**FOOD AND DRUGS ACT AMENDMENT BILL 1939**

**Legislative Assembly, 10 August 1939, page 465**

Second reading

**The Hon. R. J. RUDALL (Angas—Acting Attorney-General)—**The only object of this Bill is to clear up some legal difficulties affecting the constitution and election of the Metropolitan County Board under the Food and Drugs Act, 1908-1935. The present law and practice as to the constitution of this board are unsatisfactory. The board represents the metropolitan area as defined in the Food and Drugs Act. This area consists of 21 municipalities and district council dis­tricts. The Act, however, says that the board is to consist of 24 members, and is to be constituted in manner prescribed by proclamation. Although the board has been in existence since 1908 no proclamation providing for the mode of its constitution has been made.

In order to deal with the difficulty arising from the fact that there are only 21 councils represented on a board of 24 members the board itself adopted the practice of permitting the cities of Adelaide, Unley and Port Adelaide to be represented by two members instead of one, and thus secured the additional three members required. There was no statutory authority for this, although no doubt some such arrangement was necessary to comply with the law. The position, however, is now complicated by the fact that another city has been created in the metropolitan area, namely, Prospect, and if the principle of two representatives for a city is to be followed Prospect and any other cities which may be created would be morally entitled to two representatives. There is also another difficulty about the election of the County Board. If the number of candidates nominated exceeded the number of members required to be elected, and an election were held, under the present law there is no certainty that the full number of members required would ever be elected. At an election each local board of health has one vote. Suppose there were 12 candidates nominated for ten seats. It is possible that all the votes might be concentrated on nine candidates only, and if this happened one seat on the board could not be filled.

The Bill has been drafted to remove these difficulties. It provides first of all that the Metropolitan County Board is to consist of the Lord Mayor of Adelaide, who is chairman, ex officio, and one representative for each of the local boards of health in the metropolitan area. Where a local board is at the time of the passing of the Bill represented by two members these members must retire and one member must be elected by the local board of health in their stead. The retirement of members of the board is set out so as to make it clear that in every two years the 21 elected members of the board will retire, ten in one year and eleven in the next. A s to elections, the Bill abolishes the existing provision which, in the event of more candidates being nominated than there are seats to be filled, provides for a kind of multiple election in which every local board of health has one vote. In lieu of this the Bill provides that each local board of health in the metropolitan area will elect its own representative on the County Board and thus there will be no possibility in the future of a general multiple election. The Bill carries out a scheme which has been agreed to by the local boards of health and it will, I think, commend itself to those interested in this matter as a reasonable solution of the present difficulties. I move the second reading.

The Hon. R. S. RICHARDS secured the adjournment of the debate.