LEGISLATIVE COUNCIL

Tuesday, March 18, 1975

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

QUESTIONS

ABATTOIR

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

Leave granted.

The Hon. R. C. DeGARIS: I understand that Mr. Ken McPherson of Mount Gambier has approached the Minister in relation to the establishment of an abattoir at Glencoe. With the closing of the Glencoe cheese factory, a number of people in the district are unable to gain employment. Mr. McPherson has taken an option on the factory to establish a killing works in the area. Has the Minister received any information on this question from Mr. McPherson, and can the Minister inform me of the Government's attitude to the establishment of such a killing works?

The Hon. T. M. CASEY: I think I have stated the position in this Council on many previous occasions. If anyone wants to establish a killing works in a country area, he does not have to get my permission to do so: he has to get permission from the local government authorities. I have no power whatever under the Abattoirs Act to prevent anyone from building an abattoir in the country. When Mr. McPherson approached me I told him the situation as I have outlined it here today. His problem is that he desires to get meat from his proposed killing works into the Mount Gambier corporation area. At present there is an agreement between the board established by the corporation and Borthwicks; the agreement provides that Borthwicks will kill all the meat required in Mount Gambier. Until the board approaches me and says that it desires that someone else (whether it be Mr. McPherson or some other person) be able to get meat into Mount Gambier, that is the situation. Until I receive any representations from the board there is nothing I can do about the matter.

FUNGUS

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

Leave granted.

The Hon. C. R. STORY: An article in the *Sunday Mail* of March 16 is headed "Fungus Threat to S.A. Trees". The fungus, known as phytophthera cinnamoni, is referred to as being prevalent in parts of South Australia, particularly in the forest areas of the South-East. Dr. R. J. van Velsen, who is responsible for the report, which was written by William Reschke, claims that the main cause of phytophthera cinnamoni becoming so prevalent in this State is the result of carelessness in allowing its introduction, primarily from Queensland, in avocado and other types of plant. Phytophthera cinnamoni is a disastrous pest and, in California, it has wiped out whole areas. As this is a serious matter, does the Minister intend to strengthen this State's quarantine laws, or what other action does he plan in order to keep this fungus under control in this State?

The Hon. T. M. CASEY: I agree with the honourable member that this fungus, called phytophthera cinnamoni (or P.C. for the purpose of the exercise), is serious. We have known it for some time in South Australia, and I am sure that he is well aware of this fact. However, it is difficult to strengthen our quarantine laws, because there are many ways in which people can bring plants into this State, and this is outside of the policing methods that the department can adopt. I believe that one of the problems associated with this matter lies particularly on the nursery side, whereby people are bringing in azaleas from Victoria. The azalea plant is susceptible to P.C. and to the soil in which it grows. I know that the avocado industry was hit hard in Queensland by the fungus. The jarrah forests in Western Australia have also been hit hard. Five years ago I was privileged to be in Perth at the opening of the Commonwealth Scientific and Industrial Research Organisation's laboratories there, which were built by the Australian Government in those days purely and simply to try to ascertain what treatment could be used to eradicate this fungus, which was destroying large areas of the jarrah forests there. I do not think that the threat in South Australia is as serious as it is in any of those States: nevertheless, it does not mean that we need not be vigilant. I will investigate the possibility (and it will be difficult) of strengthening our quarantine laws. We have been trying to educate our nurserymen to fumigate the soils prior to potting.

The Hon. R. A. Geddes: Are these all Woods and Forests Department nurserymen?

The Hon. T. M. CASEY: All nurserymen. I believe that this educational programme will soon increase, and I think it is up to every individual, particularly nurserymen, to ensure that the soils they use are fumigated so as to prevent the spread of this disease.

The Hon. R. C. DeGARIS: First, can the Minister of Agriculture say whether he was correctly reported in connection with press statements about the fungus disease? Secondly, does he intend to introduce legislation before the Easter break to control and register nurserymen in South Australia?

The Hon. T. M. CASEY: I made no statement to the press regarding phytophthera cinnamoni. What came from the press was information collated over the last 12 months or two years.

The Hon. C. R. Story: The Minister is reported in the *Sunday Mail.*

The Hon. T. M. CASEY: I will have to look at the report before I comment. At this stage there is no plan to introduce legislation on the matter.

MEDIBANK

The Hon. A. J. SHARD: I seek leave to make a statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. A. J. SHARD: My question relates to patients in psychiatric hospitals. I, together with many other people, viewed *Monday Conference* last evening, and I was perturbed to find that, apparently, no provision exists under Medibank to assist patients in psychiatric hospitals in paying their accounts. I know that in South Australia there are certain wards within psychiatric hospitals in which patients, and their relatives, are assisted in paying. However, I am still perturbed that, in some sections of psychiatric hospitals, the relatives receive no assistance. Can the Minister tell me the exact position? Will those people who have had their psychiatric accounts paid for them in the past by the State Government continue to have them paid in future, and what is the possibility of covering all patients in this State's psychiatric hospitals?

The Hon. D. H. L. BANFIELD: The position is as outlined by the honourable member. True, the Australian Government does not at present intend to pay hospital benefits for people in psychiatric hospitals. Believing that this is discriminating against people with psychiatric problems, I, along with other Ministers of Health throughout Australia, am approaching the Australian Government to see whether it will pay benefits for psychiatric hospital patients. I have recommended to the State Government (which has agreed to my recommendation) that, if the Australian Government will not make these payments, when the Medibank scheme comes into operation on July 1, the State Government will not charge psychiatric patients in public wards for stays of up to 28 days.

I point out to the honourable member that the average time patients spend in public hospitals is about 10 or 11 days, whereas that for patients in psychiatric hospitals is about 14 days. The Government believes that the problem will be solved by allowing such patients free treatment for periods of up to 28 days. If such patients return to the hospital in, Say, two or three months, they will be entitled to another 28 days free treatment. Patients hospitalised for more than that time will be treated more like nursing home patients and will receive nursing home benefits. Believing it to be unfair that psychiatric patients would not have been able to receive the same benefits as patients in ordinary types of hospital, the State Government is willing, as from July 1, to waive the charges for patients staying in psychiatric hospitals for periods of up to 28 days.

The Hon. R. A. GEDDES: On last evening's A.B.C. television programme *Monday Conference* it was stated that, if private hospitals became insolvent, the Commonwealth Government would be able to take them over for less cost than would be involved if it took over such hospitals while they were viable concerns. Will the Government have written into its agreement with the Commonwealth Government a provision guaranteeing the continuity of private hospitals in South Australia?

The Hon. D. H. L. BANFIELD: No, the Government does not intend to ask the Australian Government to guarantee the continuity of any hospital.

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. R. C. DeGARIS: Since discussions on Medibank have been taking place in the Council, the Minister of Health and his colleague in Canberra (Mr. Hayden) have made several statements, one to the effect that the Commonwealth Government would provide $20 000 000 to South Australia. Since, it has been ascertained that that is not so but that we will save $20 000 000 when Medibank is introduced. Today the Minister answered a question regarding psychiatric hospitals. Would the Minister now like to make a reappraisal and tell us what Medibank will cost South Australia?

The Hon. D. H. L. BANFIELD: It is expected that we will save $20 000 000 by adopting the Medibank scheme.

BEEF EXPORTS

The Hon. B. A. CHATTERTON: I am sure all beef producers were delighted by the recent announcement regarding a Japanese beef export order, albeit only a small order. The Queensland Premier (Hon. J. Bjelke-Petersen) has claimed credit for this improvement in the Japanese market. Does the Minister of Agriculture believe that it is the resource diplomacy of the Queensland Premier, or the continued effort of the Australian Government, that has been responsible for this export order?

The Hon. T. M. CASEY: I know that Mr. Bjelke-Petersen often climbs on the band waggon. He is probably the greatest showman that this country has seen for many a day. However, I will tell the honourable member exactly what the situation has been over the last 12 months.

With so many so-called beef producers in this Council, it would have been amazing if a question of this nature (which I expected) had not been asked. For the last 12 months, the Australian Government has mounted a major effort to have the Japanese reopen their beef market. I remember telling the Council last year exactly what my impressions were regarding the Japanese beef market. My predictions have come true, as honourable members will know. Soon after imports were cut in February, 1974, the Australian Government began representations to and consultation with Japanese officials. A formal protest was lodged on June 14, followed in July by a deputation to Tokyo, led by Dr. Harris. I can recall mentioning that Dr. Harris was going to Tokyo at that time; he was then the Deputy Secretary of the Department of Overseas Trade. The delegation also included the Chairman of the Australian Meat Board.

During October, the Australian Minister for Agriculture (Senator Wriedt) made personal representations to senior Japanese Ministers during a visit to Tokyo to discuss the supply of Australian primary products to Japan, and in November, when the Japanese Prime Minister (Mr. Tanaka) was in Australia, the Prime Minister again strongly urged the Japanese to reopen the market. These consultations apparently were having little effect, and in February the Australian Government found it necessary to have the matter taken up by the General Agreement on Tariffs and Trade (G.A.T.T.). In recent months certainly there has been a more optimistic note from the Japanese in relation to their economy. This week discussions were held between the Japanese Ambassador and the Permanent Head of the Australian Department of Foreign Affairs (Mr. RenoUf).

Yesterday, the Prime Minister announced that the Japanese Government had allowed Australia an import quota of 2 400 tonnes. I received a telegram from the Prime Minister this morning and he said that what was welcomed was the reaffirmation (and I emphasise this) received from the Japanese Government that it would be approaching the question of further imports in a forward-looking and constructive manner. Certainly, 2 400 tonnes is not of great significance compared with our peak exports to Japan of 115 000 tonnes in 1974: nevertheless, it is a most welcome order and one that I think we can look forward to expanding in the near future. The Prime Minister indicated that the Australian Government will continue to maintain its efforts and that it now has reason to hope for more substantial developments as the Japanese situation further improves. In addition, the Chairman of the Australian Meat Board, speaking on today's *Country Hour,* indicated that he expected Russia to take up its option to purchase an additional 20 000 tonnes. The price, although low, is at world price and will do much to relieve the oversupply situation facing Australian producers.

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: The Minister is aware that for some time beef has been purchased by butcher organisations at about one-third of its production cost. It has concerned producers that during this period of beef price recession the benefit of cheap meat has not flowed through

to the consumer. Present beef exports are creating the same concern, because the beef is being sold at extremely low rates (rates that are well below the cost of production), and producers are concerned that this beef, too, will be sold at a rate that will not encourage or expand the beef market when it reaches its destination in Japan or Russia. Can the Minister say what price per pound or per tonne Australian beef is selling for in Japan or Russia?

The Hon. T. M. CASEY: I do not have that information. I will have to obtain that information, although where from I am not too sure. I did indicate to the honourable member and other members of the Council when I returned from overseas that Australian beef in Japanese shops was selling at about $10.50 per 435 kg. I would not know whether it has decreased or increased in price since then.

The Hon. Sir Arthur Rymill: Killing charges would come into it.

The Hon. T. M. CASEY: Japan has a system whereby about 13 wholesalers operate between the importer and the retailer. However, I do not think honourable members want to tell the Japanese Government how to run its economy. This is one of the problems: it is the middleman who cops the rake-off. I am sure that the Japanese are well aware of the situation, and I do not know whether they can do anything about it. I will endeavour to get the information that the honourable member has requested, but it will be difficult to do so.

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: It has come to my notice that the method of sale will be for a Japanese Government agency to purchase the beef in Australia at current market prices and for that agency to sell it in Japan at the current price of beef there. The price quoted to me was about $5 a kilo for beef in Japan. This lines up with the figure mentioned by the Hon. Mr. Whyte. This agency method is thought to be detrimental to the Australian beef producer. The legislation is to come before the Japanese Diet within the next fortnight. Will the Minister take up this matter at the highest level (with the Prime Minister, if necessary) so that further protests from Australia will be made to ensure that the price paid for beef by Japan will be such that the Australian beef industry will be encouraged?

The Hon. T. M. CASEY: I do not know whether the Australian Prime Minister can tell the Japanese Government how to run its economy.

The Hon. R. A. Geddes: You said that the Australian Prime Minister had told the Japanese Prime Minister about the need for beef exports from Australia.

The Hon. T. M. CASEY: The honourable member is asking me to ask the Australian Prime Minister to tell the Japanese Prime Minister how to run the Japanese economy. The honourable member wants Australian beef to get on to consumers' tables in Japan at about the same rate as it gets on to consumers' tables in Australia.

The Hon. R. A. Geddes: No.

The Hon. T. M. CASEY: That is how I interpreted what the honourable member said. I will study his question and forward it to the Prime Minister to see whether Mr. Whitlam can do something about it.

NATIONAL SOCIALISTS

The Hon. V. G. SPRINGETT: My question is directed to the Chief Secretary and it concerns the apparent coming into the Hills of members of the National Socialist Union of Australia for training purposes. Can the Minister say whether any steps will be taken to ensure that these people do not disturb or worry any of their near neighbours?

The Hon. A. F. KNEEBONE: Although I noticed the report in this morning's paper, I have not had a chance to investigate the ramifications of the matter. I shall look at the situation to see what steps can be taken to make sure, as the honourable member has asked me to do, that these people do not upset their neighbours. I shall bring down a reply as soon as possible.

YORKE PENINSULA ROAD

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to directing a question to the Minister of Health, representing the Minister of Transport in this Chamber.

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the main road which proceeds down the centre of Yorke Peninsula from Kulpara through Maitland and Minlaton. This was an early road to be sealed in this State, and although in many places it is still in reasonable condition it generally follows the contours of the land and has not been aligned according to present-day requirements. It is also a narrow road. Will the Minister ascertain from his colleague what plans there are for the realignment and reconstruction of the central Yorke Peninsula main road?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a report as soon as possible.

NOXIOUS WEEDS

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

Leave granted

The Hon. C. R. STORY: Recently the weed known as pentzin suffruticosa (Calomba daisy) was declared a noxious weed in the district council areas of Clinton, Bute and Kadina. I have received a letter from the Bute District Council saying that, although the council is not objecting to its area being so declared under the Noxious Weeds Act, it is apprehensive about the situation, because this daisy is being sold freely in florist shops in Adelaide and elsewhere in South Australia as part of a dried arrangement. It appears that on the one hand certain agricultural areas are being declared under the Act requiring landholders to clean up this weed, while on the other hand this weed can still be purchased freely (whether for decoration or other purposes) in florist shops throughout the State. It appears to me that there is either a frailty in the Act, or that the Act is not being properly policed. Let the Minister make his choice about those two suggestions, but I believe that action should be taken to publicise the fact that this daisy is a noxious weed. Will the Minister see whether better policing of the Act can be provided?

The Hon. T. M. CASEY: I will have a look at the situation outlined by the honourable member and bring down a reply.

AUSTRAL-ASIA DEVELOPMENT

The Hon. C. M. HILL: First, is the Chief Secretary, as Leader of the Government in this Council, aware that two companies, Austral-Asia Development Proprietary Limited and South Austral-Asia Proprietary Limited, were registered in South Australia on February 27; secondly, is the South Australian Government involved financially or in any other way with these companies; and, thirdly, if it is so involved, what is the extent and object of such involvement and who are the directors of the companies?

The Hon. A. F. KNEEBONE: At this point I cannot answer the honourable member's questions, but I will get replies for him as soon as possible.

LOANS TO PRODUCERS

The Hon. C. R. STORY: Has the Chief Secretary a reply to my recent question about loans to producers?

The Hon A. F. KNEEBONE: The Loans to Producers Act is administered by the State Bank of South Australia, and funds for lending are derived from annual Treasury allocations, supplemented to a limited degree by private borrowings, as authorised under the Act. The bank has so far been able to meet the legitimate and essential capital expenditure requirements of those co-operative societies that are in a position to meet the financial commitments involved in the borrowing and make a reasonable contribution towards overall costs from their own resources. In the case of Waikerie Cellars Co-operative Limited, the bank has granted loans to the maximum extent it considers prudent having regard to all relevant factors. In line with long-standing practice, the fund requirements for loans to producers will be considered in the next State Budget, having regard to overall available finance and the requirements of other statutory bodies and Government departments.

MILK PRODUCTION

The Hon. B. A. CHATTERTON: Has the Minister of Agriculture a reply to my recent question about milk production?

The Hon. T. M. CASEY: The figures quoted in the annual report of the Australian Dairy Produce Board, for the years 1969-70 and 1972-73, are correct. Dairy production in South Australia is influenced very strongly by seasonal conditions. In 1969-70, favourable seasonal conditions resulted in record milk production for the State, this also being reflected in record production per cow. The following two years were less favourable, and production per cow was below that of the base year 1969-70 by 2.7 per cent and 6 per cent respectively. By contrast, seasonal and paddock feed conditions in 1972-73 were the worst for dairying since the drought of 1967-68. As a consequence, production per cow suffered and fell below that of the record base year 1969-70 by 13.4 per cent. Later figures not included in the Australian Dairy Produce Board report indicate an improvement in seasonal conditions in 1973-74 and production per cow of only 8.4 per cent below the record base year figure. Due to the seasonal effect, comparison of production figures over a short term can give misleading trends. Taken over a long-term period the trend in "per cow" production has been in a steady upward direction. This trend will persist with continued and expanded use of herd recording and insemination services. The higher costs of purchased feed inputs associated with escalation of other costs could reduce the rate of improvement.

PETROL TAX

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

Leave granted.

The Hon. C. R. STORY: My question concerns the Business Franchise (Petroleum) Act and the petrol tax on resellers. It has been reported that many people will go out of business on or about March 25, the date on which, under the legislation, the tax becomes payable to the State. As honourable members will recall, an increase in the price of petrol was granted to petrol companies generally (the resellers shared in it) as from January 1 to enable them to collect a reserve so that they would be able to enter the new tax period smoothly and without great financial disadvantage to themselves. If resellers go out of business and take their money with them, they will actually be taking taxpayers' money. If their petrol stations close, someone will have to pay the tax before they can be reopened. If many people are involved, and if they happen to be in areas in which there are only one or two outlets, the outlets will remain closed or someone else will have to pay the tax; this will really mean that double taxation will result. Will the Chief Secretary ask the Treasurer what action the Government intends to take in this matter? It was raised during the debate on the legislation, but there appears to have been no announcement by the Government in regard to this matter. I believe that the closing down of petrol outlets will disadvantage some people considerably.

The Hon. A. F. KNEEBONE: I will take up this matter with the Treasurer and bring down a reply as soon as possible.

PLASTIC WRAPPINGS

The Hon. R. A. GEDDES: Has the Minister of Health a reply to my question of February 26 regarding plastic wrappings for food?

The Hon. D. H. L. BANFIELD: There have been no reports of ill effects from consuming foods that have been in contact with plastic. Adverse health effects hitherto have resulted from the inhalation of fumes during manufacture of poly-vinyl chloride plastics. The concentrations to which workers were exposed were vastly greater than those which may occur in food caused by ingestion from the plastic Wrappings. Much work needs to be done on the matter. The Public Health Advisory Committee of the National Health and Medical Research Council will examine the present position in April.

BEVERAGE CONTAINER BILL

(Continued from March 13. Page 2869.)

In Committee.

Clause 1—"Short title."

The Hon. C. M. HILL: I ask that the Chairman of the Select Committee speak first, and I will comment later as a member of the committee.

The Hon. A. F. KNEEBONE (Chief Secretary): Although the Select Committee's report was presented to honourable members only in a short form, I should like to explain that the committee sat many times and examined many witnesses. The witnesses who supported the proposals in the Bill were adamant about their views in relation to it, and those who opposed the provisions were equally vocal. The Hon. Mr. Potter, who was also a member of the committee, while in the United States of America to attend a conference on another matter, studied some of the areas in that country where similar litter legislation was in force, and reported back to the committee. I had the advantage of going overseas on other matters, and I looked at some aspects of the problem.

As a result of a careful study of the Bill and examining the Australian Government's proposals regarding litter, the committee was equally divided, three members believing that this was not the beginning and end of the problem but that it was a step in the right direction towards controlling it. The other three members did not agree and I, as Chairman, was placed in the situation in which a report, covering both sides of the argument, had to be prepared. The report made to the Council was the only one upon

which the committee could agree, it being equally divided regarding the Bill's being appropriate for the control of certain matters relating to litter. I think I have put the matter as fairly as I can: half the committee thought that the Bill would do what was intended to be done, the other half believing that it would do what was intended and that the difficulties could be overcome.

The Hon. C. M. HILL: I thank the Chief Secretary for his comments. I think it is not unfair for me to place a little more emphasis on the attitude of some committee members. They thought it would be best to wait until the results of the Commonwealth Government's Select Committee, and the action that the Commonwealth Government intended to take as the result of that committee's recommendations, were known. Although we have that Select Committee's report and recommendations, the process by which the Commonwealth Government is to take action has not yet been finalised.

I believe that the unfortunate time aspect was the basic problem confronting some members of the Select Committee. I agree with the Chief Secretary that some members considered that the Bill, if passed as it now stands, would result in the whole process contemplated by the Government proving to be difficult indeed. Tn practice, for example, the collection depot system might prove to be not only a failure but also bad from many points of view. Honourable members will recall that the Government's proposals include collection depots being established by industry throughout the metropolitan area. I think I am right in saying that about 10 were contemplated.

The Hon. R. A. Geddes: A minimum of 10.

The Hon. C. M. HILL: That is so; at least 10, throughout the metropolitan area, were contemplated. One expert witness said he thought that these would be in an approximate north-south axis throughout metropolitan Adelaide, two or three miles apart. First, a conflict with zoning was involved in the establishment of these depots.

As we are uncertain what classification they will come within (I am referring to the noxious trades and commercial zoning aspects), the depots may have to be situated on main roads and in existing commercial areas, or in some areas where, for example, marine store dealers are now established. The questions of zoning and of local government therefore meant that there was a question mark hanging over the matter.

There was also the worry that the depots might become health hazards. Although one can see whether an empty bottle is clean or dirty, that is not the case with cans. Then, we did not know what type of depot would be required: whether it would be on the open lot principle or on the warehouse principle. In other words, we did not know whether they would be in enclosed buildings or in the old style of yards.

The committee also did not know with certainty whether the public would accept the practice that is necessary for the success of the Bill, that is, having to take empty cains from their homes and motor cars not to the shop from which they were purchased but to the depot within their proclaimed area. We did not know whether the practice that occurs in other countries might occur here. In those countries, people tend to take all sorts of rubbish to depots after hours when the depots are closed, and to leave such rubbish (which would not be acceptable to the depots at any time) outside the gates or alongside the fences.

The committee was also concerned about the cost of establishing these depots. One must realise that, if freehold or even leasehold properties must be acquired for these depots in main commercial areas (and I suppose they would be the main areas in which the residential population would want them situated), on today's values a considerable sum of money would be required. Although that cost was not the principal consideration, the cost of labour involved to handle hundreds of thousands of cans at these depots was not an inconsiderable problem to be considered at this stage.

That was a point that worried some members of the Select Committee regarding the creation of collection depots. It seemed that the depots would be necessary because the shops simply would not handle empty cans. In other words, if the law forced shops to take back empty cans, they would not sell them, and that, of course, would drive the can completely off the market.

Another serious problem was the possibility of unemployment being caused if the Bill passed. One witness said that about 250 people might be unemployed if the Bill was passed in its present form. That is indeed a worry to anyone at any time, but particularly at present, with unemployment as it is in the community. Any measure that could cause so much unemployment should be examined closely indeed.

We were also in the situation where South Australia was going it alone, and that presented some problems, because cans manufactured here went to other States while cans manufactured in other States were purchased for filling in South Australia. If the amount of the refund had to be marked on the can when it was manufactured, that meant that certain runs in the manufacturing process had to be completed without that marking on the metal, and the machines would then have to be started again. This process, of course, would be more expensive than the present practice.

Another problem was that the total litter problem was not being tackled by the legislation. It is the total litter problem, especially problems requiring further education and further enforcement, that must be of real concern to people generally interested in the whole subject of litter. During the period of its sittings, the Select Committee was informed that the Government intended to increase the deposit from the previously mooted figure of 5c to 10c. That was understandable, because deposits on bottles were increased during the same period. Nevertheless, it meant that we were looking at a problem that included a deposit 100 per cent greater than the original figure.

I come back to the matter of the Commonwealth Government's report and the possibility of the Commonwealth Government's acting in the matter. I stress that it would be far better if uniformity were to be achieved throughout Australia in litter control and resource recovery, rather than the matter being approached by one State in isolation. I believe it is possible that the Commonwealth Government will introduce legislation along the lines sought by some of the interested associations and by the Commonwealth Select Committee.

The time when we will know what that action will be is not far distant. If we pass this Bill during the current session and even if, within a matter of weeks after that, we hear of the Commonwealth Government's introducing legislation, we do not know what the final result will be in South Australia. It appeared to me that the Packaging Industry Environment Council, one of the associations to which I referred, had a comprehensive plan that could be implemented on an Australia-wide basis. Its representatives were confident that it could influence the Ministers of Environment, sitting as the Australian Environment Council, to accept this plan or one similar to it.

The sixth meeting of the Australian Environment Council was held in Adelaide on February 7 last. It was attended

by the Commonwealth Minister and by the various State Ministers of Environment; the South Australian Minister of Environment and Conservation (Hon. G. R. Broomhill) was Chairman. The press release issued from the meeting (and I remind honourable members that this was only last month) states:

> Views were exchanged how far the Australian Government would be involved in environmental impact assessments undertaken by the States. In matters of common concern over environmental issues the Federal and State Governments would continue to seek consultation and liaison in a spirit of co-operation.

That indicates, I suggest, that the Minister agreed that problems such as the one we are dealing with should be assessed and approached on a national basis. The report further states:

> Council agreed that a working party established to report on findings of the House of Representatives Standing Committee report on beverage container deposits. The working party has been asked to report by July 1.

That date is July 1 of this year; therefore, I suggest that we are not far distant from the time when some definite decision will arise out of that national approach. I repeat that the South Australian Minister of Environment and Conservation was Chairman of the Australian Environment Council meeting which last month issued that statement, indicating that a working party had been set up and that it had been asked to report by July 1.

This is the predicament facing some members of the committee: if the Commonwealth is going to introduce some form of tax on beverage containers, a tax payable at the point of manufacture or at the point of import, as recommended by the Select Committee, we in South Australia do not want to be landed with such a tax if we have also introduced a refund system; alternatively, if our deposit was so large that it could not be included in the Commonwealth Government's plan, will the States which adopt the tax system get more advantage, especially financially, to combat their overall litter problem and their overall resource recovery problem than South Australia will get if it goes ahead with the proposal in this Bill?

If we go ahead with the proposal in the Bill, there will be no finance coming from that source and going to education against litter. However, it is intended that the tax money collected, if the Select Committee's report is adopted, is to be used for education as well as for other important purposes. For instance, the recommendations of the Commonwealth Select Committee intend that money should go to investigation toward assisting local authorities and industry in the recovery of resources from waste and the recycling of waste materials. The whole ambit of waste material collection and resource economy and recovery will be investigated fully as the result of the funds the Commonwealth will gather from this proposed taxation.

I am sure that we in South Australia would not be able to have it both ways. The States that will provide that special tax money will get the benefit of the Commonwealth Government proposals. We could be in a position to get the best of all worlds if we waited to see just what the Commonwealth Government intended to do. The working party is due to report on July 1. As I have said, that is not far distant; it is unfortunate that the timing of this decision has come about in this way.

I think I am right in saying that this was the general attitude of those who could not agree with the other members of the Select Committee that we should reach a decision now on the Bill. It is still my view, after re-reading much of the evidence and after a further reading of the multitude of reports, findings, and submissions made to the Select Committee, that the best course would be to wait a little longer. I think such a course of action would be of the greatest possible benefit to this State.

The Hon. B. A. CHATTERTON: I was a member of the Select Committee, and nothing that was submitted to the committee in evidence convinced me of the impracticality of the scheme. What the Hon. Mr. Hill has said, and what many manufacturers and bottlers in South Australia have said, is that this is a completely new scheme. I do not understand why they said that, because deposits on beverage containers have applied in South Australia for a long time; they have applied especially to soft drink bottles. The scheme is not new, as it is not a new idea to have deposits on beverage containers. The difference here is the motive behind the deposit, and this is the aspect that has worried the manufacturers and the bottlers. The current motive is simple: manufacturers and the bottlers use the deposit system to ensure the return of their containers to enable their re-use. However, under this Bill it is suggested that they should have a social responsibility to take the litter back because of its effect on the environment. I think it is a pity that the industry has not yet developed sufficient social responsibility to accept this.

In the evidence to the committee it was also stated that this system of deposits was discriminatory against one form of litter, and that was paper, which was an important source of litter (probably the largest source) and which was not in any way being affected through this legislation. I draw to honourable members' attention the fact that beverage containers, especially cans, are such a durable form of litter that surely we should be working on this type of litter first. I will not repeat here the incredible figures provided to the committee in respect of can production or the figures provided showing the incredible increase in can sales. Nevertheless, the figures conclusively show that huge quantities of cans comprise much of our litter, and the fact that they are so durable ensures that cans will be a litter problem for many years to come.

I disagree with the statement made by the Hon. Mr. Hill that witnesses giving evidence to the committee said that considerable unemployment would result from this move. What really happened was that these witnesses did not fully answer the question. They merely said that there would be unemployment to some extent in can-filling and can-manufacturing areas. Obviously, however, there will be a switch to other forms of beverage containers and there should be increased employment opportunities in glass manufacturing, bottle-washing, bottle-filling and associated areas. Certainly, there must be a move in the type of employment rather than unemployment.

An alternative system was suggested in the report of the Select Committee established by the Australian Government. It suggests that a tax be applied on the container and that the proceeds of the tax be used for litter collection, education and other purposes. However, I do not believe that we want to establish a bureaucracy to collect litter. Instead, we need more consumers to pick up their own litter, and this is the area in which a deposit system works so well. It was also suggested that education would provide a long-term solution to this problem. Again, I believe that this is most doubtful, especially as we do not have concrete evidence that education in this area works in the long term. Much effort is put into educating school children to be litter conscious, and I think this system works well in the school environment. However, the problem is that when children leave the school environment and go into another environment their peers are not litter conscious, and the children

forget the training that they acquired at school. This problem was not faced by those witnesses advocating education as a solution to our litter problem.

The imposition of fines was also suggested as another alternative solution. It was suggested that heavier fines with greater enforcement than currently exists could solve our litter problem. I think this would be a retrograde step. Its implementation would put us back into the situation where people were hung for stealing a sheep or a loaf of bread. In other words, we would be imposing an extremely heavy fine on what was basically a trivial act in the hope that this would act as an extreme deterrent to people. I believe that the imposition of heavy fines would act unfairly on the people who were caught, because it would be extremely difficult to catch people. For these reasons, I believe that the recommendation of the committee that the Bill be proceeded with is the recommendation that should be adopted.

The Hon. F. I. POTTER: I add my support to the comments of the Hon. Mr. Hill. I served as a member of this committee, which took evidence over a Jong period on this matter and which approached its task in a responsible way. At no time was the committee split ideologically on the matter. I think it was willing to accept from the start that, as the Bill had passed the second reading stage in this Council and in another place, there was no-one intrinsically opposed in principle to what it was trying to do. So, the committee's main work was to examine the practical problems that would arise if the provisions of the Bill were implemented. True, as the Hon. Mr. Hill said, when we had finished our deliberations we differed on the main point that this was not the time to proceed with the Bill because, in examining the practical difficulties inherent in the Bill, important problems emerged.

The Hon. Mr. Hill dealt with the problem of collection depots. Such depots are an essential feature of the Bill. He referred to some of the difficulties in connection with the setting up of those depots that were to be established by people in the industry with funds provided from part of the total deposits that were not repaid for one reason or another. In addition to those matters to which the Hon. Mr. Hill has referred, I refer to the difficulties in finding adequate sites, and hygiene, as well as the matter to which the honourable member did not refer involving security aspects of the depots. Obviously, they have to be secured in some way. If they are not secured, burglars may get their hands on something intrinsically worthless, but it may carry a value of 10c if it is deposited in another depot. So, questions of security arise. The only way of solving the problem of security is to have burglar-proof premises or to install crushing machinery, so that the cans, on arrival, can be crushed and rendered valueless.

Also, there is the problem of the labour that has to be employed in the depots. Deposits can be refunded only on cans carrying the necessary "10c deposit" brand. Obviously, this will involve an examination of the cans—not a rapid process. When I examined the effects of corresponding legislation applying in Washington and Oregon, in the United States of America, and in British Columbia, Canada, one of the outstanding features was the absolute failure of the system of collection depots. The legislation in Oregon and British Columbia provided for this system, but it was never used.

The Hon. T. M. Casey: Why?

The Hon. F. J. POTTER: Because the people would not take their cans back to a collection depot. They insisted on taking the cans to the point of purchase, as they did with their bottles. The problem was fairly significantly overcome because, in British Columbia and particularly in Oregon, the shopkeepers, after initially saying that they would not be involved, as South Australian shopkeepers have said, decided that they would be willing to collect the empty cans. A system exists in those States whereby the branded cans are collected in supermarkets and other stores, and the cans are tossed into a carton that is 1.8 metres high. When the carton is full, the number of cans in it is determined by weighing; that is not a cheap way of handling the matter, but any system whereby the cans have to be counted as they come back and recounted when they are checked in at the manufacturers is a very labour-intensive process.

The Hon. T. M. Casey: They do that with bottles, don't they?

The Hon. F. J. POTTER: The difference in connection with bottles is that people are dealing with an intrinsically valuable container that can be refilled. However, the can has no value whatever. Some evidence was given that the steel can could be melted down and used again, but this is not a very practical solution. There is no firm in South Australia that can do this. The prospect of carting thousands of cans to New South Wales to put them through such a process is ridiculous. True, aluminium cans can be recycled; they now carry a value of 1c each from the aluminium processors but, again, this is not an easy process. There is no easy process by which one can sort aluminium cans from steel cans. Those are some of the practical difficulties.

Regarding the question of unemployment, I cannot agree with the Hon. Mr. Chatterton that all that will be involved is re-employment of persons engaged in steel can manufacturing and filling and aluminium can manufacturing and filling. It is noticeable that the Oregon legislation has affected the sale of cans there. The proportion of canned drinks on the shelves of supermarkets is very small indeed, compared with the rows and rows of bottled drinks. If one examines the statistics, one finds that the sale of cans in Oregon has fallen dramatically.

The Hon. A. F. Kneebone: That is because of the banning of the ring-pull can.

The Hon. F. J. POTTER: It arises from a number of factors. It may be slightly associated with the banning of the ring-pull can. I wholeheartedly support the banning of the ring-pull can, and I think all other honourable members share my view.

The Hon. C. M. Hill: So does the industry.

The Hon. F. J. POTTER: And so does the industry in America and Canada. The industry says that the day of the ring-pull can is fast drawing to a close. The ring-pull can is a hazard in many ways. It is a problem in rivers where there are fish. Further, it is a visible and dangerous source of litter. The problem of possible unemployment relates to the question of whether we should do something that is likely to affect employment in this State at this time. The whole purpose of the Bill is to control the litter problem relating to cans. The real problem of litter arises at public places, such as the beach, picnic grounds, and country roads. No real litter problem arises from the streets of the metropolitan area. I know that one can occasionally walk down a local street and find in the gutter an odd bent can of one kind or another, but we do not have hundreds of thousands of cans littering the streets in the metropolitan area, because most people put them in their garbage bins, and the cans finish up in the garbage dumps. Even in the United States of America, the recycling of cans is minimal. Even the great city of San Francisco fills in land with its

garbage rather than recycle it. A copper leaching process outside Vancouver uses some of the shredded cans from British Columbia, and the remainder of them go into landfill.

One of these days the problem of running out of suitable quantities of landfill will arise here, as it has elsewhere, and I am pleased to know that the Government is tackling this problem. We heard recently that the Government had turned its attention to a comprehensive litter disposal scheme. The great bulk of our cans is cleaned up by means of the ordinary domestic garbage bins. If the cans carried a 10c deposit, the householder would not put them in the bin but would have some method of saving them up in his garage or back garden (a highly undesirable practice) until he had accumulated enough to obtain a satisfactory sum on the deposits. This process is supposed to be meshed in with the collection depot system. We have the somewhat naive notion that people will travel, with a bag full of cans in their vehicle, between 6 km and 8 km to the collection depot at some suitable time (I suggest a Saturday afternoon or Sunday) to collect their deposits. I mention that, because it is one of the practical difficulties that must be encountered.

I believe that the collection depot system will not work for one reason or another, and the Hon. Mr. Hill said that this matter is now being examined by the Commonwealth Government and by the Australian Environment Council. The House of Representatives committee proposed a different method of approach to the problem from that proposed in the Bill. It may well be that, as the Hon. Mr. Hill said, we could be out of step with some overall Commonwealth Government scheme and that we would be disadvantaged in some way if the Commonwealth plan was adopted nationwide. I see no reason why we should rush this Bill through in the last three or four days of the present sitting or why we cannot wait until the report, due on July 1, goes to the Australian Environment Council.

The next council meeting is scheduled for August 8, and I believe that no great principle would be lost. No immediate dire problem must be solved this week on this question. The Bill, which has passed its second reading, is now at clause 1 of the Committee stage, and it could be restored to the Notice Paper at the next session of this Parliament. We would not lose much time and, by then, we would know where we were going on the Australian scene as a whole. If nothing arises from the proposals of the Commonwealth Government and its advisory committees, I am willing to have another look at the Bill and, although I think there are certain aspects of it that will not work, there are other aspects of it that will work, particularly the ring-pull can provision.

We are rushing this legislation through at present and I cannot see, after the intensive efforts we have put into this matter, why we should be urged (as I believe we are being urged) to deal with it now. Only another four sitting days remain and I think it ridiculous that we should be asked to deal with this complex matter so urgently. This matter is absolutely riddled with complexity. I ask the Minister to report progress so that the Bill may remain on the Notice Paper for further consideration either this session (I understand that we are coming back in June) or, if time cannot be found to deal with this matter in real depth, that it be restored to the Notice Paper for the next session.

The Hon. R. A. GEDDES: As another member of the Select Committee, I will add certain comments to those which have been ably given by the previous three speakers. I do not believe that there is anyone in this Parliament or any community-conscious person in the State who is not worried about the litter problem in all its forms. However, before we introduce legislation to control litter, we must ensure that it is practical legislation. As the Hon. Mr. Hill and the Hon. Mr. Potter pointed out, the idea of having collection depots is not practical and those witnesses who gave evidence to the committee on this aspect made it obvious that it was not practical. Other honourable members have referred to the litter problem in the metropolitan area, but I point out the great difficulties rural areas will have whereby, if cans and bottles are to be sold, the storekeeper must possess a licence to the effect that somewhere near his shop exists an area for the empty containers to be returned.

This practice would load the rural areas with an excessive cost, particularly as the Hon. Mr. Potter pointed out that the area cannot be the backyard or some area of land. The depot must be protected against theft of the deposit containers. It would be foolish for the same storekeeper to have to pay three or four times if people robbed his backyard of the cans and bottles stored there. The committee had evidence from representatives of the can manufacturers who showed committee members the method of push-button cans whereby, instead of having a ring-pull, the person wanting to drink from the can pushes a little button on the can. The button remains inside the can and is not a pollution problem, as is the ring-pull type can, and it provides an efficient method of storing beverages in cans. I understand that this is an invention of the Broken Hill Proprietary Company Limited and that it is on sale in America. The sad thing is that it is not on sale in Australia, even though the industry itself and the public fully realise that the ring-pull container is detrimental to the environment.

The Hon. M. B. Cameron: Why isn't it on sale here?

The Hon. R. A. GEDDES: I cannot answer that. Perhaps it is because industry is geared up to the ring-pull container and, until it can get round to altering its equipment to make the push-in container marketable, it will tend to procrastinate.

The Hon. F. J. Potter: They allege that it is still undergoing tests.

The Hon. R. A. GEDDES: That is so. Although this matter has been covered fully by other honourable members, I make the point that I am conscious of the litter problem, and that there is a need to control litter. The practicability of the depot system in the country has already been referred to. The same problems will occur in country areas such as Mount Gambier, Port Pirie, Port Augusta and Whyalla as occur in the metropolitan area. That the Commonwealth Government has got a Select Committee examining the whole litter problem on an Australia-wide basis surely supports the argument that this Bill should be deferred until our wiser counsel (possibly) is able to give us the results of its deliberations.

The Hon. M. B. CAMERON: I believe that we should now proceed with the Bill. I was interested to hear that the push-button can is already on sale in America but not in Australia. The honourable member who has just resumed his seat said that industry will perhaps tend to procrastinate.

The Hon. T. M. Casey: We have seen examples of what they intend to do here.

The Hon. M. B. CAMERON: This is not the only area in which there has been some procrastination. I recall (and it is some time since this Bill was introduced) an approach that the industry made to me. It supported the referral of the Bill to a Select Committee, stating that in the meantime it would choose two council areas and set about educating the public to show that legislation such as this was unnecessary. It said that public education would achieve

the same result. Although I have waited and waited, I have seen nothing from the industry. I should like to know which two councils it selected because, as far as I can see, no results have been achieved. I therefore believe that the industry has procrastinated. Lt has certainly let me down, because I supported the referral of the Bill to a Select Committee on that basis.

The Select Committee does not seem to have got anywhere. Perhaps we have some evidence before us, but this has merely led to a stalemate between the two major Parties whose members served on the Select Committee. Somewhere along the line someone must make a move and, if it has to be South Australia and this Parliament, let it be that. Something must be done about the can problem. During the course of the Select Committee's inquiry I have noticed that the can problem exists not only in this State but also in the Northern Territory. Indeed, way out in the bush in the Northern Territory there are cans on the sides of roads.

The Hon. R. C. DeGaris: Will this Bill affect that problem?

The Hon. M. B. CAMERON: I believe it will. This is not a matter that Parliament can avoid or ignore. As no workable alternative has yet been suggested (and industry has made no suggestions), I urge the Committee to proceed with the Bill, which I support.

The Hon. G. J. G1LFILLAN: It has been suggested that this matter should be deferred and that we should consider any further legislation (be it Commonwealth legislation or that from other States) that comes forward. I understand that there is now a Bill in the pipeline dealing with litter through local government. I think these things should be examined conjointly.

The Hon. C. R. STORY: From the word "go", this Bill has been based entirely on the Oregon experience and that of one or two Canadian Provinces. Members of the Select Committee, and the Hon. Mr. Potter, who visited there recently, will probably know that the legislation that was passed, particularly in the Canadian Provinces, is not going ahead nearly as well as was expected. In fact, the mainspring of the whole scheme has been a Governor who was defeated at a recent election and whose successor is not at all keen on the project. It therefore looks like dying a slow death. I, too, always like to have all the facts before we impose something that will be far-reaching and inconvenient if it goes wrong. I would therefore like the Bill deferred to enable the latest information to be obtained. The Government has the facilities to do this.

The Hon. A. F. Kneebone: We've done that for 12 months now.

The Hon. C. R. STORY: That is so, but it is much better, even if you have a pile of information a foot high, to have it one foot and one centimetre high in order to get the right answer.

The Hon. A. F. Kneebone: How long do you want us to wait?

The Hon. C. R. STORY: I say that, merely considering the situation that has obtained in America for the last two or three months.

The Hon. T. M. CASEY (Minister of Agriculture): If ever I have heard anyone trying to get off the hook, it was the last honourable member who spoke and some of his colleagues. It is incredible that, although this Bill was introduced at least 12 months ago and referred to a Select Committee, Opposition members say they want more information. How many Bills introduced into this Council have been referred to a Select Committee and deferred again?

The Hon. F. J. Potter: We didn't say we wanted more information.

The Hon. T. M. CASEY: The Hon. Mr. Story did. He said he wanted one more centimetre of information. The Hon. Mr. Potter wants progress to be reported and for the Committee to sit again.

The Hon. F. J. Potter: That is this Committee, not the Select Committee.

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

The Hon. C. R. Story: That's all I want.

The Hon. T. M. CASEY: Where are we going? We have had this legislation before us for 12 months.

The Hon. R. A. Geddes: How many months?

The Hon. T. M. CASEY: It was reintroduced in July. We have a Bill which I have been told is totally different from the provisions the Commonwealth Government is considering for its legislation.

The Hon. R. C DeGaris: What are the Commonwealth provisions?

The Hon. T. M. CASEY: I do not know, but I have been told that the Commonwealth legislation is totally different; therefore, there is no comparison between this legislation and that contemplated by the Commonwealth.

The Hon. R. C. DeGaris: Is there a report on that?

The Hon. T. M. CASEY: I do not know. That is the information that has been conveyed to me.

The Hon. F. J. Potter: The Commonwealth might change direction.

The Hon. T. M. CASEY: Even if the legislation is passed, I do not think we can alter it to fit in with the Commonwealth measure. Honourable members have said we should strive for uniformity. The Hon. Mr. Potter has been to Oregon, but that State did not wait for uniformity. It enacted legislation and I would say it is probably the cleanest State in the United States of America. That is common knowledge.

The Hon. F. J. Potter: There are other factors, though.

The Hon. T. M. CASEY: That is right. When I was in Oregon last year I was informed about the problems experienced prior to the introduction of cans. Everyone I spoke to said that they had been able to clean up their State by this legislation which, as honourable members have mentioned, is similar—

The Hon. R. C. DeGaris: There is much legislation in Oregon that is not incorporated in this Bill.

The Hon. T. M. CASEY: I realise that, but this Bill will go far. One risks a $200 on-the-spot fine in Oregon for throwing a cigarette butt out of the car window. These things have been brought home to the people in that part of the world who are concerned with environmental problems. The anti-litter measures have done wonders for Oregon. Anyone wanting to see a clean State should take the opportunity to visit Oregon. I do not say that South Australia is dirty, but it should be cleaned up; it could be much cleaner than it is. Honourable members, especially country members, will know that one has only to go out on the Main North Road to see the litter on the divisions between the roads. It is not a good advertisement for the city of Adelaide.

The Hon. F. J. Potter: That litter has still got to be lifted, and this Bill does not lift it.

The Hon. T. M. CASEY: No, but it is going to bring home to people that they are contributing to the litter. This measure will minimise it to a great extent. The Hon. Mr. Chatterton made a good contribution to the debate. *He* had thought out his ideas in relation to the arguments

put by the Hon. Mr. Hill that, if this legislation was passed, people would be put out of work because can manufacturers would go out of business. I cannot find anything in the legislation to show that.

The Hon. R. C. DeGaris: Not much!

The Hon. T. M. CASEY: This merely puts a deposit on a can, in the same way as a deposit is paid on a bottle. There is no reference to can manufacturers going out of business. Whatever mark or symbol or dot is put on the can, children will know what it means. It is not possible to have a drink from a cool drink bottle without some small boy wanting to take the bottle away within a few minutes, because he knows he will get a refund of the deposit.

The Hon. C. M. Hill: He gets it from the shop, and that does not apply to a can.

The Hon. T. M. CASEY: That is where he purchased it. That situation could apply here, and it could apply in country districts because the retailer, if he elects to do so, can operate a depot. It might not apply so much in the metropolitan area.

The Hon. C. M. Hill: Would you favour that procedure?

The Hon. T. M. CASEY: It is done today with glass containers. Anyone can buy a bottle of cool drink at Panorama and get the refund at Northfield. I do not think for a moment that unemployment is a worry. It is an argument that can be used, but I do not think it holds any water. If the number of cans is to decrease, as implied by the. Hon. Mr. Hill, a corresponding increase must occur in some other item to maintain supplies. I do not think we will see a decrease in supplies to the public; public demand is always there for beverages of many kinds. To ask the Committee to report progress at this time is ridiculous. Let us make a decision. We have had months in which to study the matter. The Select Committee was set up to take evidence, and it obtained information from all around the world, from what I can gather (although I was not on the Select Committee). It appears from the remarks of honourable members who were on the Select Committee that the evidence is available at this moment. How long do they want to leave the matter—another 12 months or another two years?

The Hon. F. I. Potter: It is the evidence that worries us.

The Hon. T. M. CASEY: If the Hon. Mr. Potter, as a member of the Select Committee, thinks that the evidence is overwhelmingly in favour of not introducing such a measure, it is up to him to decide. I ask the Committee to accept responsibility in this matter.

The Hon. R. C. DeGaris: We always do.

The Hon. T. M. CASEY: I agree; let us hope we can do so on this occasion. It does not matter how long it is delayed, we will never get all the answers we want. Honourable members have all the information available.

The Hon. C. M. Hill: We have not. We are waiting on some more.

The Hon. T. M. CASEY: Come on! The Select Committee probably sat longer than any other Select Committee set up during the term of this Parliament, and certainly longer than Select Committees on which I have sat. Perhaps we did our homework better. We must face facts. If honourable members are going to insist on deferring this legislation, the matter becomes a fiasco. How can they substantiate the argument that more information is required?

The Hon. A. F. Kneebone: I did not think they wanted to follow the lead of the Australian Government.

The Hon. T. M. CASEY: The legislation to come from the Australian Government will be much different, and there is no way that the legislation before the Committee can be tied in with that of the Australian Government.

The Hon. C. M. Hill: No-one knows.

The Hon. T. M. CASEY: We must decide whether we want this or whether we do not. The Hon. Mr. Story says he wants another centimetre of evidence on what he has already, which is a pile about 6ft. high. I think the honourable member was exaggerating. I do not think this Committee can get more evidence than has been conveyed to the Select Committee. That was the whole idea of the Select Committee in the first place. If honourable members can vote on this measure I will be happy to comply with their wishes, but I do not think it will be of any advantage for this Committee to delay the Bill for an indefinite period. Perhaps the Hon. Mr. Story had a point when he referred to the Governor in Canada who lost his seat. He said that the man who took over the office of Governor was not happy with the previous legislation. Perhaps the campaign was conducted on that score, and perhaps the honourable member is trying to get something out of that. He is a very devious fellow, and sometimes I wonder whether he is placing it strictly on the line. Nevertheless, honourable members have closely canvassed this matter, and I sincerely believe that this Committee has a responsibility to decide one way or the other.

The Hon. C. R. STORY: I do not know whether I heard correctly or not, but I thought the Minister referred to me as being devious, and insinuated that perhaps I was not scrupulously honest in some way. Will the Minister clarify the point? If he did say that, I should like him to withdraw it.

The Hon. T. M. CASEY: I assure the honourable member that I would never reflect on his character to the extent implied by him. Perhaps I was relating the incident to the two Governors in Canada. If the honourable member has taken offence at anything I said, I withdraw the remark and indicate that I did not intend to reflect on him.

The Hon. R. C. DeGARIS (Leader of the Opposition): I ask the Chief Secretary to report progress. The evidence before the Select Committee was divided, and the members of the committee have divided (three each way) in their report. It is not easy to digest the amount of evidence that the committee considered. Certainly I am. not happy with the legislation as it is. I do not wish to delay it, although I agree with the points raised by the Hon. Mr. Potter and the Hon. Mr. Hill. I believe that the attitude of the Commonwealth Government has a great bearing on what we should do in this matter in South Australia. Certainly, if we proceed with the Bill, I shall be moving amendments. It is a long time since the Bill was dealt with in the second reading stage. Also, we have much legislation before us now.

The Hon. F. J. Potter: It is too costly and too complex a matter to amend later.

The Hon. R. C. DeGARIS: That is true, and it is a most valid point. I ask the Chief Secretary to report progress, for the reasons I have given. The second reading debate occurred about 12 months ago, and much evidence was taken by the Select Committee. It will be necessary for me to have amendments drafted if I consider them necessary.

The Hon. A. F. KNEEBONE: First, I point out that it is not my Bill. Secondly, I agree with the Minister of Agriculture that we cannot just delay the matter and wait until a committee established by the Australian Government in relation to this matter has its report acted on. I believe the report came down strongly in favour of a taxing procedure, and our Bill could not be amended to cover the

same situation. To delay this Bill just for that purpose is something I cannot support. However, I will not deny to the Leader the opportunity to move amendments to this Bill. I have given an assurance to the Minister in another place, whose Bill it is and who introduced it in another place, that I would try to have the matter resolved one way or the other before we rose at Easter. If the Leader is satisfied with having progress reported to enable him to bring down amendments in the next few days, that would be satisfactory to me, and I will ask the Minister of Agriculture to report progress on that basis. Although the numbers are against us and we cannot force anything, I would not agree to the Bill's being deferred for the purpose of waiting for uniformity with other States and of receiving a report on the situation in . respect of the Australian Government's intentions. People who gave evidence before the Committee told me privately that they would not go along with what the report to the Australian Government recommended. They did not want the taxing provisions and they are the people who have been talking to honourable members opposite.

The Hon. R. C. DeGaris: That is probably a good reason for the Australian Government to proceed, because no-one wants it.

The Hon. A. F. KNEEBONE: That may be the Leader's view, but it is not mine. I will ask the Minister of Agriculture to ask that progress be reported.

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

The Hon. R. C. DeGARTS: I thank the Minister for asking that progress be reported, and I will do my best to have prepared the amendments that are required to the Bill, but I cannot give any undertaking that that will be achieved before the matter is called on again.

Progress reported; Committee to sit again.

STATUTE LAW REVISION BILL (VARIOUS)

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

CORONERS BILL

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

STATUTES AMENDMENT (JUDGES' SALARIES) BILL

Adjourned debate on second reading.

(Continued from March 13. Page 2881.)

The Hon. G. J. GILFILLAN (Northern): We already have on the Notice Paper the Statutes Amendment (Public Salaries) Bill, which deals with the salaries paid to senior public servants. This Bill deals with the salaries paid to judges of various courts. I opposed the other Bill and, to be consistent, I must also oppose this Bill. There are some minor differences between the Bills. One is that in this Bill there is a prescribed minimum salary. This means that the salaries cannot be less than they are at present; this is not of any great moment, because, with our escalating rate of inflation, the salary of today, although it may sound large to some people, could mean very little in the future. I believe that the judges should be given every protection. They are protected in that they cannot be dismissed without a resolution of both Houses of Parliament. However, the passing of salary fixation from Parliament to the Executive is completely wrong.

Parliament is here for a purpose. If the kind of matter that has been dealt with by Parliament through legislation is, instead, dealt with by the Executive through proclamation, we could reach the stage where Parliament would not be required at all. The Emergency Powers Bill contained sweeping powers that could have been enforced through regulations. We are moving quickly away from the system of Parliamentary oversight. I do not believe that the Government intends to be unjust in connection with judges' salaries. I realise that any increase in salaries has to be initiated by the Government, because it involves the revenue of the State. At the same time, I believe that the final decision should remain where it has always been—in the hands of Parliament, the body duly elected by the people. A similar principle is involved in the Statutes Amendment (Public Salaries) Bill, which is still on the Notice Paper. I do not support the Bill.

The Hon. M. B. CAMERON (Southern): I do not support the Bill. I agree wholeheartedly with the concept of the independence of the Judiciary. This Bill could be one way of taking away that independence to a small extent. One of the reasons given for the introduction of this Bill is that, under the present system, the judges may not receive promptly a salary increase that has become necessary as a result of inflation. In Queensland, where last year the Parliament did not sit for eight months, there could be some justification for a Bill of this kind, but the South Australian Parliament sits reasonably frequently. So, the kind of problem that may arise in Queensland does not arise in South Australia. Certainly it has not arisen over the past two years, when inflation has got out of hand as a result of the Commonwealth Government's mishandling of the economy.

The Hon. G. J. Gilfillan: Increases can be made retrospective.

The Hon. M. B. CAMERON: Of course. This cancels out the Government's argument even more effectively. I cannot see any reason for the change proposed in the Bill, and I cannot imagine why the Government wants to make the change. The only possible reason is that the Government wants to take away some measure of the independence of the Judiciary. I hate to make that allegation, but it is the only thought that comes to my mind when I try to think of reasons for the Government's introducing this Bill.

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

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

Adjourned debate on second reading.

(Continued from March 13. Page 2871.)

The Hon. F. J. POTTER (Central No. 2): I have examined this Bill very carefully, and I have concluded that I can support it. I listened to the speeches of the three honourable members who spoke on this Bill last week. The last thing I want to do is appear to be at odds with them on the matter; I do not want to do that. I respect their views from the angle of the approach that they took and the assumptions that they made, but I do not approach the matter from the same viewpoint or from the same angle. I sincerely question the validity of some of the assumptions that those speakers made. I want to endeavour to put before honourable members my own views on the matter and my own approach. I believe that the Bill makes good sense from an administrative viewpoint. It is as simple as that, particularly in times of rapidly changing values of money.

It is a misconception to talk about this Parliament fixing salaries: we do not fix salaries at all. We are not a salary-fixing body or anything of the kind. All we do is ratify

or refuse to ratify the sum fixed by the Executive Government in connection with these officers. If one looks back over the years one finds that this Parliament has never refused a salary increase to public officers. The initiation of a salary increase for these officers is an Executive act: it always has been and always will be. I cannot see any suggestion that the security of tenure of those officers who have such security, their integrity, or their functioning, can be affected by the fixing of salaries by the method proposed in the Bill—by the Governor in Executive Council.

I suppose that, by some flight of the imagination, one could say that the Government could squeeze officers by threatening to withhold a salary increase, or the Government could even bribe them by offering an enormous salary increase, but it seems to me that there are some conventions or rules that one cannot break. It does not matter what Government we have: those rules remain. There seems to be, in what was said by other speakers, the implicit assumption that, if we agree to this Bill, somehow Parliament will lose control. I cannot see that for a moment. We have not lost control of the situation, because the Executive is part of this Parliament. It is no good talking about the division of powers among the Executive, the Judiciary, and the Legislature. That is accepted, and I agree with it (and I think it is a basic assumption of our system), but the separation between the Executive and the Legislature is not very great. The Executive is part of the Legislature. If one could assume for a moment that there was any hanky-panky or some extortion was attempted by the Government of the day of these officers, Parliament could move to change the system and restore it to what it is now, or have some other system. This would not mean the introduction of a money Bill, in my opinion, because it would merely be changing from one system to another.

The Hon. G. J. Gilfillan: It would need the concurrence of both Chambers, though.

The Hon. F. J. POTTER: Yes, that always happens. Apart from that, many other pressure points could be applied by question and answer, and the responsible Treasurer of the day could not escape the heat and burden of any attack mounted on that basis. I think we must approach this matter in a somewhat different way. It is all very well to say that, traditionally, we have always done it this way, but we must sometimes break with tradition. It fact, I strongly suggest that this Parliament has already started to break with tradition because, when we had a Bill relating to the salary for the Solicitor-General, that office was not fixed by Parliament.

Most remarkably, the one office that is closer to Parliament than any other Public Service office is that of Ombudsman, sometimes called the Parliamentary Commissioner in other places. The Ombudsman is protected by and has the same rights of protection of his job as the Supreme Court judges. However, we do not appoint him from this Parliament and we do not fix his salary. His salary is fixed by the method proposed in the Bill, and he is the one person I would think we would have to be concerned about more than anyone else. I will now refer to the officers affected by the Bill. The Bill affects six classes of officer. Of these, the only people who have security of tenure backed by legislation are the Auditor-General and the Commissioners of the Public Service Board and, in a somewhat backhanded way, the Valuer-General.

The Auditor-General, by Statute, cannot be removed from his office except by an address of both Houses of Parliament, and the same applies to the Commissioners of the Public Service Board. The Valuer-General can be restored to his office by an address of the two Houses; it is a kind of backhanded protection to him. No such protection applies to the other officers involved. In the case of the Agent-General, I have been trying to ascertain by what strange accident he ever had his salary fixed by Parliament, because he is not appointed by Parliament, responsible to Parliament, protected by Parliament, nor does he report to Parliament. However, by some accident of fate a good while ago, his salary happened to be fixed by Parliament; I suppose because he had only a five-year term.

The same applies to the Public Service Arbitrator, who is not appointed by Parliament, who does not report to Parliament, and who has no duties connected with Parliament. I do not know why his salary was fixed by Parliament and, in any case, it is a purely artificial salary, because he does not draw it. The appointment has always been given to one of the Deputy Presidents of the Industrial Court who receives a higher salary by virtue of that office. True, the other officers to whom I have referred have statutory tenure, but for reasons I have given earlier I do not think that the question of the salaries they are paid has anything to do with their statutory tenure of office or the protection they get from Parliament, and I do not think that that protection would change one iota if the Bill was passed. I support the Bill and I say to honourable members who have already spoken that, even if one accepts their approach to the matter and their view, there is no logical reason to vote the whole Bill out, because there are at least those two people who do not fit even into their approach to the matter. I have examined the Bill carefully, and I support it.

The Hon. M. B. DAWKINS (Midland): I oppose the Bill. Although I certainly appreciate the ability and work of the Hon. Mr. Potter, I am sorry that I cannot agree with him on this occasion. It has been said that we have always agreed to recommendations brought forward by the Government after they have been considered in another place, but I do not believe that the argument that we have always agreed with these recommendations should have any force in this argument.

The Hon. F. J. Potter: I didn't use that as an argument. I stated it as a fact.

The Hon. M. B. DAWKINS: It may be a fact, but it should have no force in this instance. Even if that was so (and I do not dispute that that is the case), I believe it important that Parliament should have the final say in these matters. The Hon. Mr. Potter has said that we do not initiate these matters but that they must be initiated by the Government, and we have the right to ratify or refuse to ratify certain proposals. My friend the Hon. Mr. Potter wants us to give away the right to refuse, but I believe it important that we have the opportunity to refuse, to ratify or to amend the proposals in the Bill and to retain that right. After all, if increasing numbers of these important decisions (and I believe that they are important) are to be made by the Executive by proclamation, in my opinion it reduces what measure of independence these officers may now possess, and we may reach the stage where the need for Parliament itself (and Parliament is the tried and democratic process of centuries) will be substantially reduced. I believe that that should not be the case.

The Bill itself, as honourable members have already said, is divided into seven Parts and provides for the fixing of salaries of senior public servants. Although the Hon. Mr. Potter has referred to six categories of officer, I believe that seven categories are involved and that about nine people are affected. The clause that appears in each Part of the Bill says, in effect, that a section of the principal Act is repealed and another section is enacted and inserted in its place. New section 5 in Part II provides:

(1) The Agent-General shall be paid such salary and allowances as the Governor may from time to time determine.

With minor variations in relation to the Act being altered, the clause is similar in every other Part of the legislation. The Bill intends to alter the method of fixing the salaries of the Agent-General, the Auditor-General, the Commissioner of Police, the Commissioners of the Public Service Board, the Public Service Arbitrator, and the Valuer-General. I do not believe that this right to refuse (as the Hon. Mr. Potter has termed it) or to suggest amendments should be taken away from Parliament and that the matter should always be resolved by proclamation from the Executive. I believe that most, if not all, of these top public servants should have at least a measure of independence if they are to do their jobs properly and without fear or favour. This applies particularly to the Auditor-General and the Commissioner of Police, and it may apply, to a considerable degree, to the other people to whom I have referred.

Therefore, I cannot agree for a moment that the Government of the day, of whatever colour it may be, should be able to decide, in the manner suggested in the Bill, on the salaries of these important public servants. That is what the Bill really means: that the Government of the day can raise or lower these salaries at will. I believe that the tried arrangement over the years, of Parliament's having an opportunity to discuss and ventilate this matter, should remain. I cannot therefore support the Bill.

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

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 13. Page 2869.)

The Hon. R. C. DeGARIS (Leader of the Opposition): As the Chief Secretary said in his second reading explanation, this Bill does two things: it applies the provision of section 110a to Council voting, and allows for the optional marking of ballot-papers. There can be no objection to applying section 110a to Council voting. It deals with the question where a person who should be on the roll is not, in fact, on it. Such a person has the right under the section to vote, and the vote goes into an envelope. It is then checked by the Electoral Department to see whether his name has been inadvertently left off the roll. Under the old system, where voting is voluntary, it is up to the person concerned to see that his name is on the roll. That is why section 110a should now apply to Council voters, and there is no objection to that inclusion.

I turn now to the more important question of optional voting. I agree that the voter should be given as many options or choices as possible in casting his vote. The voting system should make the voter king and the voting system should interpret his wishes, both individually and collectively, as near as mathematically possible. The voting system, or the electoral system, should allow as little variation as possible of the expressed wish of the electors. They are the general principles with which no honourable member would disagree.

In expanding those general principles, I say that, if the elector wishes to express no choice, and not vote, he should have that option. If we are to expand the options of a voter, let us be generous and expand them to the fullest possible capacity. If a voter wishes to vote for one candidate, marking his paper with "1" only, he should have that option. This means that he wishes to vote for only one candidate and does not wish to differentiate between others on the ballot-paper. I agree that he should have the right to do that also.

If a voter wants to vote for one candidate and not express a preference for others, except wishing to express a vote against a certain candidate, he should also be able to do that. It is one of the marks of a democratic system that a person must have the right to vote against someone, as well as the right to vote for someone.

The Hon. A. F. Kneebone: Doesn't he do that by not voting for him?

The Hon. R. C. DeGARIS: It is not a conscious exclusion, and that is the difference. A person should have the right to mark "1" but, in so doing, he is saying, "I want that person to have my first preference, but I express no preference for the other four." There is no justification for killing that vote simply because that voter does not express a preference for the other candidates. One could talk about many other options. What is wrong with allowing a voter to vote "1" for two candidates? Why should he be forced to vote for only one? He may have two candidates about whom he feels equally. Is there any reason why, in a democracy, one should not have that right?

The Hon. F. I. Potter: There are systems that allow that.

The Hon. R. C. DeGARIS: That is so. If we are to go into the question, let us not take only one small step: let us do it properly and offer all the options we can to the elector to express his wish as he wants to express it. If we as a Parliament agree that the options of the elector should be as wide as possible in the voting system, I do not think we should shrink from providing those options. If we provide for all the things to which I have referred, we would indeed be giving the elector every possible means of expressing his wish.

This Bill, which the Government has introduced, refers, mistakenly, to optional preferential voting. Really, it is only a step towards a voting system known as first past the post, which tends to favour a majority Party. The system outlined in this Bill restricts, not widens, the options available to the elector. The point at issue is that the Bill now before us does not widen all the options for the voter. I do not think it would be possible to get the Government in power, with its numbers in the House of Assembly, to agree to any system of voting except one that would help it politically. The only thing to which the Government would agree is a system that would dilute representation of political views to its advantage. And that is exactly what we have in this Bill.

Having stated my views fairly clearly on the question of enlarging the options of the elector, I know that to achieve these options by amendment would most certainly result in the loss of the Bill because, as I have said previously, the only change in the voting laws that the Government would accept would be a change that would assist it. That is true. However, I believe some matters to which I have referred should be included in the Bill. Others are fundamental to a democratic voting system. The first is optional voting: giving the voter the option whether or not to vote. There

is little to say on this matter except that it is a principle that is difficult for any true democrat to oppose or deny. That is a person's first option; whether or not he goes into the polling booth and votes. In relation to optional preferences, I agree that a person should have the right to mark his paper with the preferences marked as far as he wishes to go. The only disagreement I have with the Bill's proposal is in relation to the method of counting such votes. I do not agree that a vote marked "1" for a candidate should be destroyed after that candidate has been eliminated.

Supposing four names appear on the ballot-paper; the voter votes "1" for his candidate, but leaves all the other squares blank. What that voter is saying is that he expresses a preference for one candidate but that he looks on all the others as equal and is unable to express a preference. Therefore, if the candidate for whom he votes is eliminated, his preference vote then goes equally to the other three candidates; in other words, his vote is not dead simply because he has not expressed a preference.

The Hon. A. F. Kneebone: You are not proposing that each should get one vote?

The Hon. R. C. DeGARIS: No; I will come to that. The next step is important. No vote should be killed simply because that person does not mark the paper with consecutive numbers for all candidates; it should be a formal vote. The Parliament, however, must decide in the Statutes what that vote means. On balance, one must assume that that vote means a first preference vote for one candidate and that the voter does not distinguish any preference for the others. If that candidate is excluded in the count those votes not marked with a preference should be distributed equally to the other candidates. That is exactly what the voter is saying: he expresses his vote by voting "1" for one person. When the voter votes "1" for candidate A, "2" for candidate B, but leaves candidates C and D unmarked, it means that he expresses a preference for A, then B, but does not distinguish any preference between C and D. A voter can vote "1"; that is his option. If no other numbers are marked, and if that candidate's preferences are to be counted, they are distributed equally to all other candidates.

I want to consider the case of four candidates in an election: Smith, Jones, Brown and Green. Smith holds 400 votes, Jones holds 500, Brown holds 600, and Green holds 700. Of the 400 votes cast for Smith, who will be the first one out, 100 were marked with only "1" for Smith, and no preferences were expressed. When Smith is taken out, that 100 votes out of the 400 that have expressed no further preferences are passed in the following way: 33 to Brown, 33 to Jones, and 33 to Green (if you like, 33⅓ for each, but for the sake of my exercise I have used 33 and put one vote aside to make up the 100 in which no preference is indicated). Suppose that, of the 300 ballot-papers where preferences are marked, Jones gains 200, Brown gains 50, and Green gains 50, then on Smith's being removed from the count the remaining three have the following votes: Jones has the original 500 plus 200 expressed preferences plus 33 of the shared unmarked preference votes to Smith, giving a total of 733; Brown has 600 votes initially and gains 50 of Smith's preferences plus 33 of the unmarked ballot-papers, giving a total of 683: Green, with 700 original votes, has 50 from the passed-on preferences, plus 33 from the unmarked papers, giving a total of 783.

The next to go out is Brown, who is now removed. His 33 votes (Smith's "1" votes) are distributed equally, 17 going to Green and 17 to Jones. The one discarded vote comes back into the count in the final decision. Let us suppose that, of Brown's 50 votes from Green, 25 stop at "2" and 25 go on. In that way, 25 are distributed equally and the remaining 25 follow the marked preferences. Of Brown's 600 votes, 200 go to Green, 300 to Jones, and the 100 unmarked votes are divided equally. Green is elected. This system maintains optional preference and provides a more accurate interpretation of the voters' intentions. It also overcomes any possibility of a candidate being elected with less than 50 per cent of the preferred vote. That is most important. No candidate will be coming into Parliament unless he has 50 per cent or more of the vote.

I think this improves the Bill, because it allows optional preferences but uses a fairer counting method; it also removes the possibility of less than 50 per cent of the formal vote winning an election. There is one essential principle: when a person expresses a preference on a ballot, that expressed wish must be counted. This is a principle that this Government denies. With those voting systems brought before the Council, a person can consciously express a vote, but he is denied the right to have that vote counted. In denying that principle of having his vote counted, the Government is guilty of supporting a mathematical gerrymander of the worst kind. The present Government is responsible for introducing into this Parliament the most blatant mathematical gerrymander this State has ever seen.

The Government relied upon the complexity of the voting system to hide its blatant gerrymandering capacities. I refer, of course, to the Bill introduced by the Government in 1973 to change the voting system for the Legislative Council, which provided for the destruction of all votes for a group which polled less than 4 per cent of the vote. This was the most vicious denial of the right of a voter to have his vote counted ever presented to any Parliament in Australia. The emotion at the time the Bill was introduced was intense. The position was that the Legislative Council, under extreme pressure and threat by a ruthless political operator, and threatened on all sides, betrayed by political sharpshooters, was able at least to achieve some alleviation of the gerrymander provisions of the Government's original Bill. The point still remains, however, that a voter in the Legislative Council election can wittingly mark his ballot-paper and then be denied the right to have that vote counted.

On the solving of this problem will rest the reputation of this Government: will it permit its record to show it to be the first systems gerrymanderer in South Australia or will it be prepared to live up to its public relations promotions as a Government that abhors gerrymanders, no matter in what form they appear? The original Legislative Council voting Bill, introduced with threats, was a beautiful example of the classic mathematical gerrymander. Admittedly, the Council amendments corrected the gerrymander effects, but at conference a compromise had to be reached and in reaching that compromise the Act now stands with a degree of mathematical gerrymandering: a position that denies the voter the right to have his expressed wish on the ballot-paper taken into consideration. This cannot remain. Can this Government sustain a position where the expressed vote of the elector is not respected? Let me give an illustration.

Let me assume that the Legislative Council elections are contested by four separate groups—A, B, C and D. A polls 47 per cent, B polls 42.4 per cent, C polls 5.3 per cent, and D polls 5.3 per cent. Under the system for the Legislative Council voting, 8.33 per cent is the quota. Therefore, A gains 5 members with a 5.33 per cent surplus, B gains 5 members with a .73 per cent surplus, C gains no members

with a 5.3 per cent surplus, and D gains no members with a 5.3 per cent surplus. As there are 11 members to be elected, and as only 10 members have full quotas, the last position goes to the group with the largest remainder, and that is group A. So group A with 47 per cent of the vote gains six members out of the 11 members to be elected—or 54.5 per cent of the seats with 47 per cent of the vote. That is the factual position showing what could occur in voting for the Legislative Council. Certainly, anyone can see what I am talking about in referring to a mathematical gerrymander.

The Hon. G. J. Gilfillan: Over 10 per cent of the voters are disfranchised.

The Hon. R. C. DeGARIS: The position is that over 10 per cent of the electors never have their expressed preference counted. Where a person expresses his preference on a ballot-paper, and we have a system that denies that person the right to have his expressed preference counted, then the system is affected by mathematical gerrymander. As the Hon. Mr. Gilfillan pointed out by way of interjection, this expression of will is denied being counted or taken into consideration. Further, an examination of the preferences of C and D may show that they ran strongly to B. But this expression of will by the voter is never counted!

How can the Premier and his supporters advocate their great belief in one vote one value with every vote cast having an equal value when the system promoted by the Government allows a possible warping of the expressed will by a staggering 7.5 per cent? In the case given there is a possible 7.5 per cent mathematical gerrymander factor in favour of one political group. In all single-man electoral systems there is an inherent gerrymander factor always present no matter how electorates are drawn.

The idea promoted by the Australian Labor Party, and by some academics who should know better, is that if all electorates are equal in population, then one achieves one vote one value. Indeed, so often the opposite is the truth. The equal population in each electorate concept leads to easier gerrymandering, as can be seen from the American experience. The only method of ascertaining whether the concept of one vote one value is satisfied is that the pivotal point for a group to govern is to poll 50 per cent plus of the preferred vote.

This criterion cannot be achieved in single-man electorates, without the use of some corrective force able to adjust the gerrymandering inherent in all single-member electoral systems. But to have a system of election, based for decision on the votes cast over the whole nation or the whole State, that manipulates mathematically to produce a result where 47 per cent of the voters achieve 54.5 per cent of the members cannot be tolerated. In the original Bill, introduced by this Government, the gerrymander factor could have been as high as 20 per cent. In other words, the original Bill introduced in this Parliament by the Government with a 45 per cent vote for one Party could have returned seven of the 11 members to be elected to this Council: that is a 45 per cent vote returning almost 65 per cent of the members.

With this Bill I intend to seek an instruction. If the Government does not accept the proposition I intend moving for the counting of Council votes, whereby each vote cast will be counted as the voter intended, and each vote cast will have as near as possible an equal value, then the Government's credibility will be destroyed. This Government and its members have constantly accused all other Governments in this State of the ability to gerrymander. To debate the accuracy of that allegation here would not be directly related to the Bill. But the point I am making is valid. This Government has accused every other Government of being a gerrymandering Government and, unless this Government is prepared to accept the amendments I intend to move in the Committee stages, to produce as near as possible one vote one value, then it will stand with those it so frequently accuses—gerrymanderers, but a new breed—a breed that uses electoral mathematics and refusal to allow votes expressing a voter's will to ever be counted.

I also seek an instruction to move another amendment in this Bill. I believe the Electoral Act should make provision for a permanent electoral commission, whose independence is assured in the same way as the Auditor-General and the Judiciary, to be responsible for controlling all elections, and to be responsible for all boundary drawings where necessary and to be responsible for reporting to Parliament as an independent body on the actual system to be used in any election.

The Hon. D. H. L. Banfield: Why don't you make it mandatory for its report to be accepted?

The Hon. R. C. DeGARIS: The Minister is getting agitated. If he will wait, he will see what I am driving at. I would like to see an independent electoral commission presided over by a judge of the Supreme Court, with permanent terms of reference. The commission would do the redistributions for set periods at a set time, and that would be mandatory. The commission would not be responsible for producing voting systems, but it could report to Parliament on voting systems. Further, it could engage in research and make recommendations to Parliament regarding changes in voting systems that appear to the commission to favour any particular group.

The terms of reference would need to be carefully drawn, so that the influence of political gerrymandering, whether by boundary drawing or by mathematical voting systems, would be a thing of the past in South Australia. All gerrymander factors in any electoral system would be left to the determination of the independent commission. Not only would the commission be charged with that role but also it could be charged with other responsibilities; for instance, it could examine the use of voting machines, an area of research in which little or nothing has been done. The commission could report to Parliament on that matter, on which a great deal of research needs to be done by an independent body. Whether we like it or not, we will see the introduction of voting machines in South Australia and, indeed, in Australia in the foreseeable future. The independent commission should be charged with the responsibility of examining the principles of the use of voting machines, and it should educate the public in relation to their use.

The commission would be required to produce new boundaries, say, every seven years. At present, redistributions can be timed to suit the Government—rather than the ideal of representative democracy. I would go so far as to advocate that the electoral commission should have a limited number of directions from Parliament. For example, one direction could be that every person should have the right to equality of representation, irrespective of where he lives in the State. Another principle could be that every person should have the right to expect his vote to have, as near as is mathematically possible, the same political value as any other person's vote. With these simple terms of reference, the commission would be required to take evidence on the vexed question of representation.

As I said before, the idea of equal population in every electoral district, or no more than 10 per cent variation, does not interpret one vote one value. One could draw boundaries in South Australia, with equal population, that would favour one side or the other, depending on where one drew the boundaries. So, the question of the number of people in the electoral district has nothing to do with one vote one value. The only test of whether there is one vote one value is whether the Party polling 50 per cent or more of the preferred vote governs. Political motives can be removed from electoral decisions only if the people making those decisions are unaffected by the result.

Now, when we come to the question of the Legislative Council, in connection with which no boundaries are drawn (the election being on a State-wide basis), no challenge can be made in respect to boundaries. The commission's role here would be to ensure that the voting system produced, as near as was mathematically possible, an equality of vote value. I intend to advocate that provision should be made in this Bill for such an independent commission. It is the first time that such a move has been made in Australia's political history. I cannot find any precedent, but there may be one. If such an independent commission is not established and if we do not remove the possibility of political influence, we will continue to hear the challenge of "gerrymander", whether that gerrymander is by drawing boundaries or by a system that produces a mathematical gerrymander. If the commission is established, all accusations and allegations of gerrymander will disappear from the political scene in South Australia, and that will be a good thing.

One thing is certain: the present Government would not dare accept such a proposition, because the first thing that any independent electoral commission would find is that the present voting system for the Legislative Council would not fulfil the terms of reference—that each vote cast should have an equal political value. The amendments to correct the gerrymander factors in the Legislative Council voting system will be moved in the Committee stage, and any person will then have the right to challenge the provisions. If any person likes to state a case to the independent commission seeking to show that the system I am incorporating is not fair or just, I am sure that the commission will come down on my side. The independent commission would then report to Parliament.

Even if the Government does not accept my suggestions for overcoming the gerrymander factors existing in the present Legislative Council voting system, at least I hope the Government will accept the concept of an independent commission, so that I and others can appear before the commission to show that the existing system does not produce a sound interpretation of the expressed will of the voter. With those remarks, I support the second reading of the Bill, but I give notice that I will be seeking an instruction from the Council concerning amendments that may be moved in the Committee stage. The optional preferential system can be supported, provided that the method of counting does not destroy a vote where the voter is simply expressing the fact that he wishes to vote but does not wish to express a preference for the other candidates.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

WHEAT INDUSTRY STABILISATION ACT AMENDMENT BILL (BOARD)

Returned from the House of Assembly without amendment.

LIMITATION OF ACTIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 13. Page 2870.)

The Hon. J. C. BURDETT (Southern): I support the second reading. The question of statute of limitation is always difficult in principle because, on the one hand, such a Statute deprives a plaintiff of a right of action he justly has after a certain time, whereas on the other hand, the defendant cannot have the action hanging over his head forever. It has always been difficult in practice, because statutes of limitation have been difficult to interpret. Indeed, one cynic has said that he does not know why we worry about statutes of limitation, because the old law of estoppel was clear and everyone knew what it meant, whereas with statutes of limitation no-one knows what they mean. Cynicism aside, it is necessary to have a statute of limitations, and the Bill improves the principal Act. The Bill in broad principle is in accordance with the suggestions made by Their Honours the Supreme Court judges.

Turning to the clauses of the Bill, the alteration to section 47 abolishes any need for notice. The notices were, in any case, needed only where there was not reasonable cause or where the defendant might be prejudiced. I expect that, in practice, no or very few plaintiffs have failed in their action through a judgment that a notice ought to to have been given. The 12 months provided in the Bill seems to be fairer than the present six months in the Act. The new paragraph (*d*) of section 47 provided for in the Bill strikes me as too volatile. In a limitations Act it seems desirable, because the plaintiff risks cost, even with a good case, depending on a judicial interpretation. "The opinion of the court", the term used in the Bill, is a poor guide. Paragraphs *(a)*, *(b)* and *(c)* are justified and, if the Government is unsure whether these are wide enough, it ought to make paragraph *(d)* capable of inducing a wide interpretation of those heads rather than introduce a catch-all.

A point in passing is that the 1959 section 47 (6) provided that the section would bind the Crown. The new section 47 does not contain that provision, obviously because, in 1972, the Crown Procedures Act was enacted, which had the effect of giving, subject in all cases, the right to proceed against the Crown in the same way as a subject could proceed against another subject. Hence, in new section 47 there is no necessity to state the provision to bind the Crown. Existing section 48 enacted that a court could extend the time for bringing an action "if material facts" of the plaintiff's case were not ascertained until after or within 12 months before the limitation barrier, and 12 months, or closer, to the commencement of the action, and in all circumstances if just and equitable. The writ must be endorsed to the effect that the extension is sought by this section, and proceedings regarding extension "may be determined by the court" before or after the close of pleadings.

A plaintiff runs the risk in that, if leave is granted and he brings proceedings, they still could be lost on the ground that they are out of time at the hearing. I question whether "may be determined" means "finally determined". No cases exist on this matter, and it seems unlikely that this is the correct interpretation; yet it is desirable, if possible, in practice. The practical problem is to determine finally what are the "material facts" until trial.

The alteration to section 48 (1) extends time allowances, not just for bringing an action but for precedent or subsequent necessary steps. The possible anomaly I can think of lies in the limits for pleadings set down in the Rules of Court. The criterion laid down in the Bill is "as the

justice of the case may require"; this is a change from "fair and equitable" in the 1972 Act. I would have thought that, in such a situation (not being time for bringing proceedings), the period is there for a purpose and, by then, it is also in the hands of qualified persons. If this extension is needed, should it not be on terms such as (*a)* the precedent step was carried out with ail reasonable alacrity or (*b*) the subsequent failure to proceed with a step in time was reasonable?

The main point in new section 48 is contained in new subsection (3), which introduces a saving clause against the Act applying to criminal proceedings, and this remedies an anomaly. It allows an action, as in the 1972 section 48, within 12 months of ascertaining "material facts", or, alternatively, that the plaintiff delayed by reasonably following representations of the defendant, and that it is "just" to grant the extension. Again, there is this risk of leave being granted without a final determination. I pose the question whether the definition of "material facts" could be made more certain so that a final determination could be made. An example could be that the nature of the type of claim or type of injury was not known until . . . "which could be proved by documentation". Another alternative could be that "necessary evidence was not available, through no neglect or default by the plaintiff".

Perhaps it is too difficult to define and worth the risk of leaving it flexible. The term used in the Bill is that it is "just" to grant the extension. I pose the question, namely, why the change from "fair and equitable" in the 1972 Act? No cases exist to point to any deficiency in that definition. Is not any action a court takes politely assumed to be just? In any case, if the plaintiff demonstrates that he did not find material facts until too late or that he reasonably delayed in view of representations, is any refusal going to be just? One would think that he ought to have an absolute right on proof of those facts. As I read it, the action can be brought beyond 12 months from the expiry, which, on proof of material facts coming to light, seems fair. New section 49 claims to leave rules of law and equity unaffected. That is according to the marginal note. However, it does so only in relation to extensions. New section 50 is compatible with the rest of the Act but, here again, I suspect that the plaintiff is left in uncertainty about a final determination. However, the wording is a little different, in that the court does not determine proceedings but dispenses with a requirement, and it may mean that interlocutory proceedings can finally demolish requirements of notice. I support the second reading.

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

WEST BEACH RECREATION RESERVE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Last year the West Beach Trust constituted under the principal Act, the West Beach Recreation Reserve Act, 1954, as amended, found itself in possession of not inconsiderable funds of about $250 000, partly arising from the sale of Marineland. Since this money was not required immediately for the purposes of the trust, it was put out on quite proper investment for, in the view of the trustees, this course was preferable to merely leaving the money on deposit in a bank. However, a doubt has arisen whether, in strict law, the trustees possess power to make such an investment. As a result, the matter was referred to the Government's legal adviser for an opinion, which, in effect, indicated that it would be prudent to put the matter beyond doubt by legislative enactment.

Accordingly, clause 2 of this short Bill provides for two matters: first, it grants, in fairly standard form, a power of investment " in any manner approved of by the Treasurer"; and, secondly, it validates (so as to put beyond doubt) the investment made by the trustees already referred to. As is usually the case, the validation is expressed in general terms.

The Hon. C. R. STORY (Midland): This Bill relates to a measure that has been before Parliament for some time. Plenty of publicity has been given to its objectives. I do not wish to delay the passage of the Bill, as Parliament will have plenty to do within the next few days, and members should do anything they can to get whatever they can off the Notice Paper.

As the Minister has said, the sale of Marineland has brought the sum of money to which he referred into the trust's coffers. Any honourable member who has had the pleasure of visiting Marineland and watching the progress of efforts made under the Act must indeed be pleased. Having stayed at the West Beach caravan park many years ago, I watched the improvements that were being effected. Although the trust is doing a good job, it would do an even better job if it was not for the many idiots who congregate in the area and destroy the trees that the trust has planted over the years. This has happened many times: trees of between 1.8 metres and 2.4 metres are used as swings and pulled out of the ground.

The Hon. A. F. Kneebone: That was the first nude bathing area, wasn't it?

The Hon. C. R. STORY: That is so, but it did not get much publicity then.

The Hon. T. M. Casey: Everyone knew about it.

The Hon. C. R. STORY: That is so. The trust's activities are indeed creditable. I see no objection to the Bill, and I therefore have much pleasure in supporting it.

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

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It makes a number of disparate amendments to the principal Act, the Libraries and Institutes Act, 1939-1974. At the request of the Institutes Association of South Australia, it makes provision for amendments to the principal . Act designed to facilitate the integration of institute libraries with subsidised libraries established under the Libraries Subsidies Act, 1955-1958.

On the recommendation of the Libraries Board and with the agreement of the committee of the Adelaide Circulating Library, the Bill provides for the dissolution of the circulating library and the transfer of its books and property to the Libraries Board. This move has been prompted by the continuing financial difficulties experienced by the Adelaide Circulating Library.

The staff of the Adelaide Circulating Library will be absorbed into the Libraries Department and that part of the book stock which is usable will be transferred to the adult lending section of the State Library. As a consequence, former borrowers of the Adelaide Circulating

Library will be able to obtain a similar service from the State Library. The Libraries Board has yet to determine the way in which the space occupied by the Adelaide Circulating Library will be used once the library is dissolved. The Bill also provides for the appointment of deputies of members of the Libraries Board and increases the money amounts specified in the principal Act so that they accord with current money values.

Clause 1 is formal. Clause 2 provides that the measure will come into operation on a day to be fixed by proclamation. Clause 3 is a consequential amendment. Clause 4 amends section 8 of the principal Act to provide for the appointment of deputies of members of the Libraries Board. Clause 5 amends section 16 of the principal Act by converting pounds to dollars. Clause 6 amends section 31 of the principal Act by increasing the penalty fixed in 1939 from £10 to $200. Clause 7 amends section 32 of the principal Act by increasing the penalties from £10 to $200 and from £1 to $20 for continuing offences. Clause 8 increases the penalty fixed in section 61 of the principal Act from £20 to $200. Clause 9 is a consequential amendment. Clause 10 increases the penalty fixed in section 65 of the principal Act from £5 to $100.

Clause 11 amends section 76 of the principal Act by converting pounds to dollars. Clause 12 increases the penalties fixed in section 78 of the principal Act. Clause 13 increases the penalty fixed in section 89a of the principal Act. Clause 14 amends section 105 of the principal Act relating to the dissolution of institutes by providing that a resolution to dissolve an institute may have effect at a future time and subject to the fulfilment of conditions expressed in the resolution. This is intended to enable the members of an institute intending to dissolve to ensure that a library service replaces that provided by the institute and to enable the establishment of the new library to proceed on the definite basis of the dissolution of the institute library. Clause 15 amends section 107 of the principal Act by increasing the penalty from £5 to $100.

. Clause 16 amends the heading to Part VI of the principal Act. Clause 17 repeals sections 132 to 145 of the principal Act relating to the Adelaide Circulating Library and enacts new sections 132 and 133. New section 132 provides for the dissolution of the Adelaide Circulating Library and the transfer of its rights, powers, duties and liabilities to the Libraries Board and its books and other property to the board for the purposes of the State Library. New section 133 provides for termination of memberships of the Circulating Library and the refund of subscriptions. Clause 18 amends section 147 of the principal Act by converting pounds to dollars. Clause 19 increases the penalty fixed in section 148 of the principal Act. Clause 20 increases the penalty fixed in section 149 of the principal Act. Clause 21 is a consequential amendment.

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

[Sitting suspended from 5.45 to 7.45 p.m.]

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL (FEE)

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

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

That this Bill be now read a second time.

This Bill is designed to overcome a minor problem in the Land and Business Agents Act. The Act at present provides that a person who is licensed or registered under the Act may be required to pay $20 in the month of February to be credited to the consolidated interest fund. This provision would not normally cause any problem where the person holding a licence or registration under the Act intends to renew it. However, as a number of part-time salesmen will not be seeking renewal of their registration in the present year, the provision may operate harshly in some cases. The purpose of the Bill is, therefore, to provide that the sum need be paid only where renewal of a licence or registration is sought.

Clause 1 is formal. Clause 2 amends section 5 of the principal Act. The present provision requiring the payment of $20 in the month of February is removed and a new provision is inserted providing that the sum is to be paid with an application for renewal of a licence or registration. Where payment has been made by a person prior to the commencement of the amending legislation, and he does not seek renewal of his licence or registration for the period of 12 months between April, 1975, and March, 1976, an appropriate refund will be made.

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

STATUTES AMENDMENT (MISCELLANEOUS METRIC CONVERSIONS) BILL

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

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

That this Bill be now read a second time.

This is the first omnibus Bill prepared for the purpose of effecting metric conversion amendments to Acts of the South Australian Parliament. Previously, important conversions have been made by specific Bills and other conversions have been effected when the Act concerned was amended for other reasons. Some of the Acts affected by this Bill are rarely amended and some of the amendments, although necessary, are so trivial that they are most appropriately introduced in a Bill of this kind. The rights and duties of members of the public are affected by some of the conversions, and for this reason the Act will not come into operation until a day to be proclaimed.

Clauses 1, 2 and 3 are formal. Clause 4 provides for the automatic repeal of the relevant Part of this Act if any of the amended Acts is repealed. Part II amends the Agricultural Chemicals Act, 1955. Clause 5 is formal. Clause 6 amends section 25 of the principal Act, which sets out the procedure to be followed by an inspector taking samples for analysis and makes special provision for packages containing not more than 2 lb. avoirdupois. The mass specified is now one kilogram, which is 2.2 lb. Part III amends the Agricultural Seeds Act, 1938-1973. Clause 7 is formal. Clause 8 effects an amendment to the principal Act similar to the amendment to the Agricultural Chemicals Act. Section 11 of the principal Act sets out the procedure on taking samples and makes special provision for seeds contained in packages of less than 4 oz. avoirdupois. The mass specified is now 100 grams, which is 3.5 oz. Part IV amends the Births, Deaths and Marriages Registration Act, 1966-1972. Clause 9 is formal.

Clauses 10 and 11 replace the word "grammes" with the word "grams" in section 5 and the thirteenth schedule. Part V amends the Brands Act, 1933-1969. Apart from clauses 12, 21 and 23, the amendments relate to the size or position of brands. Clause 12 is formal. Clause 21 relates to the impounding of stock seized under section 59 of the principal Act: the provision relating to stock seized at a distance greater than 5 miles from the nearest

public pound is amended so that the relevant distance is 8 km. Five miles is slightly more than 8 km. Clause 23 is a formal amendment. Part VI amends the Chaff and Hay Act, 1922-1938. Clause 24 is formal.

Clause 25 amends section 9 of the principal Act, which provides (among other things) that bags containing straw chaff shall be so labelled in letters not less than 1½in. high. The measurement is changed to 35 millimetres, which is about 3 mm shorter than 1½in. The reference to the repealed Fertilisers Act is also amended. (The word "fertiliser" is spelled as in the original Act, not as in the 1939 reprint.) Clause 26 repeals section 11, which was enacted to prevent deception by the use of the short ton. There is no recognised practice of using a short tonne. Part VII amends the Electricity Supply (Industries) Act, 1963. Clause 27 is formal. Clause 28 amends section 3, which gives power to the Treasurer to declare that an industrial undertaking carried on outside a radius of 26 miles from the city is an approved industry for the purposes of the Act. The new distance is 42 km, which is 153 m longer than 26 miles.

Part VIII amends the Liens on Fruit Act, 1923-1932. Clause 29 is formal. Clause 30 amends the form set out in the schedule by replacing the word "acres" with the word "hectares" and by replacing the pound sign with the dollar sign. Part IX amends the Phylloxera Act, 1936-1974. Clause 31 is formal. The principal Act applies to vineyards exceeding one acre in extent and to their owners. One acre equals .404 hectares, so that at first sight a conversion to .5 h seems attractive. However, this would mean an extensive revision of the vignerons' roll; so, .4 h has been chosen, and this is the amendment effected in clauses 32 to 37 inclusive and in clause 39. Clause 32 also amends the vineyard sizes specified as qualifications for extra votes for growers.

Clause 38 amends section 46 of the principal Act, which provides that the office of the Secretary of the Phylloxera Board shall be within 10 miles of the G.P.O., Adelaide. The new distance is 16 kilometres, which is slightly shorter. Clause 39 amends the third schedule by replacing "acres" with "hectares". Part X amends the Soil Conservation Act, 1939-1960. Clauses 40, 41 and 43 are formal. Clause 42 amends section 6a of the principal Act, which provides that occupiers of land in any area may present a petition to the Minister praying that the area be constituted a soil conservation district. "Occupier" is defined in subsection (8) by reference to the extent of the land occupied, and the amendment converts "five acres" to "two hectares"; an exact conversion would be 2.023 h. Part XI amends two of the several early Acts that are now incorporated in the South Australian Gas Company's Act, 1861-1964. Clause 44 is formal.

Clause 45 amends section 60 of the Act of 1861, which provides that the company shall, on request, supply gas to a municipal or district council, but that it shall not be compelled to supply gas beyond 30 yards from the company's main; the new distance of 27 metres is 2.5 m, shorter. Clause 46 amends section 4 of the Act of 1882, which empowers the company to erect posts, standards and wires for the purpose of supplying electricity, with a proviso that wires crossing a street must be at least 16ft. from the ground. This distance is altered to 5 metres (16.4ft.). In the unlikely event that the Gas Company erects lines after this Bill becomes law, it will have to comply with the relevant Australian code. Part XII amends the Stock Diseases Act, 1934-1968. Clause 47 is formal. Clause 48 amends section 5, which requires the burial of diseased carcasses at least 3ft. underground. The new requirement is one metre, that is, 156 millimetres more than 3ft.

Clause 49 amends section 42, which relates to the right to cross land with travelling stock. Persons availing themselves of this right must travel sheep five miles on each day and cattle 10 miles on each day; these distances are changed to 8 kilometres and 16 km respectively. Under this section, a lessee of certain Crown lands is obliged to provide a gate in every 10 miles of fence; the distance is changed to 17 kilometres, which is slightly longer than 10 miles. Part XIII amends the Stock Mortgages and Wool Liens Act, 1924-1935. Clause 50 is formal. Clause 51 replaces the references in section 23 to the size of paper on which memoranda of mortgages are to be engrossed with a reference to the new international paper sizes. Part XIV amends the Water Conservation Act, 1936-1972. Clause 52 is formal. Clause 53 sets out the powers of the Commissioner (now the Minister) and prohibits him from entering private property to effect repairs within 50 yards of a dwellinghouse. The amendment provides a distance of 100 metres (109 yards), which is the distance specified in a similar provision in the Waterworks Act.

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

WEIGHTS AND MEASURES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The main object of this Bill, which amends the principal Act, the Weights and Measures Act, 1971, as amended, is to give legislative effect to certain advances in weights and measures thinking that have occurred over the past few years. Specifically, the amendments involve the substitution of the more accurate term "mass" for the more common expression "weight" where it occurs in the principal Act. A change in the short title to the measure is also proposed to the end that it will, in future, be known as the Trade Measurements Act. Flowing from this are necessary changes in description of the officers whose functions are to administer the Act. The changes are from Warden of Standards and Deputy Warden of Standards to Warden of Trade Measurements and Deputy Warden of Trade Measurements respectively. The Weights and Measures Advisory Council is also proposed to be renamed the Trade Measurements Advisory Council.

Clause 1 is formal but effects the change in the short title adverted to above. Clause 2 is formal. Clause 3 amends the long title to the principal Act by substituting the expression "trade measurements" for the expression "weights and measures". Clause 4 makes certain amendments to section 5 of the principal Act, this being the section that provides for the definitions of terms used in the principal Act. These amendments are, it is suggested, self-explanatory and are consequential on the substantive amendments proposed in the body of the Bill. However, the attention of members is drawn to the definition of "mass" in paragraph (e) of this definition.

Clause 5 amends section 6 of the principal Act by substituting the expression "masses" for the expression "weights". Clause 6 makes a formal drafting amendment to section 7 of the principal Act. Clause 7 recognises the proposed change of description of the Warden of Standards. Clause 8 makes some drafting amendments to section 8 of

the principal Act and is otherwise consequential on amendments adverted to earlier. Clause 9 is a consequential amendment.

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

Clause 11 amends section 13 of the principal Act and is consequential on the amendments effected by clause 10. Clauses 12, 13, 14, 15 and 16 are consequential amendments and are, it is suggested, self-explanatory. Clause 17 repeals and re-enacts section 26 of the principal Act and, again, is quite important, in that it will give somewhat greater flexibility in the administration of verification and stamping procedures. In short, it will enable those weighing instruments that of their nature require frequent checking to be so checked and those that are not so subject to error to be checked less frequently. The remaining clauses of this measure (clauses 18 to 26) are again consequential on the proposals adverted to above.

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

CONTROL OF WATERS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill makes a small number of metric and decimal currency amendments to the principal Act and, more importantly, ensures that regard may be had by the Minister to certain environmental considerations when he considers certain matters under the principal Act. Clause 1 is formal. Clause 2 makes a metric amendment to section 2 of the principal Act by converting one acre to .5 hectare. This represents a slight increase in area, a hectare being a little more than two acres. This expression occurs in the definition of "domestic purposes" in that section and it is, I consider, self-explanatory. Paragraph *(b)* of this clause makes a formal amendment.

Clause 3 amends section 8 of the principal Act and again converts one acre to .5 hectare. Clause 4 inserts a new section 14a in the principal Act that enjoins the Minister, when he is considering a matter under section 11 or 14 of the Act, to pay regard to certain environmental considerations and, in effect, permits the Minister to refuse his permission if he considers that there is any substantial danger to the environment. Sections 11 and 14 of the principal Act deal with permission to drain land; the reason for ensuring that environmental considerations are taken into account in this area is, amongst other things, to have regard to a resolution of the House of Assembly passed on October 17, 1973. For the convenience of honourable members, that resolution is as follows:

That, in the opinion of this House, substantial areas of remaining wet lands in South Australia should be reserved for the conservation of wild life, and where possible former wet lands should be rehabilitated.

It is suggested that proposed new section 14a is self-explanatory in that it enables the Minister to have regard to environmental and other factors and, further, to impose conditions to any permission he gives in relation to drainage so long as those conditions are related to environmental matters. Clause 5 amends section 22 of the principal Act, which provides penalties, by increasing these penalties quite substantially; at the same time it converts them to decimal currency.

The Hon. C. R. STORY (Midland): I shall speak briefly to this measure in the first instance. It is, as the Minister has said, the result of a resolution from another place in the name of the honourable member for Chaffey. It has passed through the other place quickly; as the honourable member for Chaffey is engaged in his district today and as I should like to confer with him before I proceed further with this matter, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 13. Page 2870.)

The Hon. A. M. WHYTE (Northern): I must make it quite clear that, although I accept this Bill, I certainly do not support it; the only action I will support dealing with the principal Act is its abolition. The sooner that is brought about, the happier we in South Australia will be. It has always provided for a sectional and discriminatory tax on people who must depend largely on road transport. It does not serve the purpose it was intended to serve, and it should be abolished. The amount collected at present is about $4 000 000, which involves about 70 per cent of those who are required to pay the tax, but no-one knows what it costs to collect that sum. I dislike the measure.

The Hon. D. H. L. Banfield: When was the measure first introduced?

The Hon. A. M. WHYTE: I know more about the history of this than the Minister does. I heard his Premier's predecessor declare my area exempt prior to the election of the Labor Party. It does not make it any better, whoever introduced it.

The Hon. D. H. L. Banfield: But can you tell me when it was introduced?

The Hon. T. M. Casey: Sir Thomas Playford introduced it.

The Hon. A. M. WHYTE: It was introduced in 1963. I am rather surprised that we are dealing with this measure at this time. I suppose we will be converting what was originally known as the ton-mile tax to what will now be called the tonne-kilometre tax. Whatever it might be called, I do not like metric conversion and I do not like the legislation. I shall accept it, because this seems to be what is happening to all Acts; they are going through the stage of being stupidly converted from sensible British measurements to the metric system. I think this is about the only topic on which Jim Cairns and I see eye to eye.

Clause 3 amends section 4 of the principal Act and provides that the axle rating of eight tons will now become 8.15 tonnes. Wherever we see a conversion, if it is a taxing measure the Government always comes out slightly ahead, and if it is a price conversion the storekeeper always makes a fraction more. It seems a one-sided sort of coin when we deal with metric and decimal conversions. The Act is being broadened to include certain people who apparently were able to avoid this tax previously. Clause 4 provides that where a person is a body corporate every person concerned in the management of

the body corporate may be convicted. I do not know whether this will be effective, because the tax has driven some of the State's best transporters to bankruptcy. Those who are functioning better must have a different kind of bookkeeping or some means of avoiding part of the tax.

The second schedule is amended by converting the rate from one-third of a penny to .17c a tonne. Here again, we have a tax gathering measure that does not amount to much—1 per cent of 1c. One-third of a penny was .16c, but we now see that the figure is .17c. Again, that might not amount to a great deal of money but it is a slight gain. There is nothing I can do about it, nor do I wish to prevent this legislation passing, but it is inopportune to introduce it at a time when a committee has completed a report dealing with this measure. The committee had as its terms of reference to consider the operation of the tax and its possible replacement by a more equitable means of taxation. It is a pity we have not got that report before us when we have now established a State method of taxing petrol and fuels. This has been established without question; therefore, there seems no good reason why we should not adopt the method suggested by many people who think that the ton-mile tax should be abolished and a more equitable system established. It is suggested that 2c a gallon would provide a greater contribution than the present levy as it stands under the principal Act. I accept the Bill.

The Hon. C. M. HILL (Central No. 2): In rising to speak to this Bill I commend the Hon. Mr. Whyte for referring to the Flint report. I do not know what the present position is regarding that report, but I understand that the report has been presented to the Minister. When I first heard that the Road Maintenance (Contribution) Act was to be amended I also hoped that we would see changes in keeping with the report's recommendations. Apparently the Minister has seen fit to either keep the report under wraps, or he prefers not to accept its recommendations, thereby not having to change the Bill to provide a more equitable form of taxation. There is no reference at all to such a change in the Bill before us.

As the Hon. Mr. Whyte has said, this Bill is simply a machinery Bill that does three things: it effects metric conversion, it alters and increases penalties for offences under the Act, and it also adds a new clause providing that people concerned in the management of companies convicted of offences might themselves be convicted unless they can prove that the act or omission constituting the offence took place without their knowledge or consent. I do not think that is an unreasonable tightening of that aspect. However, I join with the Hon. Mr. Whyte in seeking further information on what the Flint report recommendations are. I, too, ask whether the Minister is going to amend this Act in keeping with, or as a result of, the report's recommendations. I support the second reading.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (AMALGAMATIONS)

Adjourned debate on second reading.

(Continued from March 13. Page 2873.)

The Hon. M. B. DAWKINS (Midland): I rise to support this Bill with some reservations, because I have noted the reasons that have led to its introduction. Some matters in this Bill give me cause for much concern. This Bill comes up for consideration as a result of the Royal Commission, its findings as per medium of its first and second reports, the considerable alterations made to those reports by the Government, and finally the deliberations and subsequent recommendations of the Select Committee of another place. There is no need to remind the Council that all the procedures I have referred to are the result of the reports of the Royal Commission into Local Government Areas. I believe that the revision of local government boundaries is necessary in quite a number of cases. Certainly, after a period of 40 years since the last revision took place this is necessary on the local government scene. At the outset I state unequivocally that I am not opposed to some revision of local government boundaries, because I believe that some changes can only improve local government services and its efficiency.

However, I do not believe in redrawing local government boundaries merely for the sake of creating large councils when such large councils are unnecessary. It is in this area that I believe the findings of the Royal Commission were not acceptable in the first instance, and it is for this reason that we now have this Bill before us. The Commission's first findings fell down, and it was then necessary for it to provide a second report. The Commission recommended that some local government boundaries be redrawn (when they did not need to be redrawn), and this was the reason for so much opposition to its recommendations. Had the Commission set out to reduce the 137 local government bodies in South Australia to about 100 councils, thus cutting out the unnecessary redrawings, instead of the 70 or so set out in its first report, that report may have been adopted without the necessity for this Bill.

In examining the necessity for this legislation and the reasons for the rejection of the Commission's reports by so many people I am struck by the rather quaint, not to say naive, idea (and I do not wish to denigrate the members of the Commission in any way) that large country cities, and large country towns that approach the size of a city (with a population of about 10 000 people comprising a city), have generally a community of interest with the large areas of surrounding rural land sometimes extending over a radius of several kilometres and that these areas should be attached to that large city or town, as suggested in the report.

The Royal Commission in a number of instances recommended that very large (in South Australian terms) country towns and cities should have considerable areas of rural land attached to them. In this connection I want to refer to the comments of the Royal Commission, because those comments relate to the reasons for the introduction of this Bill. In its first report the Royal Commission says:

> We have formed the opinion that these country towns and cities do not operate to the best advantage of local government as separate entities. In saying this, we are not in any way reflecting on the ability and effort of those councillors and officers of such bodies, but we believe that difficulties exist for two main reasons:
>
> *(a)* It is an unnatural situation to cut off from the surrounding areas the towns or cities upon which those areas rely—it is a breach of the "community of interest" rule.

I disagree with this finding. There is by no means a complete community of interest between large country towns and cities on the one hand and adjacent rural areas on the other hand. If the Royal Commission's proposal had come to fruition we would have had large areas of rural land adjacent to country cities providing a considerable proportion of the revenue of the local government body, but the people in those large rural areas would have had very little say as to how the money was spent. When the Royal Commission said that there was a community of interest between large country towns and surrounding rural areas, it was quite wide of the mark,

in some cases at least. In its first report the Royal Commission also says:

The town or city cannot afford, using that word in its widest sense, to supply the necessary facilities to the surrounding area without the help of the area it in fact services, and the area should not be expected to be separated from the town or city by which it is serviced. It is unfair that those who are outside the confines of the country town or city, are deprived of a say in the local government affairs of what, in common parlance, is known as "their" town In our opinion, the drawing of a red boundary line around a town or city creates a division that ought not to exist

I do not believe that a large surrounding rural area should be expected to be in all respects part of the town by which it is serviced and to which it gives considerable assistance. I doubt very much whether people in some rural areas would think it unfair if they had no say in what the Royal Commission chooses to call "their" town, and I doubt whether they would get a say of any consequence in any case. Further, I doubt whether the Royal Commission's conclusions in this respect show any real appreciation of the differences that obtain between large country towns with a large industrial population on the one hand and smaller country towns almost entirely dependent on rural pursuits on the other hand.

What I have said constitutes one of the reasons, and an important reason, for the unpopularity of the Royal Commission's report. It does not apply to anything like the same extent, of course, to those small country towns which at present serve as centres of country local government and which are composed very largely of people and enterprises that are directly allied to rural interests and rural matters

Turning to the Bill itself and having dealt with one aspect of the reasons for its introduction, I give it my support with two or three serious reservations. Clauses 7 and 8, as the Minister said, are the operative clauses of the Bill, which seeks to make it an easier operation for councils to effect amalgamations or alter boundaries where such councils and the Royal Commission agree. I do not intend to quote the whole of clauses 7 and 8, but I want to refer particularly to subclauses (1) and (3) of clause 8. Clause 8 provides:

The following Division is enacted and inserted in the principal Act immediately after section 45 thereof:—

DIVISION IX—Alteration of Areas by Agreement of Councils.

45a. (1) Where—

(*a*) two or more councils agree to a proposal for the exercise by the Governor of any of the powers conferred by section 7 of this Act in a manner that affects the boundaries of the areas of the councils;

(b) that proposal has been approved by the Royal Commission; and

(*c*) the proposal does not affect the area of a council that is not party to the agreement,

the councils may submit the proposal to the Minister.

All that that provision says is "where two or more councils agree": it does not say anything about how they shall agree. It presupposes that a council can agree by an ordinary majority. Honourable members who have been associated with local government will know that in many cases the quorum of a council is half of the total number of members of the council; or, in some cases, one more than half that number. It is possible for a council with eight members to have five members present and, provided that three members vote for a suggested new arrangement under this Bill, it would be passed. If the Bill was amended to provide for two or more councils to agree by an absolute majority of the members of the councils, it would be more in keeping with the situation. An amendment has been foreshadowed to that effect. I could not support the Bill in its present form, because it would permit a minority of a council to agree to a far-reaching proposal for an alteration. Clause 8 (3) provides:

If, within one month after notice of the proposal is given under this section, twenty per centum of the ratepayers of any area affected by the proposal, by instrument in writing, addressed to the Minister, demand a poll, a poll shall be held of all the ratepayers of the areas affected by the proposal.

This makes it almost impossible for ratepayers to object. I favour some alteration of boundaries, but I do not favour making it possible for a very small number of ratepayers to upset what is a considered and wise proposal. On the other hand, I do not believe that we should make it almost impossible for a considerable number of ratepayers to object. I believe that some provisions, one of which I have referred to and one of which I shall deal with later, border on the undemocratic. I believe that either the 20 per cent provision should be amended or that the other proposal to which I will refer should be deleted from the Bill. Although I stand to be corrected, I point out that the present proposals for a poll require that 10 per cent of the ratepayers demand it. This Bill deliberately makes it difficult by demanding 20 per cent, which is twice the present requirement. First, the ratepayers cannot have a vote on the suggested alteration unless they first carry a poll of 20 per cent; therefore, it is a somewhat negative proposal. The ratepayers can get a vote only if they can organise a successful poll, and the Minister has continued to make it difficult for ratepayers to object by including the provision contained in clause 8 (4), which provides:

In any such poll the question shall be whether the ratepayers approve of the proposal submitted to the Minister under this section and the question shall be deemed to have been carried in the affirmative unless a majority of the ratepayers voting, and at least one-third of the total number of the ratepayers on the voters' rolls for the areas affected by the proposal vote against the proposal.

I believe that the Minister is having two bites of the cherry: if a majority of the ratepayers vote against the poll, it will still be deemed to have been carried unless at least one-third of the total number of ratepayers on the voters' roll has also voted and if the actual majority covers that number of ratepayers. I believe that this is going from one extreme to the other. As I said earlier, I do not believe that a relatively few ratepayers should be able to upset what may well be a wise proposal and, on the other hand, I do not believe that the Minister should endeavour to make it almost impossible for a proposal to be disagreed to by a number of ratepayers by putting these difficult proposals before this Council. Therefore, I believe that the provisions, as I said earlier, border on the undemocratic and that either the 20 per cent provision should be reduced or that the one-third provision, to which I have referred, should be deleted from the Bill.

Another matter in the Bill causes me considerable concern, namely, clause 8 (5), which provides:

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

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

(*b*) provide that specified provisions of this Act shall apply in respect of a poll under this section with modifications specified in the regulations;

(*c*) make any other provision in relation to a poll under this section;

Paragraph (*d*) prescribes penalties. I believe that this is an unusual and dangerous step, because subclause (5)

provides that the Governor may make regulations which, regarding the poll, can alter the provisions of the Act. That is something which should never happen, and I am completely opposed to it. There are other matters which other honourable members have already dealt with or will deal with, but I have instanced the provisions of the Bill which concern me and which I believe should be examined closely by honourable members, and probably amended before the Bill becomes law. I indicate once again that I am not opposed to some rearrangement of boundaries, but I do not believe that it should be made so easy to rearrange boundaries and so difficult to delay the rearrangement that they could well be arranged in such a way that it would turn out in the long run not to be of benefit to the community itself.

With the exceptions to which I have referred, I support the Bill, but I do not believe in the concept the Royal Commission brought forward whereby it wanted to tack large rural areas on to large country towns and cities in which there was a minimum of community interest and where those country areas would be, without doubt in many instances, an after-thought as far as the new local government body was concerned.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Bill and some of the views expressed by honourable members when speaking to it. The Bill comes to us as a recommendation of the Select Committee into Local Government Areas. I think I could fairly say that this Government is viewed with the maximum suspicion by local government in South Australia; not only this Government but also the Commonwealth Government as well, because the pattern that has been espoused by the Labor Party for many years is gradually beginning to appear and to be seen by people throughout the length and breadth of the State.

There are one or two matters on which I will comment. First, I support the Hon. Mr. Hill's remarks, in which he took the view that a decision made in relation to clause 8, which deals with approved proposals with regard to amalgamation, should be made by a majority of the total number of members of the council. I think there should be no opposition to that. What we are dealing with is the question of perhaps a council meeting with only about 60 per cent of the councillors present and about 35 per cent of the councillors being able to make a decision binding the council.

On a matter such as this it should be decided by an absolute majority of the total number of the council. Secondly, I support the view that has been expressed where, in the poll of ratepayers, it should be a majority expression in each area affected by any of the proposals. It would be untenable if an overall majority of the areas involved was taken to mean that a small council could be taken over by a much more populous one, not to say that the latter would be the more efficient, either. I will support amendments with regard to the absolute majority of the council, and there must be a majority expressed at a poll from all areas involved in the proposals. The next matter I raise concerns clause 8 (5), which provides:

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

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

(*b*) provide that specified provisions of this Act shall apply in respect of a poll under this section with modifications specified in the regulations;

(*c*) make any other provision in relation to a poll under this section;

and

(d) prescribe penalties (not exceeding five hundred dollars) for breach of, or non-compliance with, a regulation.

It appears to be an odd way to go about making regulations so that a regulation shall specify that certain provisions of the Act shall not apply to a poll. I have examined this matter, and there may be a precedent. One may say that in one Act there is a precedent: regulations may be made specifying certain provisions for a poll, but I cannot find a precedent where the regulations will specify that certain provisions of the Act shall not apply. If one looks at the question in relation to regulations, one will see the point I am making.

There should be a safeguard of some sort, where regulations are being made, stating that a certain part of the Act shall not apply in relation to a poll. The regulations should become binding and operative only if the councils concerned agree to the provision. Otherwise, we are leaving ourselves open once again to a position where the law applying to polls can be removed by regulations and the councils themselves may not wish those specified provisions not to apply.

I do not know where to go on this matter, and I am seeking the Government's advice, first, on the point I made that the regulations that are to be made will have the effect of making an application of part of the Act null and void in relation to polls. Secondly, as a safeguard to that position, I would like the Government's view on the matter I have raised that, where regulations are made in relation to polls, the councils affected by the poll should at least have some right of objection to specific matters that may be included in the regulations. With those few remarks, I support the second reading, and in doing so I hope that the Government will note what I have said, particularly in relation to the regulation-making powers under clause 8.

The Hon. C. W. CREEDON secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (INSPECTIONS)

Adjourned debate on second reading.

(Continued from March 13. Page 2877.)

The Hon. C. M. HILL (Central No. 2): I support the second reading of this Bill. I listened to the fairly long address made by the Hon. Mr. Story last week when he covered in detail the 44 clauses in the Bill. I believe he made a worthy contribution to the debate. I therefore do not intend to repeat what he said. I simply have one query regarding clause 9, and I commend the Government on one or two other changes that it has introduced in the Bill. Finally, I want to speak in a little more detail about the major change in the Bill: the proposal to introduce compulsory mechanical checks on passenger vehicles.

My query regarding clause 9 deals with the new power being given to recover the cost of installing certain traffic control devices near shopping centres and other traffic-generating developments. Although I know that this measure was inevitable, I am concerned that, under clause 9, existing developments could be charged for the maintenance of existing traffic control devices. I question whether this would be fair

A developer planning a large shopping centre or who is in the first stage of purchasing the site will, if this Bill passes, add within his estimates a cost of installing and maintaining traffic control devices near his project. Those who have existing investments of this kind may find it rather harsh financially if suddenly they are billed, from that point onwards, with regular maintenance

accounts. The larger developer is not the party about whom I am greatly concerned. However, there could well be a row of relatively small shops, mostly in single ownerships, and it may be that a traffic crossing in that vicinity could be deemed to be the responsibility of nearby owners. In that case, people with fairly limited means could be faced with unexpected outgoings.

I do not think that would be either reasonable or fair and, although I realise that the Council is at present jammed up for time, I wonder whether, from the point of view of the smaller business people in the category to which I have referred, this point could be clarified. It may well be that the Government does not intend to charge maintenance where existing crossings and devices are installed. However, I should like the Minister to answer my query regarding this matter.

There are two matters of change, namely, in clauses 12 and 22, that I wholeheartedly support. In clause 12, power is given for some existing signs to be changed if they are deemed a danger to traffic. I have noticed from time to time at some intersections that there are, for example, green and red neon signs, some being of the flashing variety.

The Hon. R. C. DeGaris: They can be dangerous.

The Hon. C. M. HILL: They certainly can be dangerous.

The Hon. R. A. Geddes: And terribly confusing.

The Hon. C. M. HILL: That is so. Control over such signs is to be given, and owners of this kind of sign will be asked to make alterations to them. My second point regarding clause 22 deals with the requirement for passenger buses and vehicles carrying flammable material compulsorily to stop at all railway crossings. This is something that I have noticed happening outside the State, and I have always commended it. It is pleasing to see that in future in South Australia such vehicles will, by law, be required to stop, in the cause of road safety, at all railway crossings.

I now move on to the principal change in the Bill, which deals with the establishment of the central inspection authority. Like the Hon. Mr. Story, I have for some time believed that there should be compulsory mechanical checks on passenger buses. Indeed, the Government of which I was a member in 1970 included in its policy speech for that year a statement that compulsory checks of this kind were to be implemented for passenger buses and also, incidentally, for heavy commercial vehicles.

By the latter, we meant semi-trailers and vehicles of that kind, as at that time there had been one or two serious accidents involving semi-trailers. I agree that passenger buses should be subjected to these compulsory checks. The whole problem will arise in the machinery set up to enable this work to be carried out.

I have always believed that private enterprise could do the job and that responsible motor engineers and garages throughout South Australia could be registered by the authorities to carry out periodical inspections. I am quite satisfied with the six-monthly period; although I think a 12-monthly period is all that is really necessary, I do not object to the six-monthly period.

Registered engineers and mechanics, garages, and so on, could make inspections of these vehicles, and the owner of the vehicle could simply send a certificate to the central authority. That would suffice to show that the vehicle had been inspected; the standard of inspection would be assured because of the repute of the licensed or registered mechanics. Simplicity in that form, relying on the efficiency of private enterprise to do the job, would be the best approach.

The Hon. M. B. Dawkins: We would get away from bottlenecks in that way.

The Hon. C. M. HILL: That is right. It would avoid bottlenecks, and that is an important aspect, especially during the introduction of this scheme, with special reference (and I know the Hon. Mr. Dawkins would have this in mind) to country areas. I do not know whether the Government intends to develop that method. Certainly, in the legislation before us the Government garage is to be the central inspection authority, and that authority is to have the power to delegate to people the right to make those inspections. It also has the right to delegate those powers to other parties and other Government departments. I stress that we are giving the authority power to delegate to other people the right to make those inspections.

If the Government garage, those in charge of it, and those who direct its operations take the view that this delegation should be given to reputable engineers and mechanics, I think the whole changeover to a compulsory system of inspection could be put in train, with a minimum of delay and fuss. However, if the delegation is given to other authorities of a Government or semi-government nature, or if the work of inspection is carried out in Gilles Street. I hate to think what complications and congestion could result.

Whilst the Government has left its options open, I hope that in implementing this scheme it will bear in mind that, in order to get the job done (especially in the initial stages) quickly and with a minimum of delay, delegation could be given to many mechanics and engineers throughout the length and breadth of the State. I am sure the change would then be implemented smoothly and in the manner in which we all would like to see it done. In general principle, I agree that it is proper that regular compulsory checks of passenger vehicles should be undertaken. Because I support that principle, I support this new proposal in the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given this Bill, and of course the Hon. Mr. Hill reminded us of the special attention it received from the Hon. Mr. Story last Thursday. We sat it out for quite some time, but his attention to it was much appreciated. The Hon. Mr. Story said that, in his view, the definition of an omnibus referred to a vehicle capable of carrying more than six passengers; in fact, the definition refers to a vehicle that can carry more than eight passengers. I turn now to his specific queries. He asked for some idea of the cost of the inspectorial services. It is expected that initially the cost will be about $70 000. This will include equipment and additional officers (expected to be four inspectors and two administrators). This figure will drop back, as a proportion relating to equipment is an initial expense only, not a recurring one.

Honourable members have asked whether it is contemplated that the authority will delegate its powers to have some form of contract inspection. It is not intended that there will be contract inspectors. In country areas it is intended to use existing facilities of other departments that have the necessary expertise to carry out such inspections. In addition, a mobile inspection service will be moving around the State. The honourable member also asked whether the Government Motor Garage would be capable of inspecting all the omnibuses in the metropolitan area, and suggested that it would be most expensive to extend the garage. It is proposed that inspectors will be provided to go out to the various depots rather than for the vehicles to come in.

The other suggestion made by the Hon. Mr. Story was for some better form of notifying the public regarding regulations. Generally speaking, any publicity on the Road Traffic' Act is dealt with by the Road Safety Council. Provided that the Road Traffic Board lets the council know what changes have taken place, it is up to the council to decide what steps will be necessary to inform the public. It depends on the effects such changes will have in the community as to the extent of publicity given. From time to time the Road Traffic Board also has information sheets available for distribution on request,

The Hon. Mr. Hill tonight referred to clause 9, which relates to reimbursement or recovery of the cost of installing and maintaining traffic control devices from owners of businesses that necessitate the installation of such devices. The intention of the Government is to recover costs only in relation to future installations, and not in relation to those already in existence.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Installation, etc., of traffic control devices."

The Hon. C. R. STORY: In his concluding remarks the Minister almost laughingly said that only future installations would be brought under the provisions of the Act. Whilst I do not doubt that that may be the intention, as the law is written, and with the amendments before us, that is not clear. This clause amends section 17 of the principal Act by inserting the words "alter", "altered", or "alteration", according to the sense in which the word is used. That would not be done unless some use were to be made of it, and I suggest that the use is that, if a traffic control device is altered, any one of these people who have premises adjacent to the device can be called on to pay all or part of the cost of the alteration. Although this provision may apply only to new installations, I think that, if installations are altered as a result of congestion resulting from the activity of a certain firm or firms, the amendments here will net in people because of the reference to "alteration".

The Hon. D. H. L. BANFIELD (Minister of Health): It depends on whether there is an alteration of a system from one type to another. I refer to a press-button system at a pedestrian crossing. If a business is established necessitating its alteration, I would say that was a new type of system, and it could come under the provision. However, I give an assurance that the Government does not intend to recover the costs of maintenance and alterations to existing devices (by "alterations" I do not mean the providing of new devices). The Government will not be seeking to recover the cost of devices already installed.

Clause passed.

Clauses 7 to 30 passed.

Clause 31—"Duty to comply with requirements as to lamps and reflectors."

The Hon. C. R. STORY: This clause repeals sections 111 to 118 inclusive with the exception of section 115, and inserts new section 111, which provides:

A person shall not drive a vehicle or cause a vehicle to stand in a road if in any respect the vehicle or its load (if any) does not comply with the requirements of the regulations relating to lamps or reflectors. Penalty: One hundred dollars.

Those sections to be deleted all specifically and clearly lay down the requirements under the Road Traffic Act dealing with reflectors and lights. Henceforth, as a result of the repeal of those sections, the requirements in respect of lighting and reflectors on vehicles will be promulgated by regulation. This may make the position easier departmentally, but from the public's point of view the situation will not be so good. In the past 12 months we have seen many regulations under the Road Traffic Act created by the Road Traffic Board in every sort of form, covering traffic control and many other things. It is almost impossible for an individual to keep up with those regulations. Many members of Parliament are probably not aware of what has happened as a result of these changes. There should be some easy means, if alteration by regulation is to be instituted (and this seems to be the tendency of this Government in other Acts), to keep the public in touch with frequent changes to regulations.

I do not believe that we should go for regulations at this time. It took many years for this Council to convince previous Governments that the use of proclamations was not acceptable to Parliament. The use of proclamations is a Minister's dream. It is quick and tidy from the department's point of view, but from the public's point of view it is not good practice. I would rather see things written clearly into Acts and for Parliament to have time to debate matters properly. We should make regulations only when they are completely necessary, If the current practice continues, a tremendous amount of legislation will slip past Parliament without Parliament knowing of it and giving it proper attention. I do not believe that this is the proper way for such matters to be handled.

The Hon. D. H. L. BANFIELD: I appreciate the point raised by the Hon. Mr. Story. However, we must all agree that the Road Safety Council is doing a magnificent job in publicising any changes to the Road Traffic Act. I am convinced that it will give great publicity to changes made by regulation and that the public will be made aware of any changes made as a result of the regulations. For those reasons, I consider that we should agree to this clause.

Clause passed.

Clauses 32 to 42 passed.

Clause 43—"Enactment of heading and sections 163a to 163i of principal Act."

The Hon. C. M. HILL: In his reply on the second reading, the Minister referred to inspection depots throughout the State for the proposed compulsory inspection of passenger buses, which indicated to me that the Government intended setting up depots throughout the State and that this would allow for the delegated power from the central inspection authority, which will be the State Government Garage.

This initial planning completely contradicts the point I was making, and I strongly object to it. What we are seeing here is the beginning of more empire-building. It is common practice with this Government to build up this kind of Socialist framework throughout the State when there is no need for this kind of machinery. The same objectives could be achieved by other means.

All that is needed is for a certificate to accompany the renewal of registration of these passenger buses, and it could come from a local garage or local mechanic or engineer already approved by the central authority. That is the best way to do it. If the Government begins to set up depots to carry out these checks, the cost will grow and grow, and someone must pay.

It is not good enough to say, "We will charge the bus proprietor," as the Minister said in his second reading explanation, because these costs are always passed on to the consumer, the passenger; so, we have this inflationary

trend. I give my wholehearted support to the principle, but I ask the Government to call in private enterprise to give that system optimum efficiency thereby accomplishing the objective in the best possible way.

The Hon. D. H. L. BANFIELD: The inspections will be carried out at depots already set up, such as Municipal Tramways Trust and the Engineering and Water Supply Department depots; it will not be a matter of setting up a chain of depots.

The Hon. C. M. Hill: What about the country?

The Hon. D. H. L. BANFIELD: The Engineering and Water Supply Department has depots in the country, and buses will go to them. It is planned to use the existing facilities of other departments with the necessary expertise to carry out these inspections, and a mobile inspection service will move around the State.

The Hon. M. B. DAWKINS: I am concerned particularly about the situation in the country. The Minister has said that Government-appointed inspectors will do the work in the city, and apparently that is to be the case in the country also. He has said that the Engineering and Water Supply Department has depots in the country, but whether the department has people as competent to carry out these inspections as are experienced mechanics in local garages is open to doubt. I, too, am concerned about cost. As there will probably be empire-building, it could mean another army of inspectors, and all of this work is unproductive. Will the Minister reconsider the situation and the Hon. Mr. Hill's suggestion whereby the expertise of suitably approved country mechanics could be used more economically than setting up an army of Government inspectors? I oppose the clause.

The Hon. C. R. STORY: Can the Minister say who will comprise the authority?

The Hon. D. H. L. BANFIELD: The Government Motor Garage will be the authority.

The Hon. C. R. STORY: Will the head of the garage be the head of the authority?

The Hon. D. H. L. BANFIELD: Yes.

The Hon. C. R. STORY: Does the Minister know what the initial cost of setting up the organisation will be?

The Hon. D. H. L. BANFIELD: It is expected that, initially, the cost will be about $70 000, including equipment and additional officers, comprising four inspectors and two administrators. This sum will reduce, as the proportion relating to equipment is an initial expense, not a recurring one.

The Hon. M. B. DAWKINS: I am not opposed to the principle of inspections, but has the Minister any estimate of the number of inspectors who will be needed if, as appears likely, the inspections will be carried out throughout the country as well as throughout the city by Government inspectors?

The Hon. D. H. L. BANFIELD: I cannot say what salary will be set for the inspectors and for the administrators, but the cost will include the salaries of the four inspectors and the two administrators.

The Hon. M. B. Dawkins: Do you think four inspectors can cover the whole State?

The Hon. D. H. L. BANFIELD: There will be an additional four inspectors and two administrators.

The Hon. C. R. STORY: Regarding new section 163c (1) (*c*), what does the Government have in mind regarding "any other vehicle, or vehicle of a class, that may be prescribed"? Are they vehicles that are being fabricated by these people for use on the roads, or does this apply to vehicles with over-size wheels that one sees on the roads? Alternatively, perhaps the Government has in mind a special class of vehicle that is to be brought within this provision.

The Hon. D. H. L. BANFIELD: I understand that it will involve any class of vehicle that carries more than eight passengers. I assure the Committee that this provision was included to cover any vehicle not known as an omnibus.

The Hon. C. R. STORY: I do not think that is correct. An omnibus is referred to in new section 163c (1) *(a),* although new section 163c (1) *(c)* refers to any other vehicle, or vehicle of a class, that may be prescribed.

The Hon. D. H. L. Banfield: It refers to a vehicle that carries passengers; that is the whole purpose of it.

The Hon. C. R. STORY: I cannot relate paragraph *(c)* of new section 163c (1) to anything that precedes it. I wonder whether this is a completely different function of the provision.

The Hon. C. M. HILL: I had the same fear as the Hon. Mr. Story when I reviewed the Bill initially. I wondered whether it was not intended to regulate commercial vehicles other than passenger vehicles. From reading new section 163c (2), I assume that the reference to "a vehicle to which this Part applies is driven for the purpose of carrying passengers" indicates that the Bill refers to passenger-carrying vehicles only. If the Minister would confirm my contention, I should be much happier than I am at present. I think, as does the Hon. Mr. Story, that it may be possible for paragraph *(c)* of new section 163c (1) to cover vehicles that are not passenger vehicles.

The Hon. D. H. L. BANFIELD: I assure the Committee that it relates solely to vehicles that carry passengers. For instance, a school bus is not covered under the Act. That is the sort of vehicle that would have to be prescribed. Although a school bus is not prescribed in the Act, it is a passenger-carrying vehicle.

The Hon. C. R. STORY: I find that difficult to understand. As an omnibus is a vehicle that carries at least nine persons, I assume that it would involve a minimum of eight passengers and the driver. I cannot see, therefore, that such an omnibus would be included in that category. Subsection (2) of new section 163c does not apply to new section 163c (1) (c).

The Hon. D. H. L. BANFIELD: This would apply to school buses which are not plying for hire but which are carrying passengers. We must prescribe buses that are carrying passengers in addition to buses that are plying for hire or reward. That is why paragraph (c) has been included in new section 163c (1).

Clause passed.

Clause 44 and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from March 13. Page 2879.)

The Hon. C. M. HILL (Central No. 2): This Bill flows from the Road Traffic Act Amendment Bill with which the Council has just dealt. It makes some amendments necessitated by that Bill and some fair and reasonable readjustments to points under the points demerit system. The Bill also makes some metric amendments that seem to be necessary, and corrects one or two small anomalies. I support the Bill.

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

MANUFACTURERS WARRANTIES BILL

Adjourned debate on second reading.

(Continued from March 13. Page 2880.)

The Hon. B. A. CHATTERTON (Midland): I rise to speak briefly to this Bill, considering as I do that the Hon. Mr. Burdett and the Hon. Mr. DeGaris have not fully understood its implications. Honourable members may therefore be somewhat confused.

The Hon. R. C. DeGaris: Will you explain it to us?

The Hon. B. A. CHATTERTON: Yes, I will. First, the Hon. John Burdett said that the Attorney-General seemed to have little or no knowledge of the market place (this was in reference to this Bill). In fact, the manufacturers now dominate the market place and anyone who has studied trends in the marketing of manufactured products in the past 10 or 15 years will realise that that is so. No longer do we have people as general merchants, but rather as specific agents for a single manufacturer; not only are they specific agents for this manufacturer, but there is an increasing trend for the manufacturers themselves to take over retail outlets. We have seen this especially in the motor car industry, where many of the largest dealers are owned by the manufacturers themselves. It is a continuing trend, and it is an indication of the way the market is actually moving. The Hon. John Burdett also said:

> Will the Minister, when replying, say what complaints have been made to the Government that would be cured by the Bill? What surveys have been made; what indication has there been of manufacturers who will not stand behind their warranties;

The point behind the Bill is not that manufacturers are not standing behind their warranties, but rather that the responsibility now will be with the manufacturers for a warranty. In the past we have had the situation where manufacturers have been able to write their own warranties and have been able to exclude many of their responsibilities.

Anyone who has purchased a motor car will be well aware of this. When one purchases a motor car, one does not purchase a collection of parts, but rather something that has been assembled; in other words, a great proportion of the cost of that motor car is the labour content that went into its assembly, and yet it has been a common practice for motor car manufacturers to exclude labour from their warranty, and one gets the situation where a very expensive repair is made under warranty and yet the manufacturer covers only the parts. The main thrust of the Bill is to change the responsibility to the manufacturer to provide a warranty.

The Hon. Mr. DeGaris had some similar complaints about the Bill and also some specific ones in relation to manufacturers. He claimed that the warranty would extend to secondhand goods, but in fact it would be extremely difficult for that to happen because of the difficulty of proving in court that the fault had been originally in the manufactured goods when they left the hands of the manufacturers. If it had been in the hands of a great number of people it would be extremely difficult for such a warranty to continue to secondhand goods.

The Hon. R. C. DeGaris: But why should that person have to prove it in court? That is the point I am making.

The Hon. J. C. Burdett: I said that, anyway.

The Hon. B. A. CHATTERTON: Yes. The same sort of thing applies to the question of hiring. If 30 or 40 people had been using the manufactured product it would be extremely difficult to carry the warranty through. The important thing about hiring is that many products are hired only to one person. In particular, we think of television sets which are now being hired on the basis of one person, and it would be a pity if the warranty were defeated because it was on a long-term hiring basis to that one person.

The Hon. R. C. DeGaris: That is somewhat different, isn't it?

The Hon. B. A. CHATTERTON: That is the situation. The sale is not to the hirer but, if the product is excluded because it is a hiring agreement, it would negate the principle.

The Hon. R. C. DeGaris: The hiring principle with new goods would be different from that with secondhand goods.

The Hon. B. A. CHATTERTON: Other points raised by the Hon. Mr. DeGaris were in some ways answered by the Hon. John Burdett, and perhaps it would be better if I were to quote his comments. Some of the problems of definition raised by the Hon. Mr. DeGaris were answered by the Hon. John Burdett when he stated:

> I refer to the term "merchantable quality", which is used in clause 4 of the Bill and which some honourable members might feel is too wide and too vague.. I point out that the term is used in the Sale of Goods Act, and has been a recognised term in the law of sale of goods for centuries.

The Hon. John Burdett also went into some of the problems of conflict that the Hon. Mr. DeGaris raised between this Bill and other legislation. He states, for example, that in relation to the Trade Practices Act he cannot see any considerable difficulties in this area. I support the Bill, and I think it should be made clear to all honourable members that the main reason for its introduction—

The Hon. R. C. DeGaris: It does conflict with the Standards Association, doesn't it?

The Hon. B. A. CHATTERTON: It would probably be better to consult a lawyer on this question; I do not think the Hon. Mr. DeGaris or I would know whether or not it conflicted with the Standards Association. The main reason for the Bill is to put the responsibility on the manufacturer, where it truly lies.

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

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 11. Page 2760.)

The Hon. C. R. STORY (Midland): I sought leave to conclude my remarks because I wanted more time to consult the industries and the co-operatives working under the provisions of the principal Act. When I spoke last I set out some of the problems that had resulted from hasty changes to the 1966 amendments to the Act. Perhaps the best way to approach this subject is to deal with it on the basis of what has happened in this legislation since 1966. The Act had few amendments before that year. It has always been asserted by people who know anything about this legislation (and it is complex legislation) that the fewer amendments made to it, the better. This is borne out by what has happened in the drafting of amendments in 1966, 1973 and 1974. The Government seems to be under the misapprehension that, because the Industrial and Provident Societies Act provides for co-operatives to be set up under it, the voting system that should apply should be of one vote one value. On the very first time that the industries asked for an increase in shareholding, the Government tried to cement that principle into the Act, and we are still paying the penalty for that, because all these amendments have been incorrect; they have been brought back here, and this is the third time (and I am not at all

satisfied that they are correct in detail this time). In 1966 the Hon. D. A. Dunstan introduced amendments to this Act in another place. I have outlined previously why they were hasty amendments (they were pushed through both Houses in 24 hours) and I refer to the second reading explanation of the Hon. D. A. Dunstan, as follows:

It is considered desirable, in order to prevent members with large shareholdings from exercising control of a society to the detriment of members with small holdings, that general voting rights should be limited in the case of future societies—

and I stress that—

to provide for the principle of one member one vote unless the Minister in the case of any particular society approves of a different scale of voting. Accordingly, clause 4 of the Bill makes such a provision in relation to future societies.

I believe that the people who voted and spoke on this matter in 1966 in this Council and in another place took for gospel what was said in the second reading explanation. In fact, that explanation almost matches with the Bill as it then existed.

The Hon. R. C. DeGaris: It has run the full circle.

The Hon. C. R. STORY: It has just about done that. I am sure that the Premier did not intend the amendment to do what it finally did. I think it was drafted by Dr. Wynes. It certainly does not match up with what has happened since. It is rather futile to say that large shareholders should not dominate small shareholders because, under the provisions of this Act, the Registrar has complete control. Section 8 provides:

(1) The Registrar may refuse to register any rule or amendment of rule which, in his opinion—

(*a*) would adversely affect the financial position of a society to the extent of unduly reducing the assets; or

(b) imposes any unreasonable condition affecting the rights of members, or contains any inequitable provision relating to the settlement of disputes or the terms of withdrawal of members from the society.

He has the control of amendments to the rules. I do not see that there is nearly so much danger in this matter as do some other people who keep on insisting on this equity in voting. In the case of the Registrar refusing to amend or register a rule there is provision in the Act for an appeal to the Supreme Court. If the Supreme Court upholds the rule the Registrar is to register that rule and give certain notices about it. The most interesting thing that comes out of all this is the 1966 amendments to section 12 of the Act. Section 4 of the 1966 amending Act provides:

Section 12 of the principal Act is amended by inserting at the end thereof the following subsection:

(8) Notwithstanding anything in this Act, the rules of a society registered under this Act after the commencement of the Industrial and Provident Societies Act Amendment Act, 1966, shall provide that each member of such society shall be entitled to one vote only at any meeting of the society, and no amendment of the rules of any society existing at the time of such commencement shall provide that any member of the society shall be entitled to more than one vote only at any meeting of the society. Provided that in the case of any particular society registered after the commencement of the Industrial and Provident Societies Act Amendment Act, 1966, the Minister may, upon application by that society, approve in writing any different scale of voting in which event the rules of the society may provide for such different scale of voting.

People who actually voted for this provision in 1966, I am sure, believed that all co-operatives existing before 1966 would be able to continue their business in exactly the same way as they had always done previously. All the large co-operatives on the Upper Murray had a one vote one value system in their voting in any case, and that has always been the position. However, the position with Hills co-operatives is quite different. Hills co-operatives more space was required, money was sought to obtain the had a system of voting that was tied to the amount of space that growers required in the cold-storage area. If initial deposit to borrow on, and each grower decided how much space he would need in the cold-storage facility and he contributed funds in accordance with his needs.

This money was taken in the form of share capital, and each share carried a certain number of votes. At Ashton the voting system was five votes for each $2 share. At Lenswood there were three votes for each bushel of space required in the cold store. Balhannah had another system, and other co-operatives had various requirements. All these systems had been carefully worked out and contained in the rules of the society. It was understood that nothing was to be done in the 1966 amendments to upset the operation of those co-operatives, but any formed after 1966 that wanted a different system of voting from the one vote one value system were to submit their rules to the Attorney-General, who would have to approve any different type of voting system. Through a difficulty in drafting, it was found that the Registrar of Companies did not get what he desired, and it was the Registrar of Companies who put up the idea to the Dunstan Government in the first place.

The Registrar did not get what he hoped for in the 1966 amendments. By some strange method it was decided to attempt, in the Statute Law Revision Act, 1973, to amend this provision to validate something that I believe was never intended in the first place and was certainly never asked for by the co-operatives. It went through completely by default. One honourable member in this place spoke on the legislation in a few words; he merely said that it was a good thing to correct minor errors and anomalies, but one would not say that this was a minor error or an anomaly.

The Hon. R. C. DeGaris: It could appear to be a minor anomaly to those who did not understand it.

The Hon. C. R. STORY: Yes. The provision states:

Section 9 is repealed and the following section is enacted and inserted in its place:—

9. The following section is enacted and inserted in the principal Act immediately after section 2 thereof:—

2a The amendments made by the Industrial and Provident Societies Act Amendment Act, 1966, apply and shall be deemed always to have applied in relation to societies existing at the time of the commencement of that Act and to matters in force or pending at that time as well as to societies and matters existing or in force after that time: But, unless the Minister in writing on the application of a society so approves, those amendments do not entitle, and shall be deemed never to have entitled, any member of a society existing at the time of that commencement to any greater number of votes at any meeting of the society than that member was entitled to at the time of such commencement, whether or not such member increased his interest in the shares of the society to an amount exceeding four thousand dollars.

This is the first time that the matter of $4 000 has cropped up. It has never been debated in Parliament at all. No-one knew that it was to form part of the Act. I worked on the matter for two days to try to find out where new section 2a fitted in. The auditors for industrial and provident societies were experiencing equal difficulty about new section 2a, which slipped through. The first mention anywhere of the sum of $4 000 is here. Another amendment in 1966 allowed for the permissible limit of shares to be increased from $4 000 to $10 000. So, to patch this

up, the figure of $4 000 has been taken, because that is the figure that existed at the time of the passing of the 1966 amendment. I do not believe that that was ever intended. It was a funny way of getting it into the legislation.

The Hon. R. C. DeGaris: Was that in statute law revision legislation?

The Hon. C. R. STORY; Yes. It does not show anywhere except in the 1974 Statute. In the index we find an annotation mentioning the Statute Law Revision Act. The ordinary person would not be able to work out these things. To straighten out this situation, amendments were introduced in 1974 because the Jon products co-operative had done a honeymoon deal with the Kyabram co-operative in Victoria, and it was necessary to have a different form of voting to amalgamate the two companies. So, the Attorney-General, on being approached, agreed that this was a good idea. When it was looked at to find a necessary amendment, I think they then found that the 1973 amendment existed, although it had never been to Parliament. So, an attempt was made to straighten out the situation, and the attempt has proved to be equally abortive. In 1973, new section 9 was enacted. Clause 2 of the 1974 amendment provides:

Section 12 of the principal Act is amended by striking out subsection (8) and inserting in lieu thereof the following subsections:

(8) Subject to subsection (9) of this section—

(a) the rules of a society registered under this Act after the commencement of the Industrial and Provident Societies Act Amendment Act, 1974, shall provide that each member of the society shall be entitled to one vote only at a meeting of the society;

and

(b) no amendment shall be made to the rules of a society registered under this Act either before or after the commencement of the Industrial and Provident Societies Act Amendment Act, 1974, under which the voting rights of any member of the society are expanded.

On this occasion they forgot all about the sum of $4 000. The figure has gone out of the legislation, and it has gone back to words again. The voting rights of any member of the society are expanded. The Bill now before the Council tries to correct the same situation.

Clause 5 provides:

The following section is enacted and inserted in the principal Act immediately after section 12 thereof:

12a. (1) In this section "prescribed society" means a society registered under this Act before the commencement of the Industrial and Provident Societies Act Amendment Act, 1966, the rules of which entitled any member of that society to more than one vote at a meeting of that society but does not include any such society an amendment of the rules of which has been authorised by the Minister pursuant to subsection 9 of section 12 of this Act.

(2) Notwithstanding anything contained in the rules of a prescribed society, but subject to subsection (3) of this section, a member of such a society (other than a member that is a registered society) who has or claims an interest in shares in that prescribed society that exceeds four thousand dollars shall not be entitled to exercise voting rights at any meeting of members of that society in respect of the number of shares held by him that represents that excess.

So, we return to a figure again in trying to correct the situation and, in this whole process, the voting rights of those co-operatives are being inhibited. The net result of all this is that the Government has got its way with regard to those companies which, in 1966, had a voting system whereby 500 shares gave a man a vote and 250 shares gave a man one vote. Under the 1966 Act, the co-operatives were permitted to function but, if they wanted to alter their rules in any way, they had to apply to the Registrar, with the Minister's permission. Another category had a different system of voting. Those people, as I have said, have a long-standing arrangement under which their money was taken away from them on the understanding that their voting powers were worth a certain thing. This will now be denied them, and the effect of the amendment will be that the whole position will come down to a one vote one value system.

As the members reach a $4 000 value vote, they will be pegged at that, and the people below them will come up to meet them. Eventually, everyone will be equal. These people have no choice in this matter, because it is not a matter of their applying for more shares. These shares are being given to them as part of their bonus pay-out. The rules of their companies provide that part of the profits of the company shall go to the shareholders in reversionary reserve to make up for the rights of the society.

Part of the money will go to them in cash and part will go in shares. A man could have 7 500 shares but exercise rights over only 4 000; that is a completely wrong principle. The principle was set up in the first place for a specific purpose, and to deprive those co-operatives that have had it in 1966 is entirely wrong. In my present mood, I intended to vote against the insertion of new section 12a and try to get the position back to what it was in 1966. No-one would be harmed if the Bill was laid aside; it would give people more opportunity to do some drafting and it might clear up the position once and for all, I hope. I am not in favour of what is being done in clause 3, which defines "the permissible amount" as follows:

means ten thousand dollars or such other amount as is for the time being specified in the rules of the society as being an amount representing the greatest interest that any member other than a registered society shall have or claim in the shares of the society.

We are departing from $10 000, which is the permissible sum relating to any society under the Industrial and Provident Societies Act, and we are now letting companies have a completely free go regarding the amount of capital they can raise if they wish. One of the main objectives stated by the Premier in the 1966 amendments was that we had to keep a brake on the co-operatives' finances. I see no dangers in this measure, because the Registrar is armed to the teeth with powers under the present Act not to register amendments where they will put companies in financial difficulty. Also, the societies themselves are responsible people. This is not something that has grown up overnight or something the Dunstan Government has found: some of these societies have been in existence for between 70 years and 90 years and some, under the Act, for well over 50 years, and they have proved themselves to be completely responsible.

For someone to come along and take away their voting rights and upset what they are doing is, I think, completely unjust. I will do my best to try to get the situation back to what it was in 1966. I do not mind what happens to companies formed after 1966, because they are a different class of co-operative altogether. If the Government wants to establish co-operatives for Aborigines to run their own projects, that would be a class of co-operative set up after 1966, and the Government is entitled to protect the shareholders. The Attorney-General or the Minister should ensure that the rules are in order. However, it is impudent and wrong to interfere with established co-operatives. I think that something slipped through in 1966 that should not have

slipped through. An attempt to correct it was made in 1973, and a botch was made of it. In 1974, the situation was little better and, if the Bill was allowed to go through in its present form, we would not be doing anyone a service. I am opposed to that provision.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Application of 1966 amending Act."

The Hon. D. H. L. BANFIELD (Minister of Health): As the Hon. Mr. Story requires replies to the questions he has asked, I ask that progress be reported to enable me to obtain them.

Progress reported; Committee to sit again.

SHEARERS ACCOMMODATION BILL

Adjourned debate on second reading.

(Continued from March 13. Page 2877.)

The Hon. R. A. GEDDES (Northern): When one looks at the Notice Paper, one realises that it is almost a rarity for the Government even to consider primary industry. It is regrettable that we must now debate this Bill, which takes away all the strength from the original Act and gives to the Minister *in toto* regulatory powers regarding the administration of the legislation. It is all very well for the Government to provide in legislation that shearers and their workmen (shed hands, classers, and so on), who harvest South Australia's wool crop, which in the past financial year was valued at more than $150 000 000, should have a certain standard of accommodation.

However, there is no legislation covering the accommodation for Railways Department workers who live in humpies, or for Highways Department employees who must live in extremely primitive conditions, particularly in the country. The pastoral industry is apparently considered to be fair game, pastoralists always being regarded as well-heeled, wealthy, capitalistic profiteers. Railway workmen must live in appalling conditions, if not in railway carriages with inadequate toilet facilities then in houses built at the turn of the century to which very little has since been done,

I have been invited into the homes of many Railways Department workers to examine the deplorable conditions in which they live and, when Railways Department employees complain about those conditions, they are told that they can either lump it or leave it. These gangers cannot afford to leave their jobs, even when they get that sort of treatment. Does any legislation relate to the conditions in which Highways Department employees must live in camps at, say, Hawker or Morchard?

The first alteration I would suggest to this Bill is that its title be amended to "Itinerant Workers Bill", so that its provisions would relate to all workers who live on the track. I refer, for instance, to shearers, Railways Department workmen, Highways Department employees and the many other people employed by various Government departments. It is a slur on the Government, with all its talk of helping the metropolitan area, helping where the votes are. However, when it comes to the humble man in the bush or in the country not a word is said, and no-one cares. The various departmental heads say, "You make application for running water in the kitchen or for a drain from the kitchen sink away from the house, and we will consider it."

I have seen houses in the country town near where I live where there is no adequate drainage from the kitchen sink or from the bathroom except outside the walls of the house, where the flies love to breed. The only way in which the conscientious housewife can improve the conditions is to cart the water well away from the house. Such amenities are written into the existing legislation covering shearers' accommodation, which provides how far away the drainage shall be, how far away the septic tank shall be, what sort of conditions will be provided for the cook, and what sort of beds the shearers will sleep in; but there is not a word for the man employed by the Government. He has to hump his bluey, and if he tries to complain he just runs up against officialdom in various forms. It makes me sick.

The Bill contains regulatory powers, and Parliament ceases to have control or to be able to advise the Government as to how shearers' accommodation shall be ordered. The Bill provides that the inspector may, on production of his card or credentials, inspect the premises. He may insist that certain alterations shall be carried out within 12 months, and the landholder has a right of appeal only to the court. In Committee I shall move to provide, by way of amendment, that if the landholder, because of economic circumstances or through being unable to get a builder, is unable to comply with the order, he may appeal to the Minister, who shall give consideration to his request. The inspector may have scant regard for the economic circumstances of the landholder, and he may also have scant regard for the Commonwealth Government's removal of depreciation rights to rural industries resulting in a situation where improvements previously possible because of income tax concessions are no longer possible; there is no depreciation allowance. The inspector can write out an order stating that the landholder must make whatever improvements the inspector thinks fit, and make them within 12 months. I do not think I need to exaggerate what the inspector may say. Honourable members may have read the report in the *Advertiser* last week stating what a certain person thought of the conditions in which shearers live (and I do not agree with that at all). If we were to take that extreme case, and if the inspector could find somewhere where it was better to eat outside under the gum trees or where the shearer's only palliasse was some chaff thrown to him—

The Hon. D. H. L. Banfield: The chap who said that was a practical man, a shearer, wasn't he?

The Hon. R. A. GEDDES: I am not concerned with practicalities. If those conditions applied, the inspector would have to make an order, and the landholder, who could be in serious financial difficulties, would have to comply with the requirements of the legislation; he would have only 12 months in which to do so. Is the Minister aware of the difficulty of getting a builder in Adelaide? If he multiplies that difficulty by 400 times he will find how difficult it is to get a builder in country areas. My foreshadowed amendments will attempt to alleviate two problems: the landholder may have the right of appeal to the Minister if, first, he cannot afford to carry out the work ordered, and, secondly, he cannot get a builder to carry out the work within the time limit of 12 months.

The principal Act came into being in about 1921. In those days the Government of the day had respect and concern for the pastoral interests which were the principal employers of shearers. Governments have always conferred with the Stockowners Association of South Australia before introducing legislation or amending regulations. On July 23, 1974, His Excellency the Governor made reference in this Chamber to forthcoming amendments to the Shearers' Accommodation Act. The executive officer of

the Stockowners Association (Mr. D. H. Kelly) wrote to Mr. Bowes (Secretary for Labour and Industry) as follows:

From the Governor's Speech when he opened Parliament on July 23, 1974, I was interested to note that the Government intends to amend the Shearers Accommodation Act in the current session.

As you will know, it has been the custom in the past for proposals to amend this Act to be referred to the association for its views prior to the legislation being introduced into Parliament and in some cases such amendments have been the subject of mutual agreement between ourselves and the A.W.U.

It would be appreciated if you could let me know what alterations to the Act are proposed so that we can have the opportunity of giving them our consideration.

The letter was acknowledged, but no further communication was received between August 6, when the letter was written, and the introduction of the legislation this month in another place. There is the breakdown of the traditional decency Ministers and Governments have always shown to an organisation vitally concerned with the industry; it has been absolutely ignored. That explains, in simple terms, the reason for my third foreshadowed amendment, which will provide for the formation of a committee, to be formed by the Minister, consisting of three people: one from the department, one from the union, and one from the pastoral interests. The committee will be able to peruse the regulations prior to their introduction.

The Bill in its present form shows no concern whatever for the industry. It provides that there shall be an inspector who shall have certain powers, and that is about the lot, apart from a few other words that are irrelevant. I make these three suggestions to the Government and I will not take lightly any delay or procrastination that may be put up. I repeat that the Government should look at the situation of all itinerant workers, giving consideration to those in its own employment instead of considering the pastoralists or the landholders as being the people best able to offer these extravagances, which are quite right and quite necessary, while the Government's own workmen are neglected and forgotten. I support the second reading.

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

TEACHER HOUSING AUTHORITY BILL

Adjourned debate on second reading.

(Continued from March 13. Page 2878.)

The Hon. V. G. SPRINGETT (Southern): In speaking to this Bill, it may be fortuitous that I am following what has just been said by the Hon. Mr. Geddes. He has been dealing with housing and accommodation in general, and the Bill to which I am speaking is one to provide a teacher housing authority for this State. The provision of accommodation for employees has become a more accepted service by the Government and private organisations, although such acceptance does not cover as wide an area of need as might have been thought judging from the remarks of the Hon. Mr. Geddes. By supplying accommodation it has been possible for some organisations to keep some staff willing to go, stay and work in areas less well supplied with cultural assets than are State capital cities.

With increasing and better equipped schools in the country and with more advanced classes for teaching outside the metropolitan area there is every reason to believe that a country posting should be as attractive professionally as a posting in the metropolitan area. No-one could describe as small the schools in large centres such as Whyalla, Mount Gambier and Murray Bridge. The schools are large in their own right and the standards to which they teach are equal to the standards in any equivalent school in Adelaide itself. As we have just been hearing, many other Government departments face the same problem of housing for their staff, and this includes especially, the Engineering and Water Supply Department, and the Railways Department, which have the same problems but more intensified, perhaps because they do not have anyone to fight their cause.

It was pleasing to read in the Minister's second reading explanation that improvements in the standard of secondary education generally have resulted in higher enrolments, a reduced pupil-teacher ratio and an increase in the teaching staff of over 25 per cent since 1968. Much of this increase in improved standards and conditions has occurred both in capital cities and in country areas. This is all to the good, but it makes a heavy and overwhelming demand on available staff housing. This in turn is all compounded by the easing of the bonding system, a measure which I am not convinced entirely is to the benefit of the State. If I am being paid and provided for by the people through their taxes, I think it is reasonable that I should be expected to repay that magnanimity by serving as and where my benefactor needs the greatest help.

True, I agree wholeheartedly that in return the department should not leave substandard housing as my lot, or send me to the backwoods for a long period. It is all too easy for problems, when they occur many miles away to be forgotten. As with all such problems, the hard core of this problem comes down to finance. Loan Fund allocations are sufficient, we are told, to provide only 30 replacement or new teacher houses each year. With the standards improving and the number of teachers rapidly increasing the situation becomes almost ridiculous.

One of the problems I see is that from time to time, when houses are provided, there are occasions when they become vacant but, because of a changing situation in a district, whilst another department is crying out for staff accommodation, the Education Department may have houses unoccupied in anticipation of the arrival of a new tenant. I was involved with such cases a year or two ago and found that some Education Department houses could be left empty and waiting for new occupants to arrive for between seven months and 10 months. This situation is one of great waste when so many people and departments require houses.

It is for this reason that I believe each department should not have a housing authority and that there should be merely one authority in charge of all departmental housing. This way each department would not have its own housing empire. Loan funds are currently allocated to the Public Buildings Department to provide for teacher housing and to keep such housing in good repair. These funds will be made over to the new authority.

Government departments are becoming bigger and bigger. They seem to adopt the philosophy that anything that is theirs they keep and that they will never get back anything they lend. That is the problem. When this Bill was introduced, my original thought was that here was another little empire in the making. Today five departments in one way or another are involved in the provision of accommodation for teachers. Does this Bill mean that the committee of three members, to be established in connection with this authority, will do away with up to four of the Government departments now involved? I doubt it.

The Hon. R. C. DeGaris: Can they do away with Government departments?

The Hon. V. G. SPRINGETT: It would be much easier if they did. However, I doubt that any departments at all will be done away with. Who would actually construct the houses? I would like to see private enterprise undertake much of the work, but what about the Public Buildings Department? Considering the work it is engaged in and its output generally, I would like to see private enterprise made responsible for at least a fair share of this work. This new authority should also have power to borrow funds in order to fulfil its functions properly. Where will it borrow funds? True, the Treasurer and the Government have access to funds. The authority might even have to fall back on private trading banks who, these days, are so nice to fall back on in spite of their being part of the capitalistic system so frowned on by those espousing centralist principles.

I was interested to know that other States had taken similar action to provide housing adequate and suitable for Government employees in country areas. This is specially the case in Western Australia. For whom is such housing provided? It is not for teachers, for officers of housing departments, or certain departments: it is for Government employees generally. That is the aim of the Western Australian Government's employee housing authority, and legislation setting up that authority was proclaimed on August 2, 1965. Legislation setting up the Victorian teacher housing authority was proclaimed on December 2, 1970, and that authority is an independent statutory body operating under the Ministry of Housing.

It is interesting to note that neither of these Governments has left its housing problems in the hands of the Education Department, as is the intention of this Bill. Why did Cabinet decide to deal on this occasion with teacher housing only? Why did it not expand the authority to cover the provision of all departmental housing? Is there any asset or other reason why this should not be done? I cannot think of one.

Turning to the Bill, clauses 1 to 3 are formal. Clause 4 provides for certain definitions, and clause 5 deals with the setting up of the authority. Clause 6 provides that the Teacher Housing Authority shall consist of three persons: first, a person, nominated by the Minister, who is suitable to represent the interests of the Education Department and the Further Education Department; secondly, a representative of the South Australian Housing Trust who shall also be nominated by the Minister; and, thirdly, a representative of the interests of teachers who shall also be nominated by the Minister after consultation with the South Australian Institute of Teachers. Why should not the Housing Trust and the South Australian Institute of Teachers nominate their own representatives?

A three-man committee is small, almost ideal for getting work done but all the more dangerous when all three members are nominated by the one person. Again, the Governor (in effect, the Minister) will appoint the Chairman from among the three members of the committee. Is it not more in keeping with proper practice that the trio should appoint their own Chairman? Clause 8 deals with allowances and expenses. Clause 9 provides that two out of the three members shall form a quorum. The quorum could not be much smaller! The authority shall meet at least eight times a year.

Clause 10 deals with the validity of the authority's actions and the granting of immunity to its members acting in good faith. Clause 11 requires any member of the committee to disclose the fact if he has any interest in a contract or proposed contract either directly or indirectly. If he has such an interest, that member shall not take part in any deliberation or decision respecting that contract. This assumes that only one member will be involved in such a situation. What will happen if two members are so involved? It is not beyond the realms of possibility for all three members to be so involved. What will happen then? I presume that clause 12 may take care of that situation, by means of a delegation of powers.

Clauses 13 and 14 are probably the core of the whole Bill, because they deal with the functions of the authority. Clause 13 provides that the authority can acquire houses and land for housing but, and this is important, it cannot acquire houses and land compulsorily; this is a healthy sign. The authority has the power to manage, maintain and control houses and land held by it. It can construct and cause to be constructed houses for the purposes of the legislation. Again, I would request the use of private enterprise for actual building and alterations that may become necessary.

The authority can provide or arrange for the servicing of houses or land owned by or under the authority's control. Further, the authority can sell, lease, mortgage, charge, or encumber land or property that is under its control. It can subdivide land it acquires. I assume that the authority is bound by other Acts that may apply, so that subdividing lots below an already agreed level does not create a conflict of interests. The authority can lay out or construct streets and roads in respect of land under its power to ensure that the land so dealt with is rendered suitable for housing. Here, I would again ask: is the Education Department going into business in opposition to the Housing Trust or the Public Buildings Department?

The authority can design or cause to be designed anything affecting the construction of houses for letting to teachers. It can construct on its own land houses for letting to teachers or convert existing suitable buildings into houses. It can undertake improvements and management of its own land or property on that land. The authority can exchange land in its. charge for other land on suitable terms. Again, I take it for granted that there will be no compulsory purchases. Maintenance, management and letting can be delegated, and I am sure that they will be.

Clause 14 provides that gifts to the authority may be accepted, including bequests of real or personal property. Clause 16 makes it possible for the Minister to request the authority to allocate and provide houses for accommodation for teachers. Clause 17 leads me to recall Parkinson's law. The clause provides that the authority may employ a secretary, with the Minister's permission. In addition to a secretary, the authority may employ "any other officers whom it requires" and may use the services of the Housing Trust on agreed terms and conditions. Only time will tell how far this will extend.

Clause 18 enables the authority to borrow money from the Treasury or, with the Treasurer's consent, from other persons for the purpose of carrying out its functions under the legislation. The Treasurer, on agreeing to this, shall guarantee any liability incurred but, before doing so, he shall receive from the authority such security as he requires. Under clause 19, a separate fund, to be called the Teacher Housing Authority Fund, is to be established at the Treasury; this fund will be made up of Parliamentary appropriations, moneys from the Commonwealth, moneys borrowed, rents, letting income, money from land and houses disposed of, gifts, investments, and moneys received from any other source.

Clause 20 relates to the production of a budget. Clause 21 deals with investments of the fund and with the requirement of an annual audit by the Auditor-General. Under clause 22, an annual report shall be submitted by the authority to the Minister, who shall have copies of the accounts laid before both Houses of Parliament. Clause 25 confers power on the Government; it provides for the regulation-making powers and for the terms of leases between the authority and teachers. I am not sure how happy I am about this Bill but I will be interested to hear the views of other honourable members.

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

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL (RETIREMENT)

Adjourned debate on second reading.

(Continued from March 13. Page 2879.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this short Bill, which introduces modifications to the superannuation benefits of those officers of the Savings Bank of South Australia who did not join the superannuation fund in 1958 when they had the opportunity to do so. Perhaps it may be difficult to reconcile one's views on questions such as this, and honourable members may have a variety of views about whether anything should be done for people who do not take the opportunity, when opportunity knocks, to join a scheme. This Council has provided previously for superannuation in circumstances in which the opportunity to enter a scheme was not taken, so there is a precedent for the provisions of this Bill. The Bill provides superannuation benefits on a fairly modest scale for those who will now receive benefits although they have not made any contributions to a fund. The Bill seems to be satisfactory in correcting what I suppose is regarded as an unfair position in which most employees retire on superannuation while a small minority do not. I support the Bill.

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

COMMUNITY WELFARE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It seeks to amend the Community Welfare Act, 1972-1973, to provide the statutory framework for the co-ordination and integration of functions and activities of State community welfare consultative councils with those of regional councils for social development under the Australian Assistance Plan of the Commonwealth. Since the Community Welfare Act came into operation on July 1, 1972, twenty consultative councils have been established throughout the State, and these have operated very successfully for the benefit of the local communities. The councils will continue to carry out all their present functions. However, as regional councils under the Australian Assistance Plan are established in South Australia, consultative councils will accept additional functions and responsibilities relating to the regional councils.

The principles of decentralisation and community involvement inherent in the Australian Assistance Plan are similar to those embodied in the Community Welfare Act. Although the State consultative councils will continue to carry out functions independent of the regional councils, it is apparent that the two systems should be co-ordinated and integrated to the extent necessary to avoid fragmentation, and to ensure that the full benefits of both systems, including the benefit of funds available from the Commonwealth under the Australian Assistance Plan, are available to the citizens of this State. Following discussions with the Minister for Social Security, agreement was reached on arrangements which would be satisfactory to both Governments.

The agreement provides for community welfare consultative councils to be renamed community councils for social development, for functions of the councils to be broadened to provide for co-operation with Commonwealth authorities including appropriate regional bodies, and for membership of the councils to be increased to 16 (the Act at present provides for a membership of between eight and 12 members). These alterations are in line with alterations recommended by the various consultative councils, and they have been discussed and approved at a meeting of representatives of all the councils. The Commonwealth Minister has agreed that the community councils for social development will provide the community representatives on the regional councils. Eight representatives of community councils will become members of each regional council. Other members of the regional councils will be, one member of Parliament (Australian) or his nominee, three representatives of community welfare agencies, two representatives of Australian Government departments, two representatives of State Government departments and two representatives of local government.

In addition to their existing functions, the community councils will advise the regional councils for social development on grants and the allocation of resources, including the location of community development workers funded under the Australian Assistance Plan. Community councils will have access to the services of these staff, and they may be located with the community councils. The Bill seeks to provide statutory authority for the Minister to establish and conduct child-care centres. Although some child-care facilities are being established by local government authorities and non-profit making organisations, it is apparent that, if needs in this State are to be met and full advantage taken of funds available from the Australian Government, some centres will have to be established and operated by the Community Welfare Department. Planning for child-care services in this State is being co-ordinated through the Childhood Services Council, with a view to fully integrated services being established.

Two amendments are proposed to the existing provisions relating to Aboriginal reserves. Both amendments relate, in large part, to the process of Aboriginal communities accepting responsibility for their own affairs. The first amendment seeks to empower the Governor to revoke a proclamation constituting an Aboriginal reserve. It is contemplated that this power will be used mainly in situations where the Aboriginal community is sufficiently confident to request removal of its reserve status. The second amendment would empower the Minister to delegate to a representative Aboriginal body any of his powers relating to the management and control of a reserve.

The Bill seeks to remedy several problems that have arisen relating to the maintenance provisions contained in the Act. In particular, it provides for the amount of arrears of maintenance to be brought up to date when enforcement proceedings come before the court. It also provides that adoption of a child does not prevent a court from making an order for preliminary expenses. The provisions of the Bill are as follows: clauses 1, 2 and 3 are formal. Clause 4 inserts a definition of community

council. Clause 5 is formal, and clause 6 provides that the existing consultative councils will become community councils for social development upon the commencement of the amending legislation.

Clause 7 repeals and re-enacts section 26 of the principal Act. The new section follows closely the provisions of the existing section, but provides for a close relationship between community councils and regional bodies established under State or Commonwealth law. Clause 8 provides that a community council is to consist of 16 members. Two members of a community council are to be officers of the State Public Service, and at least one of those must be an officer of the Community Welfare Department. One member is to be a representative of the Government of the Commonwealth, nominated by the Minister for Social Security of the Commonwealth. Clauses 9 and 10 make consequential amendments.

Clause 11 provides that a community council is to hold an annual public meeting in the local community for the purpose of establishing a committee that will make nominations to the Minister for the purpose of filling vacancies that may arise from time to time in the membership of the council. Clause 12 makes consequential amendments. Clause 13 is formal. Clause 14 provides that the Minister may establish child-care centres for the care of children on a non-residential basis. Clause 15 makes consequential amendments. Clause 16 is formal. Clause 17 provides that the Governor may revoke a proclamation constituting an Aboriginal reserve. Clause 18 provides that the Minister may delegate his powers of management and control under section 85 of the principal Act to an Aboriginal Reserve Council or some other body representative of Aborigines resident on a reserve. Clauses 19 and 20 provide that, where a justice issues a warrant for the arrest of a person against whom maintenance is sought, or against whom affiliation proceedings are taken, he may release the person with or without sureties.

Clause 21 provides that the adoption of a child does not prevent the court from making an order for preliminary expenses. Clause 22 provides that, where a warrant is served under section 161 requiring a person to pay moneys to the Director-General or some other person who is entitled to maintenance, the payment of moneys in pursuance of the warrant shall discharge any liability to pay those moneys to the person against whom the maintenance order was made. Clause 23 provides for the amendment of complaints relating to arrears of maintenance. The court is empowered to insert in the complaint the sum due under the maintenance order at the time of the hearing of the complaint. Clause 24 makes an amendment to section 170 of the principal Act that corresponds with previous amendments made by clauses 19 and 20. Clause 25 enables the Director-General to represent a person who is defending proceedings for the discharge, variation or suspension of a maintenance order. Clause 26 makes a consequential amendment.

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

ADJOURNMENT

At 11.3 p.m. the Council adjourned until Wednesday, March 19, at 2.15 p.m.