oppose the right of the officers of the Savings Bank of South Australia to receive the same benefits as those enjoyed by workers in the Government service.

It is very interesting, of course, to note that once again we have some amendments on our files. Nowadays we always seem to be having amendments to Bills. No doubt they will be explained at the appropriate time. It is not very long ago that the people of South Australia were called upon to sacrifice their Saturday morning banking. I think the banking services of this State have been very good, and I am not going to oppose four weeks' leave, because it seems to me this would be discriminating against the officers of the Savings Bank of South Australia, an institution for which I have the highest regard, and therefore I support the Bill.

Bill read a second time.

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

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses relating to the disqualification, meetings, fees and sick leave of Trustees and to the appointment of the Chairman of Trustees.

Motion carried.

In Committee.

Clause 1 passed.

New clause 1a—"Disqualification of Trustee."

The Hon. T. M. CASEY: I move to insert the following new clause:

1a. Section 8 of the principal Act is amended—

(*a*) by striking out the word "The" being the first word of the section and inserting in lieu thereof the passage "Subject to subsections (2) and (3) of this section, the"; and

(*b*) by inserting at the end thereof the following subsections (the present contents of the section as amended by paragraph (*a*) of this section being hereby designated as subsection (1) thereof):

(2) For the purposes of paragraph (*a*) of subsection (1) of this section, a Trustee shall not be regarded as being a director of any banking company transacting business in the State by reason of the fact that he is a member of the Board of Management of the State Bank of South Australia.

(3) Notwithstanding anything contained in the State Bank Act, 1925, as amended, a member of the Board of Management of the State Bank of South Australia is not liable to dismissal from his office as such under section 13 of that Act in consequence of his being also, and acting as, one of the Trustees of The Savings Bank of South Australia or in consequence of his taking part, as one of the Trustees, in the management of the Bank.

The new clause amends section 8 of the principal Act so as to remove a doubt as to whether a member of the board of management of the State Bank of South Australia could be regarded as a director of a "banking company transacting business in the State of South Australia" in which case he would, if he were a trustee of the Savings Bank, vacate his office as such trustee. It is considered that the State Bank is not such a "company", but in the event of a trustee of the Savings Bank of South Australia being appointed also a member of the board of management of the State Bank of South Australia there should be no doubt as to the validity of his power to continue to act as a trustee of the former bank. The reference to section 13 of the State Bank Act is necessary to remove any doubt as to the right of a member of the board of management of the State Bank of South Australia to continue in that office if he were appointed a trustee of the Savings Bank of South Australia.

The Hon. C. R. STORY: I want more information on this matter. I remember that it was Labor Party policy, and enunciated as such, that there should be a combination of the State Bank of South Australia and the South Australian Savings Bank. I think this was a brain-child of the Hon. Hugh Hudson, who, I am told, is an expert in that field. What perturbs me is that this very simple little Bill, which occupies less than one page of printing, should have four pages of amendments dealing with directors of the State Bank of South Australia when we are giving four weeks' leave to the bank officers of the Savings Bank of South Australia.

I want the Minister's assurance that this is not something which is being slipped through nice and quickly and which would make it possible for a director who happened to be at present a director on the board of the

Savings Bank of South Australia to be also appointed to the board of the State Bank. This amendment purports to say that the position could be *vice versa,* but it is not a two-way take, as far as I can see. I want to know that there is not some idea that some members of the board of the Savings Bank of South Australia could be appointed as members of the board of the State Bank and so carry out dual duties. In the matter of trustees, the Governor shall appoint one trustee to be Chairman of trustees. I am not very happy about this. I must say this new clause has been rather sprung upon us. It has come to us at rather short notice and I would like some further explanation from the Minister.

The Hon. C. M. HILL: I support the remarks of my colleague, the Hon. Mr. Story. As I heard the Minister's explanation, if this amendment is carried the same person would be able to hold office, on the one hand as a trustee of the Savings Bank of South Australia, and on the other as a member of the board of management of the State Bank of South Australia. In view of the political history of the proposed marriage between these two organizations, this must surely be viewed with some doubt as to the real intention of the amendments being put to Parliament.

If one carried one's imagination a little further it would seem that the one board could do both tasks if this Bill is passed. One board could comprise the trustees of the Savings Bank and the same personnel could be the members of the board of management of the State Bank. Carrying it further, they would begin to say to themselves, "Why have we got two sets of board rooms?" and the next step would be that they would be meeting in the one place. Surely the Government must admit that this is the thin edge of the wedge to amalgamate these two financial institutions. I ask whether the shareholders of the Savings Bank of South Australia (in other words, the pass-book holders) have received any advance notice of such intention recently? Indeed, have the account holders in the State Bank been given any advice that the Government either has or has not this proposal in mind? I express some fear that Parliament has not been told the full story.

I believe the question whether amalgamation is a good or bad thing can be set apart for separate debate. I know what the Labor Party thinks about such a proposal because, as the Hon. Mr. Story said, announcements on this matter were made at one stage by its spokesman. Setting aside the argument whether such an amalgamation is good or bad in the interests of South Australia, the people whose money is in both banks (and I am talking about the hundreds of thousands of South Australians with small amounts of money in the banks) must be given ample notice if the Government intends moving in this direction. If the Government does not intend to do this, I ask why there is a need for this Bill and for the common roles to be taken by trustees of the Savings Bank and members of the board of management of the State Bank.

The Hon. T. M. CASEY: I can see no ulterior motive behind this legislation, as has been suggested by honourable members who have just spoken. However, I cannot give the assurance that they are asking me to give. All I am asking by this amendment is that these gentlemen should be able to be appointed to a bank's board if they are occupying a seat on another board.

The Hon. A. F. Kneebone: Some members opposite are on many boards.

The Hon. T. M. CASEY: That is so.

The Hon. C. M. Hill: But are there any plans to amalgamate?

The Hon. T. M. CASEY: Not to my knowledge. Many people are sitting on more than one banking board. What is good for the goose ought to be good for the gander.

The Hon. C. M. Hill: They don't on banking institutions, otherwise there would be a conflict of interests.

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

The Hon. C. M. Hill: And there will be a conflict of interests here.

The Hon. T. M. CASEY: Not necessarily. I do not see anything wrong with this. Indeed, I think it is a step in the right direction, removing as it does an anomaly that has existed for many years.

The Hon. C. R. STORY: As I see it, the funds of the State Bank of South Australia are drawn from many sources, much of them from this Parliament. This bank has done a wonderful job in developing areas of South Australia that may not have been nearly as well developed had Parliament not appropriated money to it. In turn, the bank has paid back its due to this State by paying taxes on its profits. However, the Savings Bank of South Australia is a different kettle of fish altogether, as it belongs to all of us who have, say, $50, $100 or $1,000 deposited therein. It has nothing to do with the State

Bank, which is an absolutely separate corporate body set up under an entirely different scheme.

An attempt was made by the Chifley Labor Government when in office to grab the people's money and, if there is any suggestion that the Government is going to take over or attempt to amalgamate the Savings Bank of South Australia with the State Bank, the matter ought to be put to the people, because I consider that the people of South Australia would give that suggestion the same treatment as they gave the previous legislation that the Chifley Government put before them many years ago. I cannot in my wildest dreams think that there is such a dearth of ability in South Australia's business, trade union or banking worlds that it is necessary to duplicate the trustees on the State Bank and the Savings Bank boards. I can see no necessity whatsoever for either board to be completely loaded with public servants or with any other class of person.

Plenty of people are available and, therefore, I can see no reason why at this late stage this matter should be foisted upon us without a proper explanation of whether or not the Labor Party's policy, which was announced twice by different Premiers in their policy speeches (first, when the Walsh Government came into office), that these banks would be amalgamated, is being implemented. I am not satisfied that this simple little Bill, providing four weeks' annual leave for bank officers, is not a sweetener for something that is contained in the four pages of amendments on file. In this respect, I need more assurance.

The Hon. Sir ARTHUR RYMILL: I think I should declare my interest, as I am a director of a trading bank which in a way competes with the State Bank, and a director of a savings bank which is, I suppose, competing with the State Savings Bank. I see nothing wrong with the Bill or the amendments to it. As the Hon. Mr. Story said, the State Bank has done much for South Australia, as has the Savings Bank of South Australia. The latter has an interesting history, as at one stage, although it used to advertise that repayment of its deposits was guaranteed by the South Australian Government, and the Government had power to appoint the governor of that bank, the funds of the Savings Bank seemed to belong to no-one except the bank. I remember Sir Thomas Playford mentioning this aspect to me at one stage, since which I have examined it more closely. In 1945, section 4a was inserted into the principal Act by the then Playford Government. That section provides as follows:

Notwithstanding anything contained in this Act, the bank shall hold all real and personal property whatsoever which is at any time vested in it, for and on account of the Crown, as representing the State of South Australia.

Until then, under the legislation the bank virtually belonged to itself. In Italy, at one time, the laws were such that a company could buy its own shares; that cannot be done in Australia. A large Italian bank managed to buy all of its own shares, thus preserving an interesting situation of heredity. This Bill amends the principal Act by providing that employees of the Savings Bank of South Australia may have four weeks' annual leave. Because the bank is now a Government institution and because it is Government policy to provide for four weeks' annual leave, I do not think it is for me to challenge that, although I have my own ideas about it.

The amendment enables a member of the board of management of the State Bank to be a trustee of the Savings Bank of South Australia and *vice versa.* The policy of a predecessor of the present Government at an election was to amalgamate the State Bank and the Savings Bank of South Australia. That has not happened, and there are probably very good reasons why it should not happen. However, I see no reason why a member of the board of one bank should not be a member of the board of the other. They are both Government institutions and are not competing with each other in any major way. They have different roles to fulfil, and I imagine that an interchange of board members would be valuable. It would probably be a good thing for the institutions to have one or two directors in common.

The Hon. F. J. Potter: Would you approve having one board for the two institutions?

The Hon. Sir ARTHUR RYMILL: I did not say that, and I have not thought very much about it, because I have not had to do so. In the bank of which I am a director, the trading bank board has the same members as the savings bank board has, and the finance subsidiary has overlapping directors.

The Hon. C. M. Hill: But you have common shareholders, and it is the one institution.

The Hon. Sir ARTHUR RYMILL: The State Bank and the Savings Bank of South Australia have common shareholders, too, because they are wholly owned subsidiaries of the State of South Australia. I see no objection to the Bill, but I do not claim

to be an expert on these matters. It seems quite all right to me. The other amendments that have been foreshadowed are the sort of thing often prescribed in the articles of association of a company. They are conditions of employment of directors, board members and trustees.

The Hon. F. J. Potter: I do not think they will be controversial.

The Hon. Sir ARTHUR RYMILL: I agree. I do not see why the two banks should not have directors in common. At one stage it was suggested that the two banks be amalgamated, in which case the boards would be the same. That may be the Government's intention.

The Hon. A. J. Shard: No.

The Hon. Sir ARTHUR RYMILL: I cannot see why I should object to this Bill.

The Hon. T. M. CASEY: I thank Sir Arthur for his comments. If a person looks at the amendment from the viewpoint that there may be an ulterior motive, he can forget its real purpose. However, if one looks at the amendment in the way that Sir Arthur has done, one realizes that there is much to be gained from it. We have a trading bank and a savings bank. Private enterprise finds it expedient to have directors of one type of bank sitting on the board of the other type of bank.

The Hon. F. J. Potter: There is now a trading bank section of the Savings Bank of South Australia, in a way.

The Hon. T. M. CASEY: I ask honourable members to look at the amendment in the light of the Government's real intention.

New clause inserted.

New clause lb.

The Hon. T. M. CASEY: I move to insert the following new clause:

lb. Section 13 of the principal Act is amended—

(*a*) by striking out from the first paragraph thereof the passage , "once in each week (except during the last week of the month of December)"; and

(*b*) by striking out from the third paragraph thereof the passage "more than one meeting in each week" and inserting in lieu thereof the passage "a meeting".

The present provisions of the principal Act require trustees to meet at least once in each week, except during the last week of December. Experience has proved that it is not always necessary to require trustees to meet each week. The amendment will permit them to meet as the pressure of business makes it necessary.

The Hon. C. R. STORY: Are the trustees remunerated on an annual basis or on the basis of so much a meeting?

The Hon. T. M. CASEY: I cannot answer that question, but I believe that they are remunerated on an annual basis.

The Hon. A. J. Shard: It is yearly.

The Hon. C. R. STORY: Will they take a small cut in their salary if they do not meet so often?

The Hon. Sir ARTHUR RYMILL: There has been a tendency in public companies, in this State and elsewhere, to change from weekly meetings to fortnightly meetings. In recent years that has happened in several companies of which I have been a director. Senior executives have to do much work in preparing for board meetings. In most companies a fortnightly meeting is usually sufficient. The fortnightly meeting does not alleviate the task of a director, and he should not be paid any less remuneration. Usually, the fortnightly meeting lasts almost twice as long as does the weekly meeting, but it does not take up the time of the senior management and divert them from their normal duties so often. It is not the time a director sits at a board meeting or a member of Parliament sits in the House for which they earn their money: much thinking is done and much work is done apart from the time the person is actively engaged in discussion. As the amendment is in accordance with the modern trend, I support it.

New clause inserted.

New clause 1c—"Appointment of chairman."

The Hon. T. M. CASEY: I move to insert the following new clause:

1c. Section 15 of the principal Act is repealed and the following section is enacted and inserted in its place:

15. (1) With effect from the termination of his office as chairman of the person holding that office on the day of the commencement of the Savings Bank of South Australia Act Amendment Act, 1971, and as occasion requires, the Governor shall appoint one of the Trustees to be the chairman of Trustees.

(2) The chairman so appointed shall hold office as such during the term of his office as one of the Trustees.

(3) The chairman shall preside at the meetings of the Trustees and shall not only have a vote as one of the Trustees, but shall also in addition thereto, in case of the equality of votes, have a casting or decisive vote.

(4) In the absence of the chairman at the time appointed for any meeting of the Trustees, one of the Trustees then present

shall be chosen by the other Trustees assembled, and shall act as chairman of the meeting at which he is so chosen.

New clause 1c repeals section 15 of the principal Act, which at present provides for the trustees to elect one of their number to be Chairman of trustees for a period of office until and including December 31 next following the date of his appointment, and re-enacts it in order to conform with other similar statutory bodies by providing that the Chairman of trustees shall be appointed by the Governor. The first appointment by the Governor will be made for a period commencing after the expiration of the present term of office of the Chairman on December 31, 1971. The remaining provisions of the section as re-enacted reflect the present situation.

The Hon. C. R. STORY: The Government has accepted its full powers in regard to the Savings Bank of South Australia, and it seems to me that something sinister is being done. First, the Governor shall appoint one trustee and then from among the trustees one shall be appointed by the Governor as Chairman of trustees. He can be hired or fired entirely by the Government. Whilst I respect the Hon. Sir Arthur Rymill's views, because he has had much experience in the banking world, his banking world has been one in which people with a few bob have bought shares in various companies, giving them shareholding and voting rights. In this case this is another Government insurance office in the making. This amendment will lead us to complete Government control of the State Bank and the Savings Bank, whereas in the past we have had some freedom and some opportunity to appoint people from outside the Government circle. With this amendment, the appointment of Chairman will be completely within the Government circle. He will have two votes, too. The Chairman is appointed differently now. In the past, the trustees elected the Chairman, but now the Government has taken upon itself the right to appoint not only the trustees but also the Chairman from among the trustees. I think that is leaning very close to the socialization of the State banking system.

The Hon Sir ARTHUR RYMILL: I regret that I cannot agree with the Hon. Mr. Story's opinion, for which I have always had great regard. This provision will modernize the charter of the bank. I have found it embarrassing to have to be appointed as a chairman each year and not know what is going to happen. In most public companies the appointment of chairman is in the hands of the other board members, but in most cases it is not done every year. The normal appointment is for the chairman to be appointed until otherwise determined, and this is a good way round the problem. At the same time, other members of the board have the power to dismiss or replace the chairman if they see fit to do so. On the other hand, this is an institution owned by the Government. In my experience, in the case of most Government boards the Government itself nominates the chairman. I sit on one board that is a department of the Government. That board is nominated by the Government. I have not looked it up but I imagine that that is the situation prevailing with most Government boards. I see nothing wrong with Governments appointing the chairman as well as the board for, after all, the Government has the power to appoint board members. Why it should not have the power to appoint the chairman I do not know.

It is tying its hands in respect of the term of office of the chairman, but there may be something in the Act to alter the term. However, there are six Government-appointed trustees of the Savings Bank of South Australia. Therefore, assuming they were all present, the chairman would have an additional vote only if the voting was three-all, which would be most unlikely. I have been the chairman of public companies for a long time now and do not remember ever having to vote on anything. Most people are reasonable. Even if one man feels he is the odd man out, or two men feel like that, they usually go along with the majority when it comes to any voting. I am sorry to have to disagree with my colleagues on this matter, but I see nothing wrong with the amendment.

The Hon. C. M. HILL: Naturally, I have tremendous respect for my colleague, Sir Arthur Rymill, in all matters and particularly in the area in which he is now discussing this Bill.

The Hon. Sir Arthur Rymill: Surely there is a "but" coming.

The Hon. C. M. HILL: Yes, and that "but" is that I do believe that the fears expressed by the Hon. Mr. Story are concerned with a fact that we have to keep in our minds. Sir Arthur maintains that the Savings Bank of South Australia is a State institution and its owner is, in effect, the State, and therefore the emphasis on control is with the State; but let me remind honourable members that time and

time again the Savings Bank of South Australia publicizes the fact that it is the people's bank. It proclaims, "This is your bank", and it is impressed upon the account holders that this banking institution is theirs; they are asked where that institution would be without them.

The Hon. A. J. Shard: Are not the people the Government?

The Hon. C. M. HILL: Not in this case.

The Hon. F. J. Potter: That is a bit of unfair advertising.

The Hon. C. M. HILL: I am divided on this because the Government does not own the Savings Bank accounts. The money in the bank (and this is the very lifeblood of the institution) belongs to the people, not to the State. The lifeblood of that institution comprises the bank accounts, which belong to the account holders, the people. The people regard that bank as their bank, and a person who has not an account there does not regard himself as belonging to that group of people who maintain it is their bank. The people who assert that that bank is theirs are those who have accounts here.

The Hon. D. H. L. Banfield: But they bank there because they know it is guaranteed by the Government.

The Hon. C. M. HILL: No. My point is that we can over-emphasize the fact that this institution is a State instrumentality. That bank belongs, in effect, to the people who have their money deposited there. That is how the man in the street looks at it. For whom are these gentlemen trustees? I think they are trustees for the account holders.

The Hon. D. H. L. Banfield: And not for the guarantors?

The Hon. C. M. HILL: Are they trustees for the account holders or are they trustees for the State? I think they are trustees for the people who have accounts at the bank.

The Hon. D. H. L. Banfield: You wouldn't care if it went broke.

The CHAIRMAN: Order!

The Hon. C. M. HILL: The trustees that we are discussing in this Bill are trustees for the people, not for the State.

The Hon. A. J. Shard: I think it is 50-50.

The Hon. C. M. HILL: If it is a fact that they are the trustees for the account holders, then by this Bill we are taking away from the account holders some interest in those trustees; we are saying that the Government is stepping in and appointing the chairman of that group. It is further Government interference in this institution. All this is being done with no public announcements or publicity. If we start interfering with a banking institution that belongs to the people, the people will have something to say about it. That is clearly taking place here today, without any announcement outside this place, and in a most strange way, a way of which we have not seen its equal, in that a small Bill introduced simply to increase annual leave for some bank officers from three weeks to four weeks, is now attracting amendments three or four times as long as the Bill itself.

The Government should have given some publicity to what it proposed to do; the people's opinion should have been tested on this matter, but it may now be too late to do that, if I truly sense the feelings of this Chamber. The machinery of introducing Bills in this fashion is very poor indeed, especially when the Bill concerns such an important financial institution in which hundreds of thousands of South Australians are involved with their savings.

The Hon. Sir ARTHUR RYMILL: I, too, have great respect for my colleague, the Hon. Mr. Hill. There is a great deal in what he has said, as I think we would all agree. I think the Chief Secretary, too, would agree that, at least in part, there is something in what the honourable member has said. This is a time-honoured problem, and is becoming more so. To whom does a public institution or public company belong? For whom is it working—the shareholders, the customers or the employees, the three groups involved? In a public company the directors are certainly appointed by the shareholders, not by the customers. That applies in any of the trading banks in Australia. I liken the Government banks to the trading banks, because they are the same sort of institution. The shareholder in this bank is undoubtedly the Government. Certainly the funds are generated by the customers, but that is so in the main in any bank. I agree with the Hon. Mr. Hill that trustees must be trustees for the customers as well as for the shareholders. It might be said that the Government has not capitalized this bank, but in a sense it has, because it has allowed the profits to be ploughed back over the years, the profits of a Government institution.

The Hon. Mr. Hill raised a very interesting sort of argument. I remember that at the time Mr. Chifley tried to nationalize the trading banks I took part in the campaign (anti-, of course). I addressed, by invitation, a meeting at the university. We know the

sort of thoughts of people who attend meetings down there, in the main. They were not much different then, and that is over 20 years ago. The Commonwealth Government was saying that the Commonwealth Bank was the people's bank and that all the banks should be the people's banks. I said, as the Hon. Mr. Hill said, that it was a very moot point as to whether the Commonwealth Bank was the people's bank or whether the trading banks were the people's banks. I said, "Try to buy some shares and see what happens. You can buy shares in any of the trading banks, but try to buy a few shares in the Commonwealth Bank and see where you get." We could go on with this argument for ever. I think the requirements in these amendments are fairly normal in relation to a Government institution, and I propose to support them.

New clause inserted.

New clause 1d—"Trustees' fees."

The Hon. T. M. CASEY: I move to insert the following new clause:

1d. Section 16 of the principal Act is repealed and the following sections are enacted and inserted in its place:

16. (1) The Trustees, including the chairman of Trustees, shall be paid such remuneration, expenses and allowances as may from time to time be prescribed by regulation under this section, which the Governor is hereby empowered to make.

(2) Where no regulations are in force under this section, the Trustees shall continue to be paid such remuneration as is prescribed by regulation under the Statutory Salaries and Fees Act, 1947.

16a. In addition to any leave granted to a trustee under section 9 of this Act, the Trustees may grant to any of the Trustees, on satisfactory evidence of ill-health, one month's sick leave in the aggregate in any one calendar year, and no deduction of his remuneration shall be made in respect of any period of sick leave so granted.

New clause 1d repeals section 16 of the principal Act and enacts new sections 16 and 16a in its place. Section 16 as contained in the principal Act is obsolete in that the fees prescribed in that section have long been varied by regulations under the Statutory Salaries and Fees Act, 1947. The new section 16 provides for fees and allowances to be paid to the trustees to be prescribed by regulation under that section and preserves the effect of regulations made under that Act until regulations are made under new section 16. New section 16a merely re-enacts subsection (3) of the present section 16 which deals with the power to grant sick leave to any trustee.

New clause inserted.

Clause 2 and title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 16. Page 2996.)

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members for their consideration of the Bill. I have replies to a number of points raised by honourable members. The Hon. Mr. Hill raised several matters. He queried the wording of clause 2, although he supports the intention. I can understand the Hon. Mr. Hill's doubts, because the drafting of the clause was not an easy matter and followed many conferences with the Parliamentary Counsel.

Section 5 at present provides that Government buildings used as dwellings are ratable if occupied by a tenant. The interpretation of this provision is that a Government house, to be ratable, must be occupied on the date of adoption by a council of its assessment. If it is not so occupied, then the house is not ratable for the whole year, even though it may be occupied just after this vital date. This is considered harsh on councils and the intention of the amendment is to make all houses ratable, whether occupied or not. Other Government buildings, such as factories, acquired for a public purpose, but which are continued to be used privately, are included in the amendment to be ratable property. However, it is not intended that buildings purchased by the Government for eventual demolition and without occupation in the meantime should be ratable, hence the use of the words "intended for occupation within 12 months".

It is obvious that Government departments will have to be required to advise councils of property acquired for eventual demolition and which it is not intended to be occupied. This would be attended to administratively, but all other houses and buildings occupied or intended for occupation by tenants would be ratable. If the Government changes its intention and has a house occupied prior to demolition, it would of course become ratable. Councils will have to be advised of such instances.

The Hon. Mr. Hill also queried cases where land is purchased by the Government for catchment areas and is occupied by persons for purposes of agistment. He asked whether agistment means that the land is occupied. Section 5 (not the clause) provides that land owned by the Crown and not granted in fee simple to

any person, and not leased to or occupied by any person, shall be non-ratable.

Therefore, land occupied by a person would be ratable. Under the Local Government Act, "occupier" has a special definition and a person does not have to own or live on the land to be an occupier: he must have actual physical possession to the exclusion of others. Therefore, if agistment is the only use of the land at that time, it could well be occupation. The amending clause does not affect this situation. The Hon. Mr. Hill also queries "public purpose", and suggests that a Government employee could be regarded as occupying a property for a public purpose, because he is a member of a Government department. Merely being a member of a Government department would not constitute occupation for a public purpose; in general, it is occupation for dwelling purposes. However, there could be cases where an employee could be occupying even a dwelling for a public purpose, say, where he lives on Government property (for example, an office clerk) as a caretaker. However, this is not affected by the clause.

The Hon. Mr. Hill also asks whether a Government pine forest is a public purpose. This is a Government activity and obviously is a public purpose. It is not intended that these properties be ratable, nor does the clause affect this. The Government is as satisfied as it can be that the clause achieves what is intended. The Hon. Mr. Hill mentioned clause 5, which proposes that any one of the interested councils may submit a petition to achieve boundary changes, instead of joint petitions as at present. The honourable member said that change by discussion is better and that change should come from the local area. I think there is much in such a concept, but it is true that many desirable amalgamations and alterations will never take place under present legislation because of the inability of two councils to agree. The amendment will not mean automatic change, but will mean that the change can be investigated. No decision to change would ever be taken lightly.

The Hon. Mr. Hill points out that a council taking such action has first to advise ratepayers of the area it wants to take over, and that such council would have to use subterfuge methods to obtain from the neighbouring council a list of the ratepayers involved. If subterfuge methods were involved, it would be untenable but, if a council has a power to do something, it surely has a right to obtain information to enable it to be done. There is no need for subterfuge. The honourable member suggests that all that need be done is for the council to advertise its intention or send notices to the occupiers concerned. It is believed that every ratepayer should have the opportunity to express his opinion. Advertisements are notoriously not noticed; direct advice is more desirable.

The honourable member went on to say that the Government must refer a matter to a judge for inquiry. This is not so; it may be referred to a magistrate. Certainly such matters could be referred to a magistrate, but his task does not have to be any more difficult than many similar inquiries of the past. The Hon. Mr. Hill referred to clauses 17 to 22 regarding the rights of ratepayers to submit memorials to councils for specific works to be carried out. Dr. Eastick, M.P., was successful in introducing these amendments in another place and they achieve a simpler working of the provisions.

The Hon. Mr. Hill is concerned about the use of the word "portion" and fears that a small group of ratepayers could influence a majority of ratepayers in the portion to request a work like a swimming pool. He suggests that the council should lay down the boundaries of any portion involved. These provisions are made simpler in operation by Dr. Eastick's amendments, but their principle is not altered. The current legislation uses the word "portion", and what the honourable member fears may happen in the future could well happen under present provisions.

There is no need for the council to lay down the boundaries of a "portion" before, as the Hon. Mr. Hill says, "this whole process of memorials takes shape". How can a council know of any "portion" before the procedure starts? In any case, the council does not have to comply with a memorial; it will use its own discretion whether it carries out a requested work or not. I see no need to alter this. The honourable member objects to clause 24, where it provides for contributions by councils to organizations outside South Australia to be subject to Ministerial approval.

Councils can contribute to organizations in South Australia quite freely but, where ratepayers' money is to go outside the State, the need for some control is considered necessary. The Hon. Mr. Hill paid particular attention to clause 25, which introduces powers for councils to enter the field of services to the aged. He said that the clause allows local government full scope to enter into arrangements for the building of infirmaries

and hospitals. (I notice that the Hon. Mr. Geddes has on file an amendment regarding this matter.) This is certainly intended. The Local Government Act Revision Committee was definite that local government should enter the whole field of services and not just the provision of houses. It is quite evident that many private organizations provide housing accommodation only (and do it extremely well) but do not accept the further fields of care when tenants become ill or infirm. This is when problems arise. Councils must have the power to cover the whole field. This concept is supported by many eminent people interested in the welfare of the aged.

The Hon. Mr. Hill is concerned that if councils enter this field and invest capital into it, it will be the ratepayers who will pay. First, Commonwealth subsidies of up to two-thirds are available to local government today, whereas previously they were not. Councils will have the power to require the payment of the remainder by an incoming tenant. Therefore, cost need not be high, if any at all. Secondly, if councils admit tenants on a rental basis only, without requiring capital donations (and I hope this will happen) then they will be up for costs, but only to the extent of one-third. If this happens, I feel it is an excellent work by a local government authority. In any case, councils will not have to enter this field—their participation will be up to their own discretion. However, councils should have the power to take advantage of Commonwealth money.

The Hon. Mr. Hill suggests a poll of ratepayers be held to consent to a council entering this field. This is absolutely unnecessary. Elected councillors should be able to reach decisions without going to the people. They have to do it enough now. In any case, polls rarely produce a considered answer. They attract very few voters (being voluntary voting) and generally those that do vote result from a concerted "No" campaign.

The honourable member is concerned whether present voluntary organizations will retain enthusiasm if local government enters this field. The Local Government Act Revision Committee spoke to many private organizations and generally without exception they said there is room in this work for local government. The Hon. Mr. Hill stated that, if a council enters the field, it will not be long before a council will be forced to build an infirmary. I have already stated that councils should have powers in the whole field of services to the aged. Provision is made for creation of reserve funds to cover this eventuality.

The Hon. Mr. Hill refers to councils entering the field of rental accommodation. He could be under a misapprehension in this respect. If a person paid a capital donation for entry, that does not give him any ownership in that unit or in fact any proprietary interest (this is a condition of Commonwealth subsidy). Such a person would pay a rental, principally a maintenance charge. Persons entering units without paying a capital donation would obviously pay a higher rental. These are the principles on which private organizations work. Local government must be the same. Provision is made for at least one-third of all rentals to be set aside to cover future maintenance. The other reserve fund referred to in the legislation is the one into which capital donations other than the first are paid to provide for future infirmaries if required.

Throughout his remarks on this subject, the Hon. Mr. Hill stresses the need to consider fully these provisions. I agree, but he can be assured that this has been done. The Local Government Act Revision Committee spent months of intensive work on this matter, inspecting and interviewing existing homes for the aged and their representatives both in South Australia and elsewhere and discussing the matter with local government and others. The committee's decisions were not reached without this intensive investigation. The Hon. Mr. Hill is concerned about clause 38, which permits park lands to be converted for use as camping grounds and caravan parks. He feels the use of the word "convert" may mean a complete change from parklands. The word is, it is felt, appropriately used. The use of park lands is converted; they still remain park lands. However, if he insists on the use of the word "use" instead of "convert", I see no harm in it.

Park lands have, in fact, been used extensively in the past for these purposes. They are recreation uses and are considered appropriate uses for park lands. The Hon. Mr. Hill is concerned at the amendment to delete the limit of half an acre from section 459a, which empowers a council to sell reserves. The power concerns reserves not dedicated park lands, but in any case it is not the size of the reserve that is really the determining factor in deciding whether the reserve is required as a reserve. This will depend on other

factors—its location, the amount of other land in the area, and its usefulness for the purpose. It is quite feasible that a large reserve would not be affected if a small portion of it was disposed of for some good purpose. A council cannot do this now, but it could under the new clause.

Many buildings such as kindergartens have been erected on reserves quite illegally. Whilst it is not desirable to permit reserves being used for such purposes (they are not recreation purposes), it could well be desirable to dispose of a reserve or portion of it for this purpose if it is not required for recreation. Ministerial approval will provide adequate control. The Hon. Mr. Hill suggests a ratepayers' poll. Again, this is not necessary; councillors are surely able to make a reasonable decision. In any case, the present requirement for a council to give public notice inviting representations will remain in the provision.

The Hon. Mr. Hill referred to clause 41, dealing with marking of metered spaces; he hopes that a Government amendment will be forthcoming. He is referring to a desire of the Adelaide City Council to mark metered spaces by short lines instead of by unbroken lines. The present wording would not permit this. An amendment has been prepared to cover the situation.

The Hon. Mr. Hill referred to clause 48 regarding the use of "owner-onus" provisions in the parking of vehicles in park lands—the same principles used in parking in streets. The honourable member would like these provisions applied to other vehicle offences in parks, such as driving vehicles on park lands but not parking. The honourable member may be correct, but here we are dealing with parking control. No consideration has been given to the extension of these principles to other offences. I am not certain that "owner-onus" provisions are appropriate to these other offences and they need to be closely looked at.

The Hon. Mr. Hill referred to clause 51, dealing with litter, and to an amendment to define more clearly "litter". The Adelaide City Council did make an approach that litter should include certain types of material left on roadways in the East End Market.

The Hon. Mr. Dawkins objected to clause 4, which would enable any one of interested councils to petition for amalgamation, and to clause 5, which would enable any one of interested councils to petition for severance of an area from one council and its annexation to another. At present, in both these cases, all interested councils must jointly petition.

There is no doubt that there are several instances where amalgamation would get rid of small councils with limited finances. Yet, under the present law, it is nearly impossible to achieve this in many cases, because two councils rarely agree in cases of this nature. Usually the smaller body wants to retain its identity as a local government unit and will not countenance any merger with the neighbouring council, even though finances may be severely restrictive. The desire to retain an identity is appreciated, but surely we must face the hard cold facts of economics.

Regarding severance and annexation, again we have the practical impossibility of two councils agreeing, and there are several cases where adjustments are needed. I have in mind particularly the spread-over of urban development from a country municipality into an adjoining district. In such cases, we get what is in effect one town, but two councils. This results in different rules, rating, etc., for what are the same people. It is a situation that ought to be at least considered, but which cannot in most cases see the light of day under the present law.

The new clauses will enable one council to get the thing off the ground and get it considered. Certainly, it is possible that a council may submit a petition that may be unreasonable, but a change cannot be automatic and no change will be made without considering all factors. The appointment of a boundaries commission to revise boundaries seems to me to be a separate matter deserving of special consideration. Here, we are endeavouring to deal with matters that arise individually and urgently.

The Hon. Mr. Dawkins believes that it is not wise to lower the age limit from 21 to 18 years as a qualification for a person to become a councillor. It seems to me that the whole basis of qualification is adulthood. The age of 18 years is now the adult age: we should have no option but to make the change. Certainly there will be persons under 21 who may not be the right type or mature enough to be councillors, but one can say the same about many people over 21 years of age. It must be remembered also that an 18-year-old must have the other qualifications—property ownership or occupation.

The Hon. Mr. Dawkins objected partly to clause 8, which will permit a councillor to resign without getting council consent. He

did not object to a councillor resigning without consent if the councillor intended to stand for higher office, but he did object to the complete removal of the limitation. If a person wants to resign, why should we prevent him from doing so? If consent is refused, he will most likely become an ineffective councillor and he could just stay away anyway. Parliamentarians can resign without this sort of limitation. Why should councillors be any different?

The Hon. Mr. Dawkins referred to clause 15, which is a consequential amendment caused by clause 8. Section 139 at present empowers a council to appoint a person as a councillor where nominations have failed to produce one, and such person shall serve whether he likes it. or not. The honourable member says he gives support, but I am not sure whether he supports the new clause or the existing section. I suspect the former. However, if a councillor is to be permitted to resign without consent, this provision to force a person to serve is rendered useless.

Clause 24 (*b*) amends the provision enabling a council to subscribe to organizations. Councils can now subscribe to organizations whose main objects are the development of any part of the State. The clause will permit councils to subscribe to organizations whose objects are the interests of local government generally in Australia, but only with the consent of the Minister. The Hon. Mr. Dawkins objects to the necessity for the Minister's approval. In these new powers to subscribe to organizations in Australia, we will have money going out of the State. It is considered there should be some control on this.

The Hon. Mr. Dawkins protests even more strongly about the Minister's approval being required for councils to spend money on promoting a Bill before Parliament. I do not think clause 24 (*c*) is rejecting the right of councils to spend money on these purposes, but it is putting some control on the amount of money so spent. During consideration of the local government franchise Bill last session, the Local Government Association promoted a proposal for councils to contribute to a fund to fight the Bill. This is fair enough, but the total amount of money involved was considerable, and it is felt that there should be some protection for ratepayers in the spending of money in this way.

The Hon. Mr. Dawkins commends clauses 30 and 31, which mean that councils will not have to publish final accounts in the *Gazette,* but provides that councils may publish the accounts as thought fit. The honourable member believes that "shall" would be better than "may"—in other words, councils shall publish the accounts as thought fit. The clauses also provide for copies to be supplied free on request to persons. Because of this, I do not see the need to force councils to publish them in other ways. As long as the power to publish them, if councils want to do so, is available, needs are met. Surely councils will do what is necessary in this regard without force.

The Hon. Mr. Russack is concerned about problems that may arise in country areas, and referred to the possibility of homes for the aged containing five or six persons and an infirmary being added thereto. He points out that the infirmary might have only two or three patients, or even none at all, but nevertheless would have to be staffed and maintained. Whilst it is considered that councils should enter the whole field of care and not one part of it, it is not intended that councils be forced to provide infirmaries where it is obviously not a viable proposition or where other infirmary or hospital accommodation may be available. In this respect, the reserve fund, which is required to be established to provide infirmary accommodation, may be spent on other matters with the Minister's approval.

The Hon. Mr. Russack also mentioned the occasions where the people of a country town may be in two council areas, and asked whether one council could accept people from the other area. The legislation would permit a council's accepting any person it likes, but it will be a matter for the council to decide who it will accept and, in fact, whether it will enter the field at all. In a case like this, it would be desirable for both councils to be partners in promoting the aged services. This will certainly be possible.

The Hon. Mr. Russack stated that the requirement in connection with the services to the aged provisions providing for one-third of rentals to be set aside in a reserve fund for maintenance, could place councils at a disadvantage to private bodies. It is considered essential that units provided by councils must be adequately maintained. Rentals paid would include a factor for maintenance, and money should be held to ensure that maintenance is provided for. If the fund should contain any surplus at any time, it can be released for other purposes with the approval of the Minister.

The honourable member referred to the possibility that Commonwealth subsides may not always be two-thirds of the cost and, therefore, the tenant would be required to pay more than one-third. The Bill recognizes this possibility, and permits a council to require a greater donation. However, it must be remembered that a council does not have to require any donation. How a council operates, or in fact if it operates at all, is up to the council. The Hon. Mr. Russack suggested that community organizations should be permitted to provide funds to the council to offset additional expenditure. This would be good if achieved, and the Bill does not prevent this.

The Hon. Mr. Hart has fears about clause 2. The intention of this clause, as I have explained in other comments, is to make ratable Government houses and other buildings that are occupied or intended to be occupied, by tenants, but excluding such buildings that are not to be occupied prior to being used for a Government purpose. The honourable member is concerned about the effects on the Roseworthy College. At present, it seems that any houses on the area are being rated by the local council. The only effect is that such houses will be ratable if unoccupied, but intended for occupation. The question of ratability of Roseworthy College buildings is not changed by this clause, other than as stated. The clause does not make ratable the buildings or land that are used by the college and its students for college purposes.

The Hon. Mr. Hart also referred to school and post office houses. The clause does not affect schoolhouses. If schoolhouses are ratable under present provisions, then they will be ratable under the new provisions, except that in addition they will be ratable if unoccupied, but intended for occupation. Post office houses are not ratable, and the clause does not affect this situation. Commonwealth property, by Commonwealth legislation, cannot be rated. The Commonwealth does, it is understood, make *ex gratia* payments in respect of property of this type. No State legislation can make these properties ratable, but there is no reason at all to suppose that the Commonwealth *ex gratia* payments to councils will in any way be affected.

Clause 5 permits one interested council instead of all councils jointly to submit a petition for severance and annexation. The Hon. Mr. Hart referred to the annexation of the hundreds of Markaranka and Pooginook to the district of Waikerie some years ago. In this case, the two hundreds were first annexed to Waikerie, then to Morgan, and finally back to Waikerie. The Hon. Mr. Hart hopes that clause 5 will prevent such a situation occurring again. The Markaranka case arose by petition from the District Council of Waikerie and by petitions from ratepayers. The power of ratepayers to submit petitions is not affected by clause 5, but the clause would permit the District Council of Morgan to petition for annexation of the area back to Morgan. I see nothing wrong with this. If the council has substantial reason for such a move, it would be closely considered. If reasons were not substantial, it would obviously be rejected.

The Hon. Mr. Hart referred to clauses 24 and 25 regarding employment of social workers and the power of councils to enter the field of services to the aged. The honourable member considers that councils would have difficulty in finding the high costs that may be involved. High costs are not necessarily involved, in view of Commonwealth subsidies (which councils ought to be able to take advantage of), but in any case, a council does not have to enter this field or to engage social workers. A council will determine this itself, but it is known that many councils are anxious to enter this field of activity. The Hon. Mr. Hart referred to clause 51 regarding depositing of rubbish. He appreciated the new provisions, but pointed out the difficulty of apprehending culprits and suggested some sort of onus of proof be established.

The Hon. Mr. Hart is correct about difficulties of apprehension. If a person is caught in the act of depositing rubbish, there would really be no difficulty in prosecuting. This of course does not often happen. Cases have occurred where an article found in deposited rubbish has given the name and address of some person. When approached, the person has denied having dumped the rubbish and, in fact, some people have said that they engaged a contractor to dispose of the rubbish. Whilst some system of onus of proof may be desirable, it needs very careful study to avoid any person being unjustly involved. I thank honourable members for the attention they have given the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

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

(1b) For the purposes of subsection (1a) of this section, land shall be deemed to be occupied if it is used (continuously or intermittently) for the agistment of sheep or cattle.

Earlier, I spoke on behalf of one council in particular that had been affected by Government acquisitions of broad acres within its area, the resultant loss of rates being a severe handicap to it. It seemed to me that it was necessary to ensure that, if a Government department or authority received income from the use of that land in the future, rates would be paid to the council. The case was put to me of the agistment of cattle or stock, and I said then that I thought it was necessary that the definition of "occupied" should be clear: it should include not only matters of tenancy but also matters of other forms of occupation agreement, such as those involving agistment. That is the purpose of this amendment.

The Hon. A. F. KNEEBONE (Minister of Lands): I am not happy with the amendment. It provides that Government-owned land that is used for the agistment of cattle shall be deemed to be occupied, and thus ratable. If Government land is being used for grazing whilst it is not required for a public purpose, it could be ratable under present provisions. In this respect, the amendment is unnecessary. However, cases could occur where Government land was being used for a public purpose but at the same time cattle were permitted to graze. Under present legislation, the land might not be deemed to be occupied by the owner of the cattle, particularly if the Government occupation was substantially greater. In these cases, the land should not be ratable. From this aspect, the amendment should be opposed.

The Hon. C. M. HILL: The Minister has led right into the instance I have in mind. I am thinking of the vast broad acres in the Adelaide Hills that form part of what we now call catchment areas. They are becoming owned by a Government department. The Minister implied that the use of that land by the department was for catchment purposes, to reserve that land so that ultimately clean water could be served to the people of metropolitan Adelaide. But the council sees the department entering into agistment agreements with owners of stock and receiving income as a result of that arrangement. In cases like that where agistment exists, surely it is fair for that Government department to pay rates to the council.

One council in the Adelaide Hills has lost 30 per cent of its total area as a result of Government departmental acquisition and purchase. We can imagine the reduction in rate revenue resulting from that. The Minister has said that there is no real need for agistment to be defined, that it could be included in an interpretation of "occupied"; but, if we agree that the principle must be carried through that, where the department receives income from agistment, it should pay rates, then it is proper that our exact intention should be made clear. I see no other way in which it can be made clear than by the wording I have proposed. The Government department could lease that land to a tenant and, in that case, that land would be ratable by the council; but, simply because there is a different form of agreement for a comparable occupation, surely we must ensure that that council receives rates in that instance.

The Hon. A. F. KNEEBONE: The amendment would be more acceptable to me if he honourable member would consider inserting "solely" in front of "used". Would he consider that?

The Hon. C. M. HILL: I want to be co-operative. If we left "continuously or intermittently" in the amendment, I think there would be no harm in "solely" being included. I think my intention would be fulfilled. In view of the Minister's suggestion, I ask leave to insert "solely" before "used" in the amendment.

The Hon. L. R. HART: I am not sure whether "solely" is being used in the right position to protect the words "continuously or intermittently". If we were to make it read "sole agistment", that would achieve the same purpose. The words "continuously or intermittently" are very important in this amendment. Any person who has been involved in agistment knows that we do not necessarily agist continuously: it is often done intermittently. The Hon. Mr. Hill has made out a good case why the Government department should pay the council rates on the area he has cited. If the department does not pay council rates on that area, there is a case for *ex gratia* payments. Earlier, the Minister said that the Commonwealth Government did not pay rates and there was no way in which it could be forced to pay rates; but it did make *ex gratia* payments. However, in a situation like this the State Government, when relieved of the payment of rates, does not make *ex gratia* payments. I come back to what I said in the second reading debate about Roseworthy College. If that land were ratable land it

would incur district council rates in the vicinity of $13,000. In return for being relieved of payment of council rates on the college land, the State Government does not make any *ex gratia* payments to the District Council of Mudla Wirra, in which area the college is situated. The only aid the council gets which perhaps could be regarded as an *ex gratia* payment is its grant-in-aid, which is about $280.

As time goes by Government departments will own more and more land, in many cases land that would be normally highly rated. Local government bodies will be getting less and less income. Unless provision is made so that some of the areas which return income to the department involved are required to pay rates we will have a situation where, instead of paying rates, the State Government should accept the responsibility of making *ex gratia* payments to those bodies in relation to the amount of rates of which the councils have been deprived. I believe the amendment is essential for the well-being of local government bodies.

The Hon. A. F. KNEEBONE: I agree to accept the word "solely" and it has been suggested to me that it should be inserted immediately after "intermittently" and before "for".

The Hon. C. M. Hill: I agree.

The Hon. G. J. GILFILLAN: The amendment moved by the Hon. Mr. Hill covers a problem which is growing in the Adelaide Hills and in many other areas where land is being acquired by Government departments for public purposes. These departments as such do not contribute very much money to local government from general revenue. From my knowledge there are very few instances where Government land is used solely for grazing purposes. In two areas in the northern part of the State, where some thousands of acres are involved in Government forests, stock agistment is carried on as part of the operation. The amendment has some merit, but I think the inclusion of the word "solely" reduces its effectiveness very substantially. It may be still of some benefit, but in my opinion only a minor benefit.

The Hon. M. B. DAWKINS: I am inclined to agree with the Hon. Mr. Gilfillan. The insertion of the word "solely" would very largely take the teeth out of the amendment. I support the comments of the Hon. Mr. Hart regarding *ex gratia* payments. A reasonable payment is surely desirable. The honourable gentleman mentioned a figure of $13,000 and, from my knowledge of the council and the area, the rates of the college property on the basis of normal farmland with only the normal improvements would be more in the vicinity of $1,300 or $1,500. No doubt the figures quoted by the honourable member have regard to the very extensive improvements at the college, and perhaps it would be unreasonable to expect the Government to pay rates upon the improvements it had put there and which would not otherwise be there. On the other hand, *ex gratia* payments in regard to what would be the normal farmland would be a reasonable proposition.

The Hon. C. M. HILL: In accepting the word "solely" I had in mind that if there were some other form of agreement it could be only an agreement of a tenancy. If some party wanted to be smart in the sense of avoiding paying rates and suggested it would lease the land for one month of the year, going into a system of agistment, it would not escape paying rates. Under the next following change in the Bill, if the land is occupied for any period within 12 months by a tenant, then the property is ratable. I do not think it harms the amendment.

The ACTING CHAIRMAN: I take it the Hon. Mr. Hill is seeking leave to insert the word "solely" after "intermittently"?

The Hon. C. M. HILL: Yes, I seek leave accordingly.

Leave granted; new subsection amended.

New subsection inserted.

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

(1c) Where any land or building is presently unoccupied but has, within the preceding period of twelve months, been occupied for purposes that would render the land or building ratable property under the provisions of subsection (la) of this section, a council shall, in the absence of notice of a contrary intention given by or under the authority of, a Minister of the Crown, be entitled to presume that it is intended that the land or building will be again so occupied within the succeeding period of twelve months.

This matter follows a change introduced by the Government to help councils obtain rates on properties where tenancies occur throughout the ensuing year, whereas previously the property had to be occupied on the date when the assessment was adopted. This was a very genuine and, I think, well accepted move by the Government to help councils. The problem flowing from that was that local government bodies asked themselves how they

would know if the property would be occupied during the ensuing 12 months. Should they in the first instance adopt an assessment and hope that the property would be occupied and, if it were not, then write off the rates? Another procedure might have been to contact the department and to find out its intention. However, I quoted one instance where the intention of the department changed, no doubt quite genuinely. Notice was given that a house being acquired would not be occupied but, after a certain period of time, through departmental action, it was occupied.

It is therefore proper that we try to lay down some more satisfactory machinery by which councils will know whether or not they will adopt assessments for these Government properties. As a result of the amendment, the council will look back on the preceding 12 months and, if the property was occupied during that time and the council had not received from the department a letter saying that the property would not be occupied in the following 12 months, it would adopt an assessment and take it from there.

The Hon. A. F. KNEEBONE: I see no harm in accepting the amendment. It merely means that the Government department will have to ensure that it advises councils of its intentions. I do not suppose it is impossible to do this.

New subsection inserted.

Clauses 2 and 3 passed.

Clause 4—"Petition for change of status or for union."

The Hon. M. B. DAWKINS: Although I support paragraph (*b*) of this clause, which merely improves the wording of section 26 of the principal Act, I must oppose paragraph (*a*), which inserts in section 26(2) the words "of any one or more". This is the first of a series of two or three movements for one-sided alterations to council boundaries. As I said during the second reading debate, I do not believe that this is a good way to alter council boundaries. We will be making it easier for council boundaries to be altered. Indeed, they will be able to be altered in a piecemeal fashion and, in some cases, probably unfairly. Short of a boundaries commission (which I do not advocate), I do not think councils should be able to petition willy-nilly for an alteration of boundaries. The present procedure, although it is, as the Minister said, somewhat cumbersome, is better when boundaries are altered only in small measure. I therefore oppose paragraph (*a*).

The Hon. A. F. KNEEBONE: I spoke at some length on this matter when closing the second reading debate. The honourable member has on file an amendment to clause 5, which does the same thing that he is suggesting in this respect. This part of the clause amends the provision regarding the severance of one council area from another. At present, two councils must petition jointly. However, the amendment provides that only one council will have to petition for severance. The Hon. Mr. Dawkins is saying that he wants to revert to the situation in which a joint petition is required. He has spoken about a boundaries commission, but that is not provided for in this legislation.

At present, to achieve a desirable severance and annexation, both councils must agree on the matter and submit a petition, or ratepayers must take the action and petition. Experience has shown that councils rarely agree on such matters, and whilst ratepayers have petitioned in the past there are many instances where they would not do so. There are many instances in country areas where adjustment of boundaries between municipalities and districts are desirable because of the spill-over of urban development into the districts. Under present legislation, these instances are difficult to resolve because the two councils rarely agree, and the ratepayers are not interested in petitioning because they could be liable for higher rates. Yet the ratepayers are essentially people of the town and people who use the town in the same way as people within the municipal boundaries. Clause 5 will enable one council to at least get the matter off the ground and thus get it investigated. No petition would be automatically granted, but it would be thoroughly investigated. The clause is a practical answer to existing situations, and I would suggest that the amendment be opposed.

The Hon. M. B. DAWKINS: I have never suggested that a boundaries commission should be appointed. However, I have suggested that piecemeal alterations, which may be effected from time to time, should be effected with the consent of both councils. I do not believe that a one-sided arrangement will foster the present spirit of good relations and co-operation that exists between neighbouring councils in this State. The Minister said that these amalgamations occur rarely under the present arrangements, but I know that they have occurred in connection with the Kapunda, Clare, Burra and Central Yorke Peninsula councils. Those amalgamations, which took

place with the agreement of the councils involved, have been very successful.

Clause passed.

Clause 5—"Petition for severance."

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

In new section 27a (1) (*b*) to strike out "seal either" and insert "seals"; and to strike out "or" and insert "and".

I have moved these amendments to carry out the wishes of people in local government who believe that the provision is unwise as it stands.

The Hon. A. F. KNEEBONE: I cannot accept the amendments for the same reasons as those I gave a few minutes ago.

Amendments negatived.

The Hon. C. M. HILL: I move:

In new section 27a (2) after "property" to insert ", whose name and address are known to the council,".

New section 27a (2) provides:

Before a petition is presented under this section by a council, the council shall give notice in writing of the petition to every owner or occupier of ratable property within the portion to be severed.

That provision involves someone examining the assessment books of the adjacent council and obtaining an accurate list of names and addresses of all owners or occupiers of ratable property within the portion to be severed. Of course, that will not be easy to do, despite what the Minister said. Naturally, the adjacent council will usually be upset that a neighbouring council is trying to acquire some of its area. We do not want to see councils indulging in subterfuge or "pimping"—a term often used by a certain Minister in another place. I believe the provision should be amended, because the Minister in another place has not completely realized what councils may be forced to do in order to comply with this provision. An amendment that I shall move later will require a council to advertise in a newspaper circulating in the area the fact that a petition is being drawn up. Whilst that method is not as accurate as the method proposed by the Government, it is a sensible approach to the problem.

The Hon. A. F. KNEEBONE: The amendment means that the council may not have to inform directly every ratepayer concerned. It could be considered less harsh than the present provision. The Hon. Mr. Hill's proposals mean that notice of a possible petition would get to those people interested either by direct advice or by newspaper advertisement. Whilst I feel that ratepayers concerned should all be directly advised, in my present spirit of co-operation I accept the amendment.

Amendment carried.

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

(4) The notice shall also be published in a newspaper circulating generally in the areas affected by the petition.

Amendment carried; clause as amended passed.

Clause 6—"Qualification of aldermen and councillors."

The Hon. M. B. DAWKINS: I completely oppose this clause. It deals not with voting at council elections but with the qualifications of aldermen and councillors, and I believe that people of 18 years of age are not sufficiently mature to hold those offices. I therefore oppose the clause.

The Hon. A. F. KNEEBONE: I believe that many people at 18 years of age are mature because of the present education system, and that 18 years of age is a suitable age to pursue many activities.

Clause passed.

Clause 7 passed.

Clause 8—"How vacancies occasioned."

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

To strike out "the passage 'with the licence of the council' and".

If my amendment were passed, these words would remain in the present legislation and would mean that a councillor would continue to need the licence of the council before resigning his office. I shall then move a further amendment to provide that any person who wished to resign to contest another office in the council would not have to get the licence of the council. I wish to avoid irresponsible resignations.

The Hon. A. F. KNEEBONE: If a councillor resigns without the licence of the council to contest another office but later decides not to contest it he has defeated the purpose of the Act. If he is refused the licence to resign he could become an uninterested and ineffective councillor and could absent himself until the council declared his seat vacant. Members of Parliament can resign, and a councillor should be able to resign if he wishes. I oppose the amendment.

Amendment negatived.

Clause passed.

Clauses 9 to 23 passed.

Clause 24—"Expenditure of revenue."

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

In new paragraph (j4) of subsection (1) to strike out "(if the Minister approves in writing of expenditure for that purpose)".

I object to these words, because they refer to subscribing to the funds of any organization that a council is enabled to do at present. This restriction is being placed on councils because of the—in my view—completely unnecessary requirement for the Minister's approval. I believe that councils are sufficiently responsible to make their own decisions. I oppose the inclusion of these words, both in paragraph (j4) and in paragraph (*k*).

The Hon. A. F. KNEEBONE: Section 287 (1) (j4) at present provides for a council to subscribe to an organization whose main purpose is the development of the State or part of the State or is promoting local government in South Australia. Clause 24 retains this, but provides in addition that councils may subscribe to organizations in Australia, as distinct from South Australia, with the approval of the Minister. They can still subscribe to organizations in the State but, once they start subscribing outside the State, they need the Minister's approval. It is important that we retain these words in the Bill, because it is the ratepayers' money that is being used for this purpose. Although the honourable member says councils are responsible, considerable sums were spent last year in working up opposition to legislation before Parliament. That was fair enough, but there should be some control over the amount of money spent, and the only way to do that is to stipulate that the Minister's approval must be given. It would never be given or withheld capriciously.

The Hon. C. M. HILL: I support the amendments. The words in paragraph (j4) are distinctly different from the words appearing in paragraph (*k*). In regard to paragraph (j4), the only case I know of this happening in this State is with the Adelaide City Council, which makes a donation to an Australia-wide organization that meets annually; it is a body representative of the councils of the capital cities of Australia. When we are dealing with a council of this size, surely the Minister must grant that it is a responsible body and there is no need for the Minister to have control over the expenditure of money on donations to an organization such as this.

Local government wants the Minister to have confidence in it; that is the principle we should always have in mind. Local government wants to work in close co-operation with its Minister. A measure like this requiring Ministerial consent for the Adelaide City Council to make a donation is going in the wrong direction. Promoting a Bill includes amending a Bill. When the Minister said that considerable expenditure had been made last year by local government in opposing Government legislation, that rather substantiated what I had in mind, because local government was not only developing opposition to a Government Bill but also developing amendments to put the Bill in order.

The Hon. A. F. Kneebone: They were never put.

The Hon. C. M. HILL: Whether the Minister really meant what he said I am not certain, but it is a serious example of how the Minister can clip the wings of local government, if this Bill is passed in its present form, to such an extent that he has local government completely under his thumb and it cannot move one way or the other.

The Hon. A. F. KNEEBONE: What—on this issue?

The Hon. C. M. HILL: Yes, and certainly in the case of promoting a Bill. The Minister is saying that local government cannot promote a Bill unless the Minister approves in writing any expenditure for that purpose. That expenditure can well get down to ordinary expenditure in the council office when the council thinks that legislation is necessary to improve its lot; it cannot go to any expense in support of a proposal unless it first goes to the Minister. So it is completely under his control, if this Bill passes in its present form.

The Hon. L. R. HART: I am not too sure whether we are going about this correctly. If we follow the suggestion of the Hon. Mr. Dawkins and omit the words mentioned, we are taking out of the Bill any restriction on the amount of money that a council may expend for this purpose. If we look at paragraph (j4) of section 287 of the Local Government Act, we find that a council can expend moneys for certain purposes, but the moneys expended "in any financial year shall not exceed $200". That restriction is in the present Act. If we follow the suggestion of the Hon. Mr. Dawkins, there will be no restriction at all on a council. I am not too sure that that is what honourable members in this Chamber want. If we accept the principle written into the principal Act, that there should be a restriction of $200, I do not believe we should remove that restriction. If we are to remove it, some other restriction should be introduced. Therefore, if we are to follow the principle enunciated by the Hon. Mr. Dawkins, we should vote against the whole clause.

The Committee divided on the amendment:

Ayes (14)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins (teller), R.

C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, L. R. Hart, A. F. Kneebone (teller), and A. J. Shard.

Majority of 9 for the Ayes.

Amendment thus carried.

Progress reported; Committee to sit again.

[Sitting suspended from 5.54 *to* 7.45 *p.m.*

The Hon. L. R. HART: I was going to suggest that the Committee vote against paragraph (*b*), but there is a difficulty because you, Mr. Chairman, have already allowed paragraphs (*b*) and (*c*) to be taken together. On reflection, I think it would be better if we left the position as it is. Paragraph (*b*) is, in effect, in two parts. The first part permits a council:

... to subscribe to the funds of any organization that has as its principal object the development of any part of the State including, or comprised within, the area of the council, or the furtherance of the interests of local government in the State.

In other words, a council can expend its funds within the State without restriction. The second part of the subclause provides:

(if the Minister approves in writing of expenditure for that purpose) to the funds of any organization that has as its principal object the furtherance of the interests of local government generally throughout Australia . . .

In effect, this means that, provided the Minister approves of the expenditure in writing, local government may expend its funds for the furtherance of local government throughout Australia. Upon reflection, I believe that local government generally is a responsible organization and it should, if it deems it wise to do so, be able to expend its funds for the furtherance of local government not only in South Australia but also in Australia generally without having to go cap in hand to the Minister. If local government acts without discretion, redress can be found at the ballot-box rather than by Ministerial disapproval. Therefore, although I held a different view immediately prior to the dinner adjournment, after further studying the matter I now believe we should leave the situation as it existed after the vote was taken.

The Hon. A. F. KNEEBONE: I expressed my opposition to the amendment before the dinner adjournment, and I still oppose it. The Hon. Mr. Hart may have been my only supporter, but now, apparently, he has changed his mind and supports the amendment.

The CHAIRMAN: I do not understand the Minister's saying that he opposes the amendment. The only vote taken was on paragraph (j4), to which an amendment was moved by the Hon. Mr. Dawkins.

The Hon. M. B. DAWKINS: No, Mr. Chairman. I had two amendments and, if I remember rightly, they were carried.

The CHAIRMAN: I think the amendment that was carried related only to paragraph (j4); paragraph (*c*) was never under consideration by this Committee. The amendment to paragraph (j4) is the only amendment that has been voted on. If the honourable member wants to strike out other words, he will have to move another amendment.

The Hon. M. B. DAWKINS: I included the other words, in paragraph (*c*), when I spoke. I do not know whether *Hansard* has recorded that. At the time, I mentioned lines Nos. 17 and 18. I understood that the vote was on both paragraph (j4) and paragraph (*c*). I am subject to your ruling, Mr. Chairman, on that.

The CHAIRMAN: The honourable member may have spoken to paragraph (*c*) but the only amendment moved was to paragraph (j4). If he wishes to move an amendment to paragraph (*c*), I suggest he do so; otherwise, the Bill will remain as printed.

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

To strike out paragraph (*c*).

This provision is far more important than paragraph (j4). This amendment reserves the right of a council to promote a Bill before Parliament. The inclusion of the words "if the Minister approves in writing of expenditure for that purpose" would mean that a council or even the Local Government Association would have no right to promote a Bill before Parliament unless the Minister gave his approval. I am not referring to anyone at present but I believe it is possible that a Minister could withhold his approval for political reasons. This is a provision that should be removed from the clause.

The Hon. A. F. KNEEBONE: I have said more than once today that I disapprove of the intention of the Hon. Mr. Dawkins to strike out this provision. I am getting a little weary of people getting up and having a shot at a Minister's position by saying, "We do not disapprove of him, we do not distrust him, but we think we should do such and such a thing because some other Minister in the future may do something we would not like." It is a fairly thinly veiled insult, as I take it, to the Minister's standing to say this sort

of thing. If honourable members do not trust the present Minister, let them say so.

The Hon. M. B. Dawkins: I did not say that at all. I made it quite clear.

The Hon. A. F. KNEEBONE: The honourable member said he did not distrust the present Minister, but another Minister might do certain things. I say that is thinly veiled. I object to these things. I have had it said about me and I get a bit fed up with it. I oppose the amendment.

The Hon. M. B. DAWKINS: I mentioned these matters earlier, and it is unfortunate that I have to repeat them. I understood that my two amendments were included previously. I am not reflecting on any personalities whatsoever. Political interference should not come into matters of this type. I believe it is the right of any local government body to promote a Bill before this Chamber and that this Council or the other place is quite competent to decide whether or not that Bill is worthy of favourable consideration. It is not the prerogative of the Minister to say, "You shall not promote that Bill", and that is what paragraph (*c*) does; it makes it possible for the Minister to say that. Local Government is sufficiently responsible to be entrusted with the right to promote a Bill if it so wishes. I refute the suggestion of the Minister, with whom I have always had the most amicable relations, that I am making insinuations about certain personalties as far as this Government in particular is concerned. I am concerned about what may be done as regards this Government or any other Government that follows.

Amendment carried; clause as amended passed.

Clause 25—"Homes and services for the aged and infirm."

The Hon. C. M. HILL: I move:

In new section 287b(l) to strike out "A" and insert "Subject to subsection (la) of this section, a".

This leads into the real body of the amendment I shall move. The clause deals with the very big question of local government entering the field of providing homes for the aged. It proposes, however, that local government goes further into such developments as home units, hospitals, infirmaries, nursing homes, chapels, recreational facilities, domiciliary services of any kind whatsoever.

As I said in the second reading debate, I do not disagree in principle with this proposal, but I am concerned because I have some doubts as to whether councils and ratepayers fully understand the financial obligations which accrue when a council enters into this type of work. That is the axis around which my concern revolves. I am sure we all agree that, once an organization enters into the work of providing some homes for the aged, it is only a few years before there is demand for a hospital, an infirmary, and other most expensive developments. It is a very worthy social cause that such added facilities should be provided, but someone must pay, and in local government it is the ratepayer who pays.

The purpose of my amendment is to be absolutely certain that ratepayers know what their council is doing, and that the council must go the ratepayers, conduct a poll, and have a majority of ratepayers before it agrees to enter into this work. Then, of course, the ratepayers have no comeback if they find their rates increasing, as inevitably they will. This is a further precautionary measure and, I believe, a wise check. A council wishing to enter this field must go to its ratepayers and in effect seek their authority to proceed. If that authority is given at the ballot box then it is purely a local matter, as are all council matters. Some councils might be very well meaning and carry a motion to proceed into this field, perhaps by a margin of only one vote in a relatively small council, but to allow a council to commit its ratepayers to an inevitable and never-ending increase in the expenditure of revenue in this social area is an action that should not be permitted by the State Legislature unless the ratepayers have been involved in the discussion, the planning, and in a ballot to approve of the project in its initial stage.

The Hon. R. A. GEDDES: The Hon. Mr. Hill has a further amendment on file, but he has elaborated on his argument to include the amendment which will subsequently come, if the Committee approves of the present amendment. I presume, therefore, that I can argue against the honourable member's suggestion in relation to the second part of his amendment, which is that before a council may spend any portion of its revenue on homes for the aged and other project a poll of ratepayers must be taken. I have on file an amendment dealing with a part of clause 25 which deals with hospitals, infirmaries, nursing homes and other domiciliary services.

We must bear in mind that the Commonwealth Government is providing a major part of the finance for the construction of these homes and other services. I think it would be wiser before local government decides to build

these projects for the Minister of Local Government to give his approval instead of conducting a poll of ratepayers. Failing this I believe there will be a danger of duplication of homes for the aged and other services. In large country areas, if a corporation could not afford to build a home and its neighbouring council could afford to do so, one side could organize a poll against the other, as a result of which no home for the aged could be built. I can foresee many problems if the amendment is carried. If the matter were referred to him, the Minister could take an overall look at the position in relation to the area in which the home for the aged is to be erected. Reluctantly, I must oppose the amendment.

The Hon. A. M. WHYTE: I support the amendment, as I believe the ratepayers, having obtained authority by means of a poll, should have the right to proceed. I do not say that they could not receive a direction from the Minister of Health regarding the type of home to be provided or the position in which it should be built. However, we must guard against aged persons' homes being built in positions great distances from the original homes of their inhabitants, as many people resent the possibility of being sent hundreds of miles from their homes to an aged persons' home. I think the intention behind the amendment, to allow the matter to be decided by the ratepayers who, after all, have the overall responsibility, is worth while.

The Hon. A. F. KNEEBONE: I have yet to hear more inconsistent arguments than I have heard on two clauses that the Committee has considered tonight. On the previous amendment honourable members were talking about councils being trusted and the Government not being trusted, yet now they are saying that the council should not proceed, that there should therefore be a poll of ratepayers, and that the Minister's advice could be obtained on certain matters. How inconsistent can the Committee be?

The Hon. A. M. Whyte: There is nothing inconsistent in the matter at all, as there would be a special rate for the specific purpose.

The Hon. A. F. KNEEBONE: Clause 25 introduces new powers for councils in respect of services to the aged. The Hon. Mr. Hill is proposing an amendment to the clause to provide that, before a council spends any money on these purposes, it shall submit a proposal to a poll of ratepayers and a favourable decision obtained. I know about voluntary polls, as I was elected to this Chamber on an 8 per cent poll. That is the sort of poll that will make these decisions. Polls of ratepayers are well known not to produce necessarily a correct answer. Polls generally result in a low percentage of people voting and generally those that do vote follow a concerted "No" campaign. Councils will not necessarily be involved in great expenditures on these services, particularly in view of substantial Commonwealth subsidies. Councils should be able to make up their own minds on whether to enter this field without going to a poll of ratepayers, in the same way that they can enter other fields of local government activity without going to the ratepayer. The insertion of these poll provisions would make the power in many cases inoperative and I would suggest that the honourable member's amendment be vigorously opposed.

The Hon. C. M. HILL: I should like first to refer to the suggestion of inconsistency. On the first point the Minister developed, he dealt with a donation of about $100 or $200 at the most made to an Australia-wide body. That is the kind of money the Committee was talking about then, but what kind of money is it talking about now? Have honourable members any idea of the sums of rate money in which councils can be involved when they start building infirmaries, hospitals and homes for the aged? Although I am not against this expenditure, it can amount to hundreds of thousands of dollars. That is the danger, and the charge of inconsistency is surely swamped by the great difference in the amount of money involved in each instance. Regarding the second point that the Minister dealt with (that of the low poll) I remind him that, when people are concerned about their rates increasing, they are far more interested in a poll than they are in a matter that does not affect their pocket.

The Hon. D. H. L. Banfield: Why don't you make voting for the poll compulsory?

The Hon. C. M. HILL: I know the honourable member wants that. However, my Party does not favour compulsion; it prefers voluntary voting. In any event the poll will not be as low as the Minister thinks, as it will involve a considerable increase in rates. The poll will, therefore, attract the interest of ratepayers.

The Hon. R. C. DeGARIS: Although I appreciate the motives behind the amendment, my sympathy lies entirely with the Minister. Amendments to be moved later by the Hon. Mr. Geddes adequately cover the situation.

In many matters concerning health, the local council has a responsibility to build community hospitals and subsidized hospitals in its area, and it accepts that responsibility. I cannot see therefore any justification for altering that principle, where this responsibility is already on the shoulders of local government. While I have much sympathy with the motives behind the amendment, I must on this occasion support the Government.

Amendment negatived.

The CHAIRMAN: I take it that the Hon. Mr. Hill will accept that as a test vote on his other amendments?

The Hon. C. M. HILL: I will, Sir.

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

In new section 287b to insert the following new subsection:

> (1a) A council shall not expend moneys under subsection (1) of this section in the provision of any hospital, infirmary, nursing home or domiciliary service of a therapeutic nature unless the Chief Secretary has consented in writing to the expenditure of moneys for that purpose.

The Commonwealth Government grants subsidies for nursing homes and infirmaries. If a council decides to build a nursing home in association with homes for the aged, that nursing home will have to be staffed with qualified nurses. We must bear in mind that sometimes the nursing home may be empty or have very few patients. Because I have been associated with a home for the aged at Crystal Brook for about 12 years, I know that sometimes the hospital has five or six patients and on other occasions it has no patients at all. The provision that a council shall not undertake expenditure in providing a nursing home without the consent of the Chief Secretary is sound, because the Chief Secretary will take into consideration whether a hospital is nearby that has proper facilities for aged people.

The Hon. A. F. KNEEBONE: Because it is refreshing to hear an honourable member express confidence in a Minister's ability to give a direction, I support the amendment.

Amendment carried; clause as amended passed.

Clauses 26 to 29 passed.

Clause 30—"Publication of balance sheet."

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

In new section 296(2) to strike out "may" and insert "shall".

Because councils found the previous provision regarding publication of balance sheets burdensome, they will appreciate the new provision. However, I believe that new section 296(2) may go to the other extreme, because it provides that the statement and balance sheet "may" be published by a council. I realize that over the years there have been arguments about the meanings of the words "may" and "shall". Since new section 296(2) provides that the statement and balance sheet may be published by the council "in any manner that it thinks appropriate", I believe it should be obligatory on councils to do that.

The Hon. A. F. KNEEBONE: This clause amends section 296 to provide that a council may publish its final accounts in any manner that it thinks appropriate. Councils will not have to publish them in the *Government Gazette* in future. The amendment would make the publication in any manner thought appropriate a mandatory requirement. If we are to make publication mandatory, we ought to provide for the type and extent of the publication. In another clause, provision is made for copies of the final accounts to be made available free on request to any ratepayer. With this provision, surely it is not necessary to force councils to publish them as the councils think appropriate. Surely councils can be relied on to use their own discretion in such a matter. I therefore oppose the amendment.

Amendment negatived; clause passed.

Clauses 31 to 36 passed.

Clause 37—"Repayment of borrowed money."

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

To strike out "from time to time"; and after "fixed" to insert "at the time of the issue of the debentures".

This clause amends section 437, which at present provides that interest paid by councils for loans shall not exceed 7½ per cent. Because current rates are approaching this limit, action must be taken to remove the restriction in case interest rates exceed 7½ per cent (it is hoped they will not). The clause provides that the interest rates shall not exceed the rates fixed by the Australian Loan Council. I point out that the wording of the clause could mean that lenders would have to reduce interest rates of a current loan should the rate fixed by the Loan Council ever go below the rate fixed at the beginning of the loan. This would be unreasonable and certainly against accepted practices of borrowing. The new amendment provides that the interest rate shall not exceed that fixed by the Loan Council at the time of issue of debentures.

Amendments carried; clause as amended passed.

Clause 38—"Powers of councils to improve park lands and reserves."

The Hon. C. M. HILL: I move:

In new paragraph (*d*) to strike out "convert" and insert "use"; and to strike out "into" and insert "as".

The Local Government Association has strong feelings on this matter, which deals with the question of park lands under the control of councils being either converted or used as caravan parks. If we give councils the right to use park lands for caravan parks, it seems that there is a greater possibility of local people enjoying the area for at least some of the time.

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

Amendments carried; clause as amended passed.

Clause 39—"Power to dispose of small reserves."

The Hon. C. M. HILL: I move to strike out all words after "is" and insert:

repealed and the following section is enacted and inserted in its place:

459a. (1) Subject to this section, where a council is of the opinion that any land that constitutes or forms part of, a reserve is not required as a reserve, or for the purposes of the reserve, as the case may be, the council may sell or otherwise dispose of that land.

(2) No such land shall be sold or otherwise disposed of without the consent in writing of the Minister.

(3) Public notice must be given of any proposal to sell or dispose of land under this section at least twenty-eight days before the council sells, or disposes of, the land.

(4) A council shall not proceed under this section to sell, or dispose of, land that is of more than one-half acre in area unless a proposal to do so has been submitted to a poll of ratepayers and a majority of the ratepayers voting at the poll has voted in favour of the proposal.

(5) In this section:

"reserve" means land vested in the council and shown as a reserve on a plan deposited in the Lands Titles Registration Office or the General Registry Office.

The clause as it reads seeks to permit councils to dispose of reserve areas in excess of half an acre. Under section 459a of the Act, land of less than half an acre could be disposed of by the council, which considered that from time to time there was a need to dispose of areas of less than half an acre when the land could not be properly used for reserves. However, some check must be applied, because this is a matter of considerable public interest and is important to those concerned. I consider that a ratepayers' poll would be a democratic check before a council could take the drastic action of disposing of large areas of park land or reserve, and would enable ratepayers to be aware of what the council intended to do.

The Hon. A. F. KNEEBONE: Although this amendment completely redrafts the clause, it generally provides what would have been achieved, except for the provision of a ratepayers' poll. In any case, the approval of the Minister is required for any sale of reserves, and this provides a sufficient safeguard.

The Hon. Sir ARTHUR RYMILL: The President of the National Trust has informed me that the trust is alarmed at the implications of this clause, and I think the amendment is better than the provision proposed by the Government. Although I did not agree with the proposed ratepayers' poll previously, I think it is an appropriate method if the council intends to dispose of public reserves. The President of the trust was concerned because of the lack of limitation of size: in other words, large tracts of park lands could be sold, subject to compliance with the restrictions of present section 459a. Where there is an unlimited quantity of land concerned, the ratepayers should be approached about it.

The Hon. A. F. KNEEBONE: This clause concerns reserves, not dedicated park lands.

The Hon. Sir Arthur Rymill: I realize that.

The Hon. A. F. KNEEBONE: The amendment completely redrafts the clause. It achieves generally what would be achieved by the clause as it stands, except that the Hon. Mr. Hill provides that a council shall not sell a reserve exceeding one-half an acre in area unless the proposal has been submitted to a poll of ratepayers. Councils should be able to reach a correct decision themselves on this matter. In any case, the approval of the Minister is needed for any sale of reserves. Accordingly, sufficient control is already provided. Ministerial approval is adequate control. In any case the present requirement to give notice will remain in the section.

Amendment carried; clause as amended passed.

Clause 40 passed.

Clause 41—"Marking of metered spaces."

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

In new section 475d to strike out "marked out" and insert "indicated by markings".

The Adelaide City Council has received legal advice that the wording of the present clause would not permit the council to introduce a new method of marking spaces by painted broken lines instead of unbroken lines. The amendment rewords the clause to permit this.

Amendment carried; clause as amended passed.

Clauses 42 to 47 passed.

Clause 48—"Evidentiary presumption."

The Hon. C. M. HILL: I move:

In new section 743 a after "was" first occurring to insert "driven".

I mentioned this matter in my second reading speech. It was raised with me by the Local Government Association, which specifically pointed out that, although it was only a very small matter, nevertheless in some areas it was and could be an important matter to local government. The Bill was worded so that the owner-onus provisions could apply to cars that were parked on park lands; for instance, cars parked near restaurants on park lands for the purpose of all-day parking should not have been there, and the Government was seeking the right to proceed against the owners of those vehicles for improperly using that place for all-day parking.

The Local Government Association also pointed out to me an experience of one of the councils in the Adelaide Hills, where apparently some young and foolish people drove a vehicle on to the local oval and did two or three turns around the central cricket pitch area, thereby considerably damaging that part of the oval. They then drove off, and the council found that, if it had obtained the number of that vehicle, it would have been in great difficulty in effectively prosecuting for such an action, which was undoubtedly an offence.

The council officers thought it proper that the owner-onus provision should apply in such a case. I was also told that at one stage the vehicles used at some protest meeting in Victoria Square drove on to the square but did not park on it; they drove off. In a case like that, there should be reasonable machinery for local government to take action.

The Hon. F. J. Potter: A similar amendment is needed in the last line of this new section.

The Hon SIR ARTHUR RYMILL: I was going to raise that point, too. I support the amendment as long as the honourable member will put a comma after "driven".

The Hon. C. M. HILL: I shall be happy to add the comma, and I believe there is a consequential amendment that must follow in the last line of this new section: it is to insert after "position" the words "or was so driven in contravention of the by-law".

The Hon. Sir Arthur Rymill: You need a comma there, too.

The Hon. A. F. KNEEBONE: I am not very happy with the amendment. I have previously commented that clause 48 merely extends owner-onus provisions that exist at present for parking offences in streets to similar offences in park lands. I am not sure that owner-onus provisions should be applied to such offences. The matter needs close consideration. A problem could also arise in the case of cars being stolen. I oppose the amendment.

The Committee divided on the amendment:

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

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

Majority of 9 for the Ayes.

Amendment thus carried.

The Hon. C. M. HILL moved:

After "position" to insert "or was so driven in contravention of the by-law".

Amendment carried; clause as amended passed.

Clauses 49 and 50 passed.

Clause 51—"Depositing of rubbish, etc."

The Hon. A. F. KNEEBONE: I have a series of amendments to this clause and I seek your guidance, Sir, whether I can move them *en bloc.*

The CHAIRMAN: The Minister may move his amendments *en bloc.*

The Hon. L. R. HART: As the amendments strengthen the provision, I am willing to support the Minister.

The Hon. A. F. KNEEBONE moved:

In new section 783 (1) (I) to strike out "earth, building material, stone, gravel, or other similar substance" and insert "goods, materials, earth, stone, gravel, or other substance"; in new subsection (3) to strike out "earth, building material, stone, gravel, or other similar substance" and insert "goods, materials, earth, stone, gravel or other substance"; in new subsection (4) to strike out "earth, building material, stone, gravel or other similar substance" and insert "goods, materials, earth, stone, gravel, or other substance"; and to strike out paragraph (*b*) of new subsection (2) and insert the following new paragraph:

"(*b*) goods, materials, earth, stone, gravel, or other substance;".

The Hon. C. M. HILL: I have referred previously to the list of materials that I thought should be included in the Bill, and I thank the Minister for moving these amendments, which I support.

Amendments carried; clause as amended passed.

Remaining clauses (52 to 56) and title passed.

Bill read a third time and passed.

REGISTRATION OF DOGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 16. Page 2997.)

The Hon. JESSIE COOPER (Central No. 2): I believe that this Bill, as drafted, is wide and dangerously open to abuse, and I could not support it in its present form. Although we are irritated by uncontrolled and frequently unregistered dogs, and dangerous as some of these are not only to children but to valuable stock and other property, we must realize that we now have in our community a wide range of dogs which are extremely valuable because of their work capacity, having been bred carefully from a long line of stud animals, or which are extremely valuable, belonging as they do to a category very new to South Australia: expensive racing dogs.

While we can all be worried about attacks on young children by vicious dogs, these are rare enough to make us falter before throwing open, to far too wide a field, rights of easy destruction. We must realize that in every community there are people to whom dogs are an anathema, and these are the people who consider that every opportunity should be taken to destroy such animals, no matter how valuable or gentle they are. I believe that the right to destroy a dog purely on a personal opinion "that the behaviour of the dog suggests that it presents a danger or potential danger to the public" should be limited to responsible members of the community. The definition of "authorized person" in the Bill is as follows:

"Authorized person" means—

(*a*) a member of the Police Force; or

(*b*) a person authorized by regulation, or by instrument under the hand of the Commissioner of Police, to exercise the powers conferred by this section.

I consider that there will be a heavy demand on the Government to authorize wider and wider generalized fields of interested parties to carry out these executions. It could well be that such people as park rangers, school administrators, playground supervisors, caretakers and so on would demand of the Government the right to wield firearms in the manner described in the Bill.

I have not mentioned the worse possibility of all: that under this Bill councils could be given the right to establish groups of gun-toting dog catchers. In view of the number of approaches made to many metropolitan members by their constituents, constituents who have had valuable dogs destroyed because dog catchers have taken the opportunity to catch a dog and place it in a home to await destruction, I can only imagine that under certain regulations that may be brought down this type of person will frequently be more interested in building up a score of scalps than in making inquiries and honest attempts to catch the dog. The rather wry side of this whole matter is that it is usually the friendly dog that is caught, perhaps because he likes the excitement of an extra ride in the van.

I have even received complaints from constituents whose dogs have been picked up once, twice or even three times in the one day. Under this type of authorization, the council dog-catcher's job could simply be one of catch and destroy any animal found outside of any private property. I will therefore move in Committee that certain words be deleted from clause 2. If these words are omitted and the authorization is left in the hands of the police, the situation would be more acceptable. I believe the Police Commissioner is the right man to control this right of destroying animals with firearms by persons outside the Police Force. He is a man who may be presumed to limit the right to people known to be of stable and reliable character and to cases where a true necessity exists. There is in fact need for very serious consideration to be given to various dangerous aspects of this Bill before it becomes law and adversely affects many people.

The Hon. Sir ARTHUR RYMILL (Central No. 2): Although I did not intend to enter into this debate, I am inspired to do so as a result of my colleague's remarks. I have noticed this session (and my words might be appropriate to this Bill) that when the present Government gets its teeth into something it goes the whole hog. It has done this in this Bill, because it is obvious that the Draftsman has been instructed to draft the effective clause of the Bill in the widest possible terms. The words to which I refer specifically are as follows:

If an authorized person is of the opinion that the behaviour of the dog is such as to suggest that the dog presents a danger . . .

The words "as to suggest" are so wide as to protect completely any person, whether irresponsible or not, from making this judgment. I know what I would feel like if someone shot a pet dog of mine. If my colleague does not do so, I intimate that I will move an amendment to strike out the words "as to suggest". The Bill will still be extremely wide and offer the necessary protection to children.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank those honourable members who have contributed to this debate. The Bill seeks to protect human beings from attacks by dogs. Although a person may shoot a dog on sight if it is savaging sheep, the situation is more complex if it is necessary to deal with a dog that is attacking a human being. The Hon. Mr. Hill was concerned that an "authorized person" must be a member of the Police Force or a person authorized by the Commissioner of Police or specified by regulation. He suggested that someone should be present other than the person who was going to shoot the dog; the former person could attempt to control the dog without shooting it. Yet more recently it has been suggested that the number of people able to do that should be limited. If the Hon. Sir Arthur Rymill's suggestion is adopted, a person will have to be of the opinion that the behaviour of the dog is such that it presents a danger to the public.

The Hon. Sir Arthur Rymill: That is pretty wide.

The Hon. C. M. Hill: I said that it might be a good thing if there were two authorized people present at the killing: those two people could be police officers.

The Hon. A. F. KNEEBONE: The clause has been carefully drafted to ensure that every eventuality is covered. I myself am a dog lover. My family has always kept a dog, and I would not support anything that gave an open slather to a dog hater to shoot dogs on sight. Because the Bill adequately covers the situation, I ask honourable members to support it.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Destruction of dangerous dogs."

The Hon. Sir ARTHUR RYMILL: I move:

In new section 20a (1) to strike out "as to suggest".

If the amendment is carried, the provision will be as follows:

Where a dog is at large in any public place, or in any premises not belonging to, or occupied by, the owner of the dog, and an authorized person is of the opinion that the behaviour of the dog is such that the dog presents a . . . potential danger to the public . . .

The Hon. A. J. Shard: That is not what the provision says: you have left out the words "danger or".

The Hon. Sir ARTHUR RYMILL: I deliberately left out those words because I wanted to read the provision at its widest. I left out those words because they are narrower than the words "potential danger". I want to protect the dogs as well as the public. The words "as to suggest" coupled with the words "is of the opinion" coupled with the words "potential danger" go so far that any authorized person could slaughter a dog without hardly giving it a thought; he could say that the dog snarled or wagged its tail in the wrong way. I am on the side of the dogs as well as the public.

The Hon. V. G. SPRINGETT: I support the amendment. How do we know that a dog is a potential danger to the public? A dog may bare his teeth because he is frightened. A town I know is faced with the situation that motor cars stop before they cross a bridge over a river and animals are literally thrown from the cars, which then continue their journey. These animals are terrified, but I do not think they would be a danger to the public. I agree that when dogs can be protected they should be protected.

The Hon. M. B. DAWKINS: Generally, I support the amendment, but I understand that the words "or potential danger" are also to be struck out.

The Hon. Sir Arthur Rymill: No, only "as to suggest".

The Hon. L. R. HART: The other words "or cause it to be destroyed" need explanation. A person could report a dog as having caused potential danger to the public, but can the authorized person visit a property later and cause the dog to be destroyed?

The Hon. A. F. KNEEBONE (Minister of Lands): It means that the dog does not have to be shot on the spot. If it can be caught and taken away, it could be humanely destroyed in another place by an authorized person. I am not pleased about striking out the words suggested, because they have been well considered. I know that dogs can become excited, but I should have thought that people would choose a less populated spot in which to throw them out of a motor car.

The Hon. V. G. Springett: In the main street.

The Hon. A. F. KNEEBONE: If honourable members insist on deleting the words, I will have to accept their decision.

The Hon. JESSIE COOPER: We should consider the wording of the original Act, because the wording of this amendment combined with the relevant section of the Act means that the clause is quite wide enough for me. In the Act any dog that rushes at, or passes, or barks at any person is considered to be an attacking dog. As the amendment helps the situation considerably, I support it.

The Hon. Sir ARTHUR RYMILL: The Minister said that dogs become excited: members of Parliament sometimes become excited, and there were instances in this place a week or two ago when we discussed capital punishment. We are now going to present capital punishment to dogs without them having a trial. That is unfair to dogs.

The Hon. T. M. Casey: How does that apply to animals like steers or cows: they have no let-off.

The Hon. Sir ARTHUR RYMILL: I have much sympathy for all animals. My amendment will not harm the Bill, but it merely means that a person cannot just kill a dog willy-nilly. He must have some reasonable grounds for doing so. The clause will be very wide even if my amendment is accepted.

The CHAIRMAN: I understand that Sir Arthur Rymill is moving to delete the words "as to suggest".

The Hon. Sir ARTHUR RYMILL: Yes, Sir.

The CHAIRMAN: It seemed to me that some honourable members may have doubts about the words that were to be struck out.

The Hon. Sir ARTHUR RYMILL: If I conveyed that impression, it was the wrong impression. I thought I made myself clear.

Amendment carried.

The Hon. JESSIE COOPER moved:

In new subsection (2)(*b*) to strike out "by regulation, or".

The Hon. A. F. KNEEBONE: I regret that I must oppose this amendment. If it was carried, it would mean that a person would need to be authorized by the Commissioner of Police before he could exercise the powers conferred by this section. The wrong sort of person could be carrying out this duty. I think we should be able to say by regulation that, for instance, an inspector of the Royal Society for the Prevention of Cruelty to Animals, or some other body known for its humane treatment of dogs, can carry out this duty. He should be able to be authorized by regulation. If the words "by regulation, or" were struck out, it would mean that each individual would need to be authorized by the Commissioner of Police before he could carry out these duties. Knowing full well the amount of work he has to do, I think it would be impracticable for everyone to be authorized by him to carry out these duties. I suggest that the amendment be not accepted.

The Hon. C. R. STORY: I have the greatest sympathy for the Hon. Mrs. Cooper and her motives, but I also have confidence in this Chamber. The Chief Secretary is responsible for the administration of the Police Department. I hope that, when these regulations are made and come before Executive Council, they will be of such a nature that they will take into account the matter we are now discussing. If the Minister could give an undertaking that the regulations when formulated would be, as the Minister has suggested, humane, I would rather leave this matter to be dealt with by regulation, so that the Subordinate Legislation Committee could take evidence and report upon all the things that should be done, than try specifically to write into the Bill who should do this job. If I could get an assurance that, if the regulations were not to the liking of this Council, honourable members would support their disallowance, I would be happy to leave the matter as it is at present, I have complete sympathy with what the Hon. Mrs. Cooper is attempting to do. I have had the experience of being behind police stations when dogs have been destroyed for no other reason than that the owners could not be found.

The Hon. A. F. KNEEBONE: The regulations would have to be laid on the table of this Chamber. I do not know why the honourable member needs my assurance of support for their disallowance if they did not meet with the approval of honourable members. We may have logic on our side but we do not have the numbers. The honourable member knows very well that he does not need my support for a disallowance motion. If most honourable members in this Chamber thought the regulations were not humane enough, they would deal with them appropriately.

The Hon. A. J. SHARD (Chief Secretary): I do not like buying into these things, but I want to say two things. First, while one could put the onus on the Commissioner of Police, there is no doubt that he is under great pressure. Secondly, surely authorized persons can be trusted to act humanely.

The Hon. R. C. DeGaris: We cannot always trust authorized persons.

The Hon. A. J. SHARD: The regulations can be looked at, but to place the whole onus on the Commissioner of Police, with the amount of work that he has to do, is not right, especially when this is not exactly the job of the police.

The Hon. JESSIE COOPER: I did not know that we were going to expect so many cases of dog murder. The cases of dogs committing vicious attacks are rare. If we are to have an open go and allow all sorts of authorized people to commit executions well and good: that is the Government's decision. However, we are legislating for people carrying firearms; it is not merely a matter of shooting dogs. We are going to give all sorts of people firearms. Anyone who knows anything about schools knows that dogs congregate where there are children. There only needs to be a headmaster who is an anti-dog man and there will be a murder of a dog. A child could rush in and get shot in the meantime. I consider this a most dangerous Bill. I think that if we could have the Police Force in charge of the whole situation of various people in the community carrying firearms, then v/e would have some sort of common sense.

The Committee divided on the amendment:

Ayes (12)—The Hons. Jessie Cooper (teller), M. B. Dawkins, R. C. DeGaris, R A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, L. R. Hart, A. F. Kneebone (teller), A. J. Shard, and C. R. Story.

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The retention of the death penalty on the Statute Book in this State has focused attention on two aspects of the procedure relating to a sentence of death which are considered by the Government to be unsatisfactory. First, it has been a source of embarrassment to judges of the Supreme Court to be obliged to pronounce sentence of death upon a person when it is the avowed policy of the Government of the day never to carry such a sentence into execution. As the Act now stands, the court must, in the case of murder, make a formal pronouncement of the sentence of death in open court. Judges themselves have expressed their dissatisfaction with this requirement, and the Government agrees that it is quite farcical that a judge should have to pronounce the solemn words of the sentence, in which there appears the distasteful passage that the prisoner be hanged by the neck until he be dead, when everyone in the courtroom knows that this will not be done. It is felt that it would be more in accordance with what should be the dignity and the sincerity of the law if sentence of death could merely be recorded in such circumstances. The Bill provides that such a procedure is open to the court.

Secondly, doubts have been cast on the validity of pardons granted by Governors in the past and on the power of the Governor to "commute" sentences of death to life imprisonment. Without going into details of the legal arguments involved, it is possibly open to argument that a person convicted of murder and sentenced to death might successfully insist on the original death sentence being carried out. The Government considers that the whole question ought to be put beyond doubt, so that all argument on the acts of the Governor is avoided. The Bill provides that, when the Governor grants a pardon or commutes a death sentence, any order made by him as to the serving of a sentence of imprisonment shall be deemed to be an order of the court. The Bill also provides for the repeal of that section of the Act which gives the Governor power to order that an Aboriginal be publicly executed. I think it is patently obvious why this antiquated provision must be removed.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 inserts a new section which provides that any order made by the Governor for the serving of a sentence of imprisonment by a person sentenced to death, whom he has pardoned or whose sentence he has commuted, shall be deemed to be a lawful order of the court dating from the day on which the court passed the sentence of death. Clause 3 amends section 303 of the Act which deals with the sentence of death in the case of murder. The amendments provide that the court, as an alternative to pronouncing a sentence of death,

may order that that sentence be entered on record. Such an order, however, shall have the same effect as if the sentence had been pronounced in open court. Clause 4 repeals section 307 of the Act which provides for the public execution of Aborigines.

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

MINING BILL

Bill recommitted.

Clause 19—"Private mine, etc."—reconsidered.

The Hon. R. C. DeGARIS (Leader of the Opposition): I want to thank the Minister of Lands for his consideration regarding this Bill. I think every honourable member would appreciate that it is not easy to deal with a Bill of this nature, a complete redraft of the Mining Act. Clause 19 is the spine of the Bill, the clause around which the flesh of the Bill really hangs. When we first came to clause 19 in the Committee stage a number of amendments were moved by the Minister, the Hon. Mr. Whyte and me. This made it rather difficult to understand exactly what we had achieved at that stage. The Minister readily agreed that the Bill could be recommitted so that we could look again at clause 19 after all the amendments had been passed. I move:

To strike out paragraph (*b*) of subclause (1) and insert the following new paragraph:

(*b*) mining operations have been commenced before or after the commencement of this Act for the recovery of any of those minerals or for the purpose of ascertaining whether any of them may be profitably exploited;

It was mentioned in the second reading debate and in Committee that honourable members were concerned with the term "a mine has been established". Looking at the definition of "mine" in clause 6 of the Bill we see that "mine" is defined as meaning any place in which mining operations are carried out, and "mining operations" means all operations carried on in the course of prospecting or mining for minerals or quarrying and includes operations by means of which minerals are recovered from the sea or a natural water supply.

If one takes this definition of a mine and of "mining operations" into the present clause 19 (1) (*b*) we find a situation which we can accept as being reasonable. But going back to the beginning of clause 6 we see these words:

In this Act, unless the contrary intention appears—

and the point that has concerned honourable members is that use of the words "a mine has been established" seems to mean quite clearly that the mine should be a goer. I know this is not the intention of the Government, but unfortunately there may have to be litigation regarding this clause, when the interpretation would be that of a judge, and not of the Mines Department. I have had a number of legal opinions on this and there is some doubt as to just what is meant by "a mine has been established". It could be interpreted as meaning that the mine is a goer.

The Hon. A. F. KNEEBONE (Minister of Lands): The Leader gave me the opportunity of looking at the amendment. I have no objection to it.

Amendment carried.

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

After "Minister", first occurring in paragraph (*c*), to insert "within five years after the commencement of this Act".

This is an amendment to improve the drafting of the subclause, and is somewhat related to the previous amendment.

The Hon. A. F. KNEEBONE: It appears to be a consequential amendment.

Amendment carried.

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

To strike out "the mine" and insert "an area determined in accordance with this section".

We have just passed a new subclause (*b*) where the word "mine" has been deleted and the words "mining operations" have been placed in its stead. The word "mine" in subclause (*c*) therefore now has little meaning and should be replaced by the phrase "an area determined in accordance with this section".

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(1aa) The Minister may reject an application under subsection (1) of this section where, in his opinion, the mining operations in the area to which the application relates have been insignificant, or have not been genuinely conducted for the recovery of minerals, or for the purpose of ascertaining whether a deposit of minerals that may be profitably exploited exists.

Having now inserted in the Bill a new subclause (*b*) we have removed the phrase "a mine has been established" and used the words "mining operations". This has widened considerably the intent of clause 19 (1), and it may widen it too far, to the point where a person could go out one morning with a trowel,

turn over a piece of ground, and claim that he has undertaken mining operations. There is need for the Minister to have power to reject an application under clause 19 (1), where at present he shall declare by proclamation to be a private mine and, where such a declaration is made, the mine shall be exempt from the provisions of the Act. Having widened the provision in clause 19 (1) there must be power for the Minister to reject where the mining operations have been insignificant or not genuinely conducted.

The Hon. A. F. KNEEBONE: I support the amendment. I believe it is necessary to have this control after the area of the clause has been widened to such an extent. There must be some restraint.

Amendment carried.

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

In new subclause (lb) before "proprietor" to insert "prospective".

As in some situations a person might be applying for a private mine, the inclusion of "prospective" will apply to such a person.

Amendment carried.

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

In new subclause (1b) to strike out "the exploitation of the minerals for the recovery of which the mine is operated" and insert "exploitation of minerals".

This amendment merely clarifies the position.

Amendment carried.

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

In new subclause (12) to strike out "Director of Mines" and insert "Registrar-General".

I have not been impressed with the Minister's argument that the Director of Mines should be in charge of the register. It seems to me that the register of those with a right to royalties should be maintained by the Lands Titles Office. Where rights to royalties have been severed from the title (an aspect with which new subclause (12) deals), many problems arise. Whether or not these are valid, I am not sure. I am not sure whether in the case of death the severed rights to royalties can pass by will to another person. The question of mortgage also arises. If, for example, a person leaves all his real property to another person by will, will the severed right to royalty pass under the demise? Although I realize that this is opening up a wider field, I believe the Lands Titles Office has the complete machinery to cope with all these problems. As there would be only 15 or 20 titles from which the rights to minerals have been severed, I cannot foresee any problems in this respect. However, I believe problems could be experienced in relation to the clause, and I believe they could be added to by the Director having the responsibility to keep the register of ownership of that right to royalty.

The Hon. C. M. HILL: I think it is proper at this point to pursue the whole matter which was mentioned previously in Committee and which I think is still unresolved: the question of the Torrens title system, the indefeasibility of the title, and how a searcher of the title can readily see the true position of the two now separate and divided interests on the title after the Bill is passed. At the same time, the Committee must fully appreciate the matter that the Hon. Mr. DeGaris has raised. I can follow his submission, in that where there are separate rights the persons involved will have to apply to have their rights placed on the register. It seems to me that, if these rights are affected by death, or if in any way money is borrowed against those rights, all the changed interests in those rights could be noted in the register in a natural sequence. I cannot see any real problems arising from the time when the royalty rights become placed in the register which, if the amendment is passed, will be in the general registry office. That is the position regarding a relatively small number of separate rights. However, in relation to the existing titles issued before 1882 the royalty rights that now flow with those titles must be separated. Those royalty rights must be separated and transferred from the title to this new register. I do not know what machinery can be put in train to bring that about. I believe that ultimately, if not soon, an amendment will have to be made to the Real Property Act in regard to this matter.

When the first memorandum of transfer or the first instrument is registered on such titles, that instrument must state the interest or interests being transferred, and at that time the Registrar-General of Deeds will have to make some notation on the title signifying the position in regard to the royalty rights; for example, he may signify that they are transferred into the mining register, and references may be given. The searcher of the title must be able to see from that point on what the exact position is in regard to the fee simple on the one hand and the royalty rights on the other hand.

We can easily imagine the different kinds of transfer that may be registered as the first document to be registered on that title. A may transfer to B the fee simple and retain the royalty right; A may transfer to B the

fee simple and the royalty right; A may transfer to B the fee simple and, on the same day, may transfer the royalty right to C. Each of those three simple transactions highlights the need for someone who searches the title in the ordinary course of commercial affairs under the Torrens system to see clearly what the true position is concerning the interests that are or have been in that title.

Once that dissection takes place, from that point on the position in regard to the fee simple will be as it exists at present in all titles issued after 1882. Once the dissection takes place and the royalty rights are transferred into the register, the fee simple will then flow on in exactly the same way as in all titles issued after 1882.

To dissect the interests in the title is not easy, but surely at this time, when we are wrestling with the problem, it must be solved. A plan must be laid down now as to how it will take place. If it is not worked out now, what will happen a week after this legislation is proclaimed and a transfer is lodged at the Lands Titles Office of an old title? If the transfer says that the whole of the land in the title is being transferred to B, what does that mean? We know that it could mean several things. The purchaser could ultimately take action for misrepresentation, because he might not understand what was happening.

The Hon. A. F. Kneebone: Mining rights might have been transferred more than once already.

The Hon. C. M. HILL: If they have been taken off the title and transferred more than once already, they come into the small group that the Hon. Mr. DeGaris mentioned, and I do not think they present any problem at all. The owners of such rights have simply got to apply to have them put on the register. Because they are separated from the title, they are not a problem. The real problem arises where the rights exist now together with the title. As soon as this Bill becomes law there will be two separate interests held by the owner of the title. These cases demand that some plan be known as to how the interests will be divided, so that by law people know exactly who owns which interest.

The Hon. A. F. Kneebone: Isn't that the purpose of the register?

The Hon. C. M. HILL: Its purpose is to get a separate list of royalty rights. With the effluxion of time a separate list will be compiled in the register. Once the right is in the register there will not be any problems from then on, but how do we get the right in the register? Where A transfers land to B and retains the right, how do we get that right into the register?

The Hon. R. C. DeGaris: In my opinion, that does not go into the register at all, but I may be wrong.

The Hon. C. M. HILL: It may not go into the register. I repeat that the separate group that already involves separate rights does not concern me greatly. It is the group that will be severed in the future that causes me concern. I am concerned about the titles in which there will be two separate interests after this Bill becomes law—the fee simple and the right to royalty. They are the two separate interests that will automatically develop as soon as this Bill becomes law. How will they be treated under the Real Property Act when a memorandum of transfer is lodged on that title?

Some honourable members do not agree with me, but I cannot see any way out of it without an amendment to that Act, providing how such transfers shall be worded and the procedure that must be followed by the Registrar-General of Deeds when those transfers are lodged at the Lands Titles Office. The Registrar-General must be informed how he should divide up the cases so that the fee simple thenceforth flows with the title only. Further, the Registrar-General must be informed how he is to treat the transfer of the royalty right away from the title and into the separate register. This is the machinery that only the law can lay down.

This matter must be carefully looked into. In the group referred to by the Hon. Mr. DeGaris, the split-up has already occurred; the old mineral rights are owned by someone who does not own the title. The machinery to get them into the register is simple; a person simply makes an application. However, we must now consider the titles issued before 1882 that still retain the right to minerals.

The Hon. A. F. KNEEBONE: I thank the honourable member for drawing my attention to this matter, which will be investigated, and if it is necessary to amend the Real Property Act this will be done. In regard to the matter being discussed, we have inquired about it and were told that it would be impossible or very difficult to take the action that has been suggested. If honourable members insist on including "Registrar-General", I do not know what we will do about it, because it

seems to be administratively impossible. I formally oppose the amendment.

The Hon. Sir ARTHUR RYMILL: I support the amendment, because I think it is correct. If this amendment is not included, a person searching a title will not only have to search at the Lands Titles Office but also in the Mines Department. This means that if the new register is not kept at the L.T.O. the person will have to visit two different offices. I think it is imperative that the register of royalty rights should be kept at the L.T.O. for convenience, if for no other purpose. If the present provision remains, the Act will be defective and will need amending. It will mean that in every case where mineral rights may or may not exist a person will have to visit the Mines Department to search the register, and that seems to be an unnecessary procedure. It seems to me that the legislation contains other defects and the only way to patch it up (except to include a whole string of amendments) is to pass the amendment of the Hon. Mr. DeGaris, and place the proposed register under the control of the Registrar-General.

Amendment carried.

The Hon. R. C. DeGARIS moved:

In subclause (14) to strike out "Director" and insert "Registrar-General".

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(6a) An application for the declaration of a private mine may be made under subsection (1) of this section by the person divested of his property in the minerals in respect of which the declaration is sought, a person who pursuant to the repealed Act held an authority to enter land for the purpose of mining for those minerals, or a person who, immediately before the commencement of this Act, held any interest in those minerals in pursuance of any contract, agreement, assignment, mortgage, charge or other instrument.

It seems that all eventualities may not have been covered in relation to the rights of a person to a proclamation of a private mine. This amendment ensures that any person with an interest in development can apply for such a proclamation.

Amendment carried; clause as amended passed.

Bill reported with further amendments. Committee's report adopted.

SECONDHAND MOTOR VEHICLES BILL

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

SNOWY MOUNTAINS ENGINEERING CORPORATION (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from November 16. Page 3004.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill is complementary to the passing in 1970 of a Commonwealth Act that established a body to be known as the "Snowy Mountains Engineering Corporation". This corporation has been formed for the purpose of keeping intact the specialist skills that were acquired by the Snowy Mountains Hydro-Electric Authority during the construction of the Snowy Mountains scheme. It will not be a construction authority, but it will make available consultative services to the Commonwealth, the States and private organizations. Over the years the people engaged in the Snowy Mountains authority have built up a tremendous reputation and a wide knowledge in relation to the development of water resources, power resources, underground works and dam construction. So that the State may be able to use the corporation's services it is necessary that this Bill be passed.

The Hon. R. A. Geddes: Is this an advisory service?

The Hon. R. C. DeGARIS: It is a consultative service only; even foreign countries can call on the expertise of the corporation. I do not think it will engage in any activity other than consultative work, although one can foresee further developments once the corporation is established. I support the second reading.

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

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 16. Page 3005.)

The Hon. C. M. HILL (Central No. 2): I recall the date January 26, 1966, for two reasons: one is that I had taken my place in this Chamber on only the day before, but the more important reason is that it was the day when the Labor Government introduced into this place the Road and Railway Transport Act Amendment Bill. When the Minister introduced that Bill his first words were as follows:

Its object is to restore co-ordination of transport in the State.

There is something very similar between those words and what the Minister has been saying

recently in introducing the Bills that bring various transport authorities under Ministerial control. The Minister is pursuing the line of argument that it is necessary that he have Ministerial control in order to bring about proper co-ordination of transport in this State. We cannot forget the problems that arose in 1966 and the great wave of objection that swept through the country areas at that time.

This Bill places the Transport Control Board under Ministerial control and provides that the term of service of board members will not exceed three years, whereas up to the present it has been a definite three-year term. I completely oppose the Bill and intend to vote against the second reading. I oppose it, first, because I believe it is the thin end of the wedge toward the re-introduction of control over road transport in this State. By road transport, I mean transport of goods as well as passengers. That is the kind of control I believe people in this State do not want, and I am certain that people living in country areas do not wish to see again this form of control, which was exercised many years ago but which was discontinued, much to their jubilation. Secondly, I oppose the Bill because although the Transport Control Board is involved in licensing passenger services, I believe that the Government intends to use railway buses to serve the routes which were previously served by rail passenger services and which were closed by the Government between 1968 and 1970.

The board has licensed private bus operators to serve these areas, and those people have given splendid service. When licences were granted the services were cheaper, faster, and more comfortable than the previous rail services. To place Government-owned or controlled buses on routes throughout the country on which passenger railway services were previously dispensed with would be a retrograde action. I should like to know whether the Government has received any complaints about the service provided by the present members of the Transport Control Board.

These gentlemen, from my knowledge and experience, have been excellent board members, and have been highly efficient. Each one is an expert in his field of knowledge, and has been extremely dedicated to his work. Their remuneration has not been high, but they have provided their services in the interests of the State: it is not encouraging to them to have a Bill introduced that limits their future services to a period of up to three years, whereas their previous term of office has been a definite three-year period.

I have seriously considered this matter, and see no reason to support the Bill. Having looked at the Australian Labor Party policy speech of May, 1970, at lunch time, I noted that the Labor Party sought Ministerial control of the Municipal Tramways Trust and the South Australian Railways Department, but it did not ask for Ministerial control of the Transport Control Board, as it is seeking to achieve by this Bill. From whatever angle one considers the Bill, I believe it will be objected to most strongly throughout the State.

The message must be passed clearly and loudly to the Government that the people of this State believe that it should keep its hands off country road transport, not dream of introducing a permit system, and not contemplate operating railway buses on routes that are now being served adequately and well by licensed private transport services. Accordingly, I oppose the Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 16. Page 3006.)

The Hon. C. R. STORY (Midland): I support the Bill with a feeling of some sentiment. To be born and bred in a place (almost in a province), and able to see such changes coming about as have occurred in the trust area and in the Riverland area, is something that gives one inspiration. The Bill has many purposes. The Playford Government made the first deal with the Renmark Irrigation Trust for assistance, but because of the pride of the people of that area that caused them not to seek financial assistance from the Government, it took a long time for the first arrangement to be completed. The Chaffey brothers established the first irrigation scheme in Australia that is as old as any irrigation scheme in America and older than some of the larger schemes now operating in Victoria. The Renmark Irrigation Trust struggled from 1887 when the Chaffey brothers first started the enterprise, but encouraged by Sir John Downer, father of the present Australian High Commissioner in London, Sir Alex Downer, in whose Government this scheme began, and under the auspices of the late Thomas Playford, grandfather of Sir Thomas Playford, the scheme eventually got under way.

By 1892 the financial situation of the colony was in dire straits, because the bank crash had come, and the Chaffey brothers were unable to continue the project. Then the first irrigation trust at Renmark was formed. It has a proud history, in that it functioned from 1893 until 1961 before making its first approach to the Government for assistance. When compared to Government controlled schemes that had operated in other parts of the Riverland area, this scheme gave extreme satisfaction to those pioneers who started the irrigation areas. The country in which Renmark is situated has less than a l0in. average annual rainfall; its carrying capacity (when reduced to dry sheep) would be one sheep for 10 acres; and at present it has a population of more than 7,000, instead of one sheep for every 10 acres. This development is, to me, a real attempt at decentralization.

I know that this Bill has been before a Select Committee, as have several others in the past few years dealing with the Renmark Irrigation Trust. In relating the history of Renmark, one should not be pinned down to about an hour; one should be able to speak about it for much longer, but I shall confine myself to an hour so that we do not run into any trouble.

In 1893 the Irrigation Trust was set up. It is interesting from a historical point of view to see what people in those days thought about the way in which it would develop. The Commissioner of Public Works, when introducing the measure, said:

> Most Bills with which the House had to deal referred to the whole of the Colony, but this in its primary application simply related to a part of its history. The measure is a long one.

Nothing much has changed in the whole period since then because this present measure is also a long one. It means just about as much as the measure introduced by the honourable gentleman at that time. It seems mean not to give the whole history of what has happened to the self-help district that Renmark has been. It has been accused recently of having hand-outs given to it. This district began in 1893 and 1963 was the first year in which it asked for any financial assistance. That financial assistance resulted from the district being severely affected by the 1956 floods; it came about as a result of a very high water table when production dropped to a low ebb and the Government of the day, under the Premiership of Sir Thomas Playford, decided that some assistance should be given to the trust.

At that time the Renmark Irrigation Trust also occupied the position of the District Council of Renmark as well as the mayoralty, occupying a square mile in the centre of the town but spilling out into the irrigation wards; that was a constant cause of friction between the municipality and the Renmark Irrigation Trust. It was a great pity that the people of Renmark at that time (I was one of a committee that negotiated with the citizens outside the municipality or the council of the outside area) adopted a very unfortunate attitude. It was a "take it or leave it" situation; but they were offered a choice plum by the Premier and Treasurer of the day of about $1,000,000 to drain and rehabilitate the area and get it in order again after the 1956 floods.

The Hon. A. F. Kneebone: This was in the nature of a loan?

The Hon. C. R. STORY: It was in the nature of a grant and loan in consideration of the Renmark Irrigation Trust's giving up its powers of local government and handing them over to the Municipality of Renmark. So, after a fairly laborious period and a meeting in the town hall at Renmark that voted unanimously for the proposal, it was decided that Renmark would become the largest municipality in South Australia; and it remains so to the best of my knowledge. The mayoralty goes back to 1936.

The Renmark Irrigation Trust then took on its proper role of looking after the drainage and irrigation of the whole area. There was a change of Government and there was no hesitation when it was discovered that it was necessary to rehabilitate the pumping plants of the whole area. Costs rose from $1,000,000 to $1,150,000, if my memory serves me right. This Bill is concerned with a figure of $1,650,000, a fairly large increase.

Renmark was a pilot scheme. It was 30-odd years old when the first soldier was rehabilitated after the First World War. It was a pilot scheme for irrigation, not only in South Australia but also in Australia. It has been a most useful experiment.

The whole purpose of this Bill is to increase the amount of money that the Government is called upon to put into the whole rehabilitation scheme of Renmark. It is making a very good investment. I was responsible for arranging to send four officers to Israel and California to observe the most up-to-date methods of irrigation in the world at the time. This scheme will be a model for the Government schemes which come under the administration of the Minister of Lands. Many of the districts that he

administers will follow the example that Renmark has embarked upon. The trust has sent overseas two of its officers and two Government officers, for whom the Government met the immediate expense, which the trust will eventually have to pay. This move will be of tremendous benefit to the Government and will enable it to proceed with its scheme in due course.

Members in this place and in another place have heard much recently about the wastage of water in Australia, especially in relation to the Bolivar Sewage Treatment Works and the Polda Basin. By world standards, the wastage of water in Australia is astronomical. South Australia is a terribly dry State, and we waste much water by our methods of distribution compared to countries like Israel, where every gallon of water and every ounce of fruit that can be produced counts, because that is the only means of sustenance for those people.

A pressure pipeline system of world standard has been adopted in the Renmark Irrigation Trust area. When introducing the Bill the Minister said that many of the mains have been completed. Indeed, tenders have been let for the pumping pylons, and the letting of tenders for the plant is being considered. Some parts of the settlement are already being served by the new system. According to the evidence given to the Select Committee by the Chairman, Chief Engineer and Secretary of the Renmark Irrigation Trust, the trust should be able to supply water to fruit growers at a much lower cost than can many of the surrounding districts.

I should like now to deal specifically with the provisions of the Bill. The most important aspect is that there is a terrific change in verbiage. Clause 3, which amends section 11 of the principal Act, makes metric measurement conversions and has the effect of increasing the minimum size of a holding qualifying a person to be a member of the trust. The size of a property is increased from 10 acres to 5 ha, an effective increase of about 2.35 acres. Apparently, this has been agreed to by the Renmark Irrigation Trust Board although, as far as I know, the trust's ratepayers have not been consulted by a poll. Under the Chaffey covenant, which is a bible worthy of reading, the 10-acre fruitgrower was the traditional grower, and many of our best trust members have been 10-acre growers. However, they will be ineligible to stand because of this amendment. In future, a grower will need to own 12.35 acres of land before he is eligible to stand for election as a member of the Renmark Irrigation Trust.

This is mainly a Committee Bill, which deals with the changeover to decimal currency and which substantially amends penalties for some offences. The offence of what we used to call "taking a dribble", which some people would call stealing water, for which we would have expected to pay a small fine, now attracts a maximum penalty of $100. I should like briefly to refer to one or two interesting items.

Will the Minister ascertain for me the effect of clause 9, which makes a metric conversion amendment to section 78 of the principal Act? It reduces by about one-hundredth of an acre the minimum size of a block that must be included in the assessment book. I should like to receive the Minister's assurance that this provision is not merely designed to enable the trust to collect revenue from people who own blocks of less than half an acre in size, which blocks would not normally be on the assessment book. If, as a result of clause 9, they are put on the assessment book and are charged a separate charge for a water connection from the irrigation trust at about $400 (it cost me that) I think it is daylight robbery. Before I submit to seeing the clause passed, I want the Minister to assure me that that will not be the case. My experience is over and done with, but I do not want to see other people fall into the net.

On the basis of costs applicable in 1964-65, the cost of providing new pumping facilities, rising mains and ancillary works was estimated at $1,120,000. A Select Committee of the House of Assembly considered the matter in January, 1966, and that amount was written into the Act. It is estimated that in 1973, when the whole scheme is completed, the total cost will be $1,675,000. The trust is not getting this for nothing; it is getting a proportionate grant but it has to pay back a considerable sum.

The Hon. A. F. Kneebone: I am informed that before the change of Government the money was on loan, but more recently a portion has been provided by way of grant and another portion has been provided on the basis of a $1 for $1 subsidy. That was negotiated by Mr. Walsh and Mr. Bywaters.

The Hon. C. R. STORY: The Minister will have the whole of the facts at his fingertips because he has access to the dockets; no doubt he will use every inch of political capital that he can get out of this. The Renmark Irrigation Trust was a private concern that

the Government had no obligation to support; when the Government made its first approach and gave the trust some money it was breaking new ground.

The Hon. A. F. Kneebone: It lent money.

The Hon. C. R. STORY: It granted and lent money. If the Minister looks up the documents he will find that, in consideration for the organization taking over certain responsibilities, the trust received a portion as a grant. I have not had time to do research, but the Minister's officers will do the research for him tomorrow morning, and tomorrow afternoon he will probably take me to task if I have not got the facts straight. At any rate, I am sure that the people of Renmark appreciate what has been done. They are entitled to be very proud of what has happened since 1887. The area now provides an adequate living for more than 7,000 people, of whom fewer than 600 are fruitgrowers. So, one person in 10 is a catalyst for the area. Whilst people are often critical of the sums written off under Government schemes, it cannot be said that Renmark owes the Government anything. The sum of £16,000 was once borrowed, but it was repaid in the allotted time. I am proud of the district's record and I am pleased that the Government is supporting such a worthy community. The amount of money collected annually out of Renmark by way of excise for the Commonwealth Government is far greater than the amount paid by the whole of this State in land tax.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank the Hon. Mr. Story for his approach to the Bill and I appreciate the history lesson he has given us. The amendments made in 1966 to the Renmark Irrigation Trust Act were made during the term of the previous Labor Government; I believe that Mr. Bywaters was Minister of Irrigation at that time. The early estimated cost of the pumping station and rising main was $1,120,000, of which two-sevenths was to be provided by way of grant ($320,000) and five-sevenths from Loan funds as a loan to the trust ($800,000). For channel rehabilitation and additional drainage the early estimate of costs was $2,000,000, towards which the Government was to provide one-half by way of a grant over 13 years, an equal amount to be contributed by the trust. These estimates were made without detailed investigation of the projects and without full consideration of alternatives in respect of methods or equipment.

Additional information gained from other States indicates that substantial savings can be made by variations in the design and equipment of both the pumping station and the reticulation system, and it is now considered that the cost of the pumping station and rising main will be $1,357,000 and that the cost of reticulation and additional drainage will be $2,315,000—an estimated increase of $552,000 on the original basis, but a reduction of $437,000 on the revised estimate. Accepting the latest estimate and applying the provisions of section 123a and 123b of the Renmark Irrigation Trust Amendment Act of 1966 to financing the scheme, the following would result:

Section 123a	Estimated cost $		$
Pumping station and rising main	1,357,000	Government Grant 2/7ths . .	388,000
		Government loan to Renmark Irrigation Trust 5/7ths	969,000

As the Hon. Mr. Story has pointed out, rising costs have necessitated further provisions. Useful discussions have been and are being held with the trust in order to ensure that the provisions are satisfactory to everyone concerned. As I understand it, there is no ulterior motive in respect of clause 9, and the alteration would not affect many people.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Assessment."

The Hon. C. R. STORY: This clause, which worries me a little, is the one to which the Minister has been good enough to refer. It effects what is actually a formal metric conversion amendment, and reduces the area in question to just under half an acre. Over the last few years, people who are reaching pensionable age have demonstrated a wish to sever about half an acre of their property and to sell the remaining area. The situation involving half an acre of land may affect many people. Under the new closed-line pipeline

system, a person is entitled to an outlet on his property without any charge. If, say, an acre is severed, there is no extra charge at all, while, if an area is severed perhaps for the purpose of a building block, there is a charge of up to about $500. I am wondering whether, under the metric conversion amendment, the area in question might not have been increased to an acre, rather than slightly under half an acre.

If the area were less than half an acre, the return to the trust would be increased tremendously, for it would receive far more connection fees through the operations of the sealed-line pipeline system. It cost me $500 in respect of less than an acre to have a separate water supply provided to the house, and the Minister will agree that that is a considerable sum. I should like the Minister to check on this matter. Although I do not require the information tonight, as I do not wish to delay the Bill, I should like him to discuss the matter with his officers.

[Midnight]

The Hon. A. F. KNEEBONE (Minister of Irrigation): I appreciate the honourable member's remarks and thank him for his assurance that he will not delay the Bill. I assure him that I will try to obtain the information he requires. Owing to the conversion, it was a choice between making a slight increase or a slight decrease in revenue.

The Hon. R. C. DeGARIS: I hope that these changes of measurement will not involve alterations in set distances, such as cricket pitches.

The Hon. C. R. STORY: One of the first places outside of Adelaide to have a turf cricket pitch was Renmark, and the cricket association pays a certain sum to the council each year for the use of this oval.

Clause passed.

Clauses 10 to 16 passed.

Clause 17—"Penalty for disconnecting meters."

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

To strike out "fifty dollars" and insert "twenty dollars".

The penalty provided now in section 121c is $20, and this clause proposes to increase that sum to $50. This is a savage increase. If a person happens to be away from the district for a month, his bill falls into arrears, and the irrigation trust (which is also the electricity authority) disconnects his supply, he has to pay $50 to have someone replace the fuse, and that seems to me fairly rapacious. Many of the pensioners in the district live in the outer areas of Renmark. I should like to see the sum left at $20.

The Hon. A. F. KNEEBONE: This increase was recommended by the trust, which obviously had a sound reason. Penalties are being increased in other cases, but the honourable member wants to retain this one as it is at present. He has not suggested any increase even though the increase provided for in the Bill has been recommended and all other penalties are being increased.

The Hon. F. J. Potter: Is this a penalty, or a fee?

The Hon. A. F. KNEEBONE: It is a penalty.

The Hon. C. R. STORY: This is not a penalty: it is a fee charged if a person, by mischance or misadventure, is unable to pay his rate for the period for which the account is rendered. The increase to $50 is more than double the present rate, and I wish to relate this to sneaking water, which can mean the difference between a man having a crop of fruit that has taken a year to produce and having no fruit.

The Hon. A. F. Kneebone: Do you support that, where he takes the water from his neighbour?

The Hon. C. R. STORY: I have always regarded and still regard that as an extremely serious matter. A person may receive a full stream of water at 7 p.m., but when he wakes up in the morning the water has not got farther than his headland, because someone else has stolen the water. That has done someone else the world of good, because on a hot day that amount of water represents the difference between losing a currant crop and not losing one. I am pleased about doubling the fine for that. Many people, particularly New Australians, have not learnt the rules in the Renmark Irrigation Trust area, and that is why it is necessary to have some stringent provisions. However, in the case of the disconnection of electricity, the officer would be driving around the area anyway and the greatest distance that he would have to travel from Renmark or from his headquarters would not be more than five or six miles. A charge of $50 to reconnect is a savage charge to impose on a pensioner.

The Hon. A. F. Kneebone: You are on the wrong track. I will quote the Act for you.

The Hon. C. R. STORY: If I am wrong, I ask the Minister to put me right.

The Hon. A. F. KNEEBONE: Section 121c of the Act, which clause 17 amends, provides:

Any person who connects any meter supplied by the trust with any cable or wire through which electricity is supplied by the trust or who disconnects any such meter from any such cable or wire shall, unless he gives to the trust not less than 24 hours' notice in writing of his intention so to do, be guilty of an offence and liable to a penalty not exceeding £10.

We are amending that to make the penalty $50. The honourable member said that he supports the imposition of a fine of $100 on anyone who milks his neighbour of water, yet the honourable member does not want to impose a penalty of $50 for anyone who milks the trust of electricity.

The Hon. C. R. STORY: Obviously the Minister is not well acquainted with the position. Milking the irrigation trust of some electricity would be like milking E.T.S.A.

The Hon. A. F. Kneebone: People get into trouble for milking E.T.S.A. Some people have been imprisoned for it.

The Hon. C. R. STORY: The Minister seems to think that this is a serious and terrible thing, but this is ordinary household power that the Renmark Irrigation Trust supplies to every householder in the district.

The Hon. A. F. Kneebone: You try disconnecting a wire from a meter in Adelaide and see how you get on. You will be fined more than $50.

The Hon. C. R. STORY: Surely this increase does not refer to something like putting a jumper in.

The Hon. A. F. Kneebone: Of course it does.

The Hon. C. R. STORY: This is for nonpayment of rates, where a person's power supply has been disconnected. I have no objection if the penalty is for putting jumper leads in, but I have always been cross about the fact that the trust has been fairly savage in its charge for reconnection.

The Hon. A. F. Kneebone: This is a penalty, not a fee.

The Hon. C. R. STORY: I will watch this matter carefully.

The Hon. L. R. HART: I think the question is whether we are justified in increasing this penalty to the extent that we are increasing it. Clause 25 provides that the penalty for unlawfully taking water will remain at $100, yet the penalty for what the Minister says is illegally taking electricity is more than doubled. If we are right in increasing the penalty for taking electricity to more than double the present penalty, why is not the penalty for illegally taking water being increased? The provisions should be consistent.

The Hon. A. F. KNEEBONE: I do not want to increase the other penalty, because the honourable member is satisfied with that, but apparently in this case $20 was not a sufficient deterrent and, with the price of electricity today, at that penalty it may be worth while taking a risk of being fined $20. However, increasing the penalty to $50 will make it not worth while to put a jumper on a meter.

The Hon. C. R. STORY: I cannot in all conscience allow this to continue because the meters are read by a meter reader.

The Hon. A. F. Kneebone: That will not cost anyone anything if they do the right thing. Are you trying to justify someone's doing this?

The Hon. C. R. STORY: No, I am not. The Hon. Frank Condon, a gentleman who sat in this Chamber 16 or 17 years ago and who was one of the fairest men with whom I have come in contact, always had tremendous compassion for people against whom penalties were increased. I should like to know whether the Renmark Irrigation Trust recommended that the penalty be increased from $20 to $50.

The Hon. F. J. Potter: It might be bringing it into line with the Electricity Trust.

The Hon. C. R. Story: It might be bringing it into line with what the Renmark Irrigation Trust is trying to do: extract as much in rates from its ratepayers as possible.

The Hon. A. F. KNEEBONE: For the honourable member's benefit, I should like to refer to a letter addressed to me dated September 3, 1971, which was written on the trust's official letterhead, part of which is as follows:

In reply to the request contained in your letter dated September 3, 1971, I advise that the trust has considered the matter of the amendment of its Act to provide for the conversion of areas and lengths to metric measurements. During its deliberations on metrication, the trust decided that certain other amendments be considered also, to convert to decimal currency certain amounts specified in the Act and to update others, where increases are justified. I now set out the suggested amendments in this regard.

The writer then enumerates several of them. On the following page the writer says that the present penalty for a breach of section 121c is £10, and suggests that it be $50.

The Hon. C. R. Story: Did the Chairman sign it?

The Hon. A. F. KNEEBONE: It is signed by Mr. Tripney, the Secretary, on behalf of the trust.

The Hon. C. R. STORY: I seek leave to amend my amendment by striking out "$50" and inserting "$25".

Leave granted; amendment amended.

Amendment as amended negatived; clause passed.

Clauses 18 to 20 passed.

Clause 21—"Agreements to purchase."

The Hon. C. R. STORY: In his second reading explanation, the Minister said that clause 21 increased the interest rate of "section 141 blocks" that are contracted to be sold after the commencement of this measure from 4½ per cent to 5 per cent. He also said it was highly unlikely that any agreements for sale would attract this provision, but that it had been included for the sake of consistency of interest rates on agreements. I should like to know what section 141 blocks comprise and what are the agreements in relation to them.

I wonder whether the trust intends to dispose, with the Minister's consent, of lands that are known as "X" lands. If the Government intends to support that, I will want an assurance that a detailed survey will be made of the area. Experience has shown that there is good land and bad land in the area. Now that the Government has a tremendous vested interest in the Irrigation Trust, some assurance should be given to the allottees that the quality of the land is sufficiently good to enable it to be brought into production and under a water licence and agreement. The Minister must ensure that people are getting value for their money and that water is not wasted as a result of useless land being sold.

The Hon. A. F. KNEEBONE: I do not know what is the trust's intention in connection with the sale of "X" lands. The amendment deals only with agreements entered into on or after the passing of this legislation. So, the increase in the interest rate applies only in respect of such agreements; it does not affect agreements made prior to the passing of this legislation. The increase of one-half of 1 per cent brings the figure into line with the ruling rate.

Clause passed.

Clauses 22 to 36 passed.

Clause 37—"Ratepayers entitled to signed copy of the by-laws on payment of one dollar."

The Hon. C. R. STORY: This clause increases the charge for a certified copy of the trust's by-laws (not a huge tome) from 1s. to $1. It seems that the trust has become infected with the attitude of the present Government.

Clause passed.

Remaining clauses (38 and 39) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL

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

PUBLIC SERVICE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It is designed to remedy a deficiency in section 25 of the Public Service Act which has recently been detected. Subsection (3) of that section provides that, subject to subsection (6) of that section, the Governor may by proclamation (*a*) declare an additional department and create an additional office of permanent head in respect of that department; (*b*) discontinue an existing department and abolish the office of permanent head of that department; or (*c*) change the name of an existing department or the title of the office of permanent head of that department. Subsection (6) of that section provides that in a proclamation under subsection (3) the Governor may provide for—

(*a*) the reading of a reference in any Act to a department affected by a proclamation under that subsection as a reference to (i) a department declared or renamed under that proclamation; or (ii) a department assuming the functions of a department abolished by that proclamation; or

(*b*) the reading of a reference in an Act to an office of permanent head affected by a proclamation under that subsection as a reference to (i) an office of permanent head created or the title of which is changed by that proclamation; or (ii) a reference to a permanent head assuming the functions of the office abolished by that proclamation.

It will be seen that subsection (6) enables the Governor by proclamation to provide for the reading of a reference to an office of permanent head as a reference to some other permanent head but that subsection does not provide that the Governor may by proclamation provide for the reading of a reference in an Act to any officer of the Public Service as a reference to some other officer of the Public Service, nor does that subsection

expressly enable an earlier proclamation to be amended or cancelled. A situation could occur where the title of an officer who is the head of a department is changed and a proclamation is made declaring that a reference in any Act to the original title should be read as a reference to his new title. This situation does not present any difficulty but, where that officer is separated from the department of which he was permanent head and transferred to another department otherwise than as permanent head of that department, it would appear that subsection (6) of section 25 of the principal Act as it now stands cannot be invoked because he would then be no longer a permanent head of a department. However, proclamations purporting to have been made under that section were made in the years 1969 and 1970, since the original Act was passed, and some of these could be of doubtful validity.

The Bill seeks to widen the power contained in subsection (6) to meet the kind of situations I have referred to and to provide for the amendment or cancellation of any earlier proclamation as from a specified date. The Bill also would have the effect of validating any action taken under any past proclamations that might be of doubtful validity. The need for this Bill has arisen from the deficiency detected in section 25 of the principal Act to which I have referred, and clause 2 of the Bill is designed to remedy that deficiency. I commend the Bill to honourable members.

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

SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This Bill, which amends the Superannuation Act, 1969, deals with several disparate matters. However, I would draw honourable members' attention to two that are of particular importance. First, provision is made to supplement by 5 per cent all pensions having a determination day, as defined, that occurred on or before June 30, 1970; and, secondly, an attempt has been made to afford some financial relief to certain advanced age contributors. Clause 1 is formal. Clause 2 is an amendment consequential on the amendment effected by clause 6 and the reasons for that amendment will be canvassed in the comments on that clause. Clause 3 makes several amendments to subsection (1) of section 4 of the principal Act, all designed to facilitate the administration of the Act and to save costs in that administration. Pay days vary between departments, and a situation often arises upon the transfer of a contributor from one department to another where confusion exists regarding the period to which superannuation payments should be credited. This amendment will remove that confusion.

Clause 5 is again consequential on clause 6. Clause 6 is intended to enable contributors of advanced ages, whose additional units would otherwise be very costly, to take up such units at one-quarter of their normal costs, and thereupon to become entitled to the whole of the Government proportion of those pension units together with one-quarter of the fund proportion. Since the Government proportion is 70 per cent and the fund proportion 30 per cent this would mean that each ordinary unit would be worth a pension of 77½c a week instead of the normal $1 a week on payment of one-quarter of the full contribution. This procedure would be comparable with that in Victoria. However, to avoid the difficulties involved in having units of different values, and otherwise to simplify and reduce costs of administration, the same effective result is achieved through clause 6 by permitting the taking up of special units of full value to the extent of thirty-one fortieths of the number of ordinary units which can be made available upon the concessional terms. Thus the rate of concessional contribution, which would be ten-fortieths of the full rate for ordinary units becomes ten thirty-firsts of the full rate for the special units.

The Government will provide currently the remainder of the requisite contributions, so that the fund may be able to continue to meet its normal 30 per cent of all pensions payable. The concession is, as will appear from the definition of "prescribed contributor", limited to advanced age contributors who are already setting aside a substantial proportion of their salary for contribution payments, and who without this concession might well find it impracticable to take advantage of their increasing entitlements. The section is of necessity somewhat complicated in its wording and in the mode of calculation required, though I think its import and effect are reasonably clear.

Clause 7 makes it clear that in appropriate circumstances the board will not be liable

to pay benefits under the Act in respect of contributors who have ceased to make contributions to the fund for a period of longer than six months. Clause 8 is a drafting amendment. Clause 9 is intended to clarify the meaning of section 12 and to facilitate the making of final payments by the board, and clause 10 serves a similar purpose. Clause 11 is a fairly standard pension supplementation provision together with ancillary amendments. In this case the supplement of 5 per cent will be payable from a day to be fixed by proclamation and the day so fixed will be so far as possible a common day for supplements to pensions payable under other schemes underwritten by the Government in this State.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The effect of this short Bill is to supplement by 5 per cent certain pensions payable to former members of Parliament or their widows. In general, it follows the usual form of Bills of this nature. The amount of the supplement is derived from an estimate of the movement in cost of living as ascertained by reference to the appropriate June quarter indices. The pensions that will be supplemented are those first payable before June 30, 1970.

Widows' pensions that were first payable after that day will also attract the supplement where the pensioner husband of the widow was in receipt of a pension first payable before that day or was first entitled to a pension before that day. The day on and from which the supplement will be paid will be fixed by proclamation after the passage of a measure to supplement the pensions under the Superannuation Act. At the same time, a corresponding supplement will be provided for pensions paid under the Judges Pensions Act, but this supplement will not require legislation.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

ADJOURNMENT

At 12.58 a.m. the Council adjourned until Thursday, November 18, at 2.15 p.m.