HOUSE OF ASSEMBLY.

Thursday, February 7, 1957.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

FRUIT FLY AREA.

Mr. O'HALLORAN—I noticed in today's press a statement from the Department of Agriculture relating to the area of fruit fly infestation. It states:—

Meanwhile, the department's horticultural officers believe there is a strong chance the fruit fly outbreak is confined to the one property in King William Street, Kent Town.

In view of that strong supposition by departmental officers I ask the Minister of Agriculture whether consideration will be given to the advisability of restricting the stripping area, which I understand has already been proclaimed in accordance with the usual practice over a wide radius from the scene of the first infestation?

The Hon. G. G. PEARSON—The department is following its usual practice in respect of this outbreak; that is, to declare an area within about one mile radius from the discovered outbreak. The purpose of defining the area is to ensure that no fruit is removed from the area to any outside area. That has to be done to keep the fruit *in situ* until the matter can be further investigated. It occurs to me whether it is necessary to continue the stripping to the full extent of clearing up the whole proclaimed area, but hitherto the department has felt it right to play safe rather than do things by half measures. However, I am prepared to discuss with departmental officers the matter the Leader has raised and let him have expert opinion thereon.

MURRAY RIVER FLOOD RELIEF.

Mr. KING—Has the Treasurer received a reply from the Commonwealth Government regarding his further representations for flood relief?

The Hon. Sir THOMAS PLAYFORD—I have received a reply this morning by telegram. I have not yet received detailed information, but I was informed by the Prime Minister that the Commonwealth Government proposed to make available to this State an additional £250,000 on a subsidy basis of pound for pound with the State. A letter will follow setting out the items for which this money will be available, but the telegram stated that no money is to be provided from this grant for the establishment or re-establishment of private areas for private persons, and no Commonwealth Government has ever made grants on a private person basis.

Mr. STOTT—In view of the suggestion that the additional £250,000 from the Commonwealth cannot be used for the relief of private persons affected by the flood, will the Premier utilize portion of the State's contribution of £250,000 for that purpose?

The Hon. Sir THOMAS PLAYFORD—No. If that were done it would not qualify for the subsidy. If I read the telegram I received members will have precisely the same information as I. It states:—

Reference your letter 4th January regarding additional financial assistance to your State for flood damage and relief Commonwealth would be prepared to make available on a pound for pound basis further grant of two hundred and fifty thousand pounds thus making total Commonwealth Grant of one million and fifty thousand pounds stop Details of the composition of this further grant of two hundred and fifty thousand pounds will be forwarded by letter stop For reasons given in my letter of 13th November no Commonwealth Government has ever contributed towards personal losses or rehabilitation of privately owned assets and the present grant is therefore not available for those purposes.

Mr. JENKINS—Will the conditions under which the new grant is made preclude private swamp holders from having their swamps dewatered, and if so, will the Government consider granting financial assistance for that purpose?

The Hon. Sir THOMAS PLAYFORD—Until I get the letter from the Prime Minister I cannot give any more views upon the telegram, but it seems from the telegram that the Government can get a total subsidy of £1,050,000 from the Commonwealth Government provided it spends a similar amount from State funds for similar purposes. That means that any money spent for other purposes will not qualify for Commonwealth subsidy, nor would it assist the Government to qualify for it.

Mr. BYWATERS—Do the replies given by the Premier to the members for Chaffey and Ridley indicate that the door is closed for Government assistance to private swamp holders and private property owners, or will the State Government make money available to them other than through the Lord Mayor's Relief Fund?

The Hon. Sir THOMAS PLAYFORD—I would not be prepared to give an answer to that question today. The fact that we have to provide another £250,000 to qualify for the

money the Commonwealth Government is providing will in itself place a tremendous strain on the State's resources. For rehabilitation work it will be necessary to take into account the means of all persons concerned to see whether the State should assist them or not. If a person is able to rehabilitate himself without hardship I do not think the State should divert money from the taxpayer to make good what might be merely in the category of a loss. These applications should be dealt with by the Lord Mayor's Relief Fund Committee, and the Government will do its utmost to see that the committee's recommendations are carried out, but I am not prepared to say that the State can make losses good merely because they are causing inconvenience. The Government knows that some settlers on private reclaimed areas are well able to pump water out themselves without hardship. Whether we should under those circumstances pump the water out as a State charge is something that requires much consideration, but I feel that the Government, with the finances it has available, could not accept that obligation.

TAILEM BEND COURTHOUSE.

Mr. BYWATERS—Have tenders been called for the Tailem Bend courthouse, and, if so, when will they close?

The Hon. Sir MALCOLM McINTOSH—Tenders have been called and I think they closed on January 30. When they have been examined they will be submitted to Cabinet and I will advise the honourable member of the result.

COUNTRY WATER SUPPLIES.

Mr. HEASLIP—Some three or four years ago a Mines Department plant was boring near Wirrabara under a proposal to give that town a local water supply. After putting down two shallow holes it was removed and I was given to understand this was done because in the near future the Morgan-Whyalla main would be duplicated to supply Wirrabara, Booleroo and probably Melrose from that deviation. An answer given by the Minister of Works yesterday indicated that it will be years before the duplication of the Morgan-Whyalla main takes place. In view of this, will steps be taken to supply those northern towns, that are now without water, with some local supplies?

The Hon. Sir MALCOLM McINTOSH—I do not know that anyone had authority to say boring stopped because of the proposed duplication of the Morgan-Whyalla main, for if that were started tomorrow it would be some years before it would be completed, so it would be futile to suggest that was the reason for stopping. The reason was that to that stage no satisfactory supply could be found. It is my desire, and that of the Government and the department, to find water wherever it can be found, and we will continue to exert every endeavour to find an immediate solution to the problems of towns without water. As I have often said, the obligation is to supply water to people with none rather than give more water to those with some already.

Mr. QUIRKE—The continued dry weather has resulted in diminishing the water supplies in various country areas. Could the Minister of Works make a statement on the overall position of country water supplies?

The Hon. Sir MALCOLM McINTOSH—Yes. The honourable member was good enough to indicate that he intended asking this question. I have conferred with the Engineer in Chief and have the following prepared statement:—

The prolonged dry period and the heavy stocking resulting from ample feed in most areas have combined to impose a very heavy load upon country water supplies this summer. The position has been aggravated in some areas by the extensive use of water for irrigation—a purpose for which the State's rural water schemes were neither designed nor intended. Despite this combination of circumstances the supplies at the head works, *i.e.*, reservoirs and underground sources, are generally satisfactory as a result of the heavy winter rains last year.

Although the quantity of water available at the sources of supply is satisfactory, the very heavy demand has caused distribution difficulties to arise mainly of a local character. The Warren system was the main one affected and in this case, difficulties arose mainly through the heavy consumption of water on the irrigation of carrots, gherkins, vines and other crops. An investigation showed that nearly half of the record quantity of water being drawn from the reservoir was being used for irrigation leaving little more than 50 per cent to supply many important towns and 700,000 acres of farmlands. Service reservoirs fell to dangerously low levels and the position became so critical that it was necessary to place all large users of water under a quota system. This caused an immediate improvement although the demand is still very heavy.

Incidentally, I heard today from the Engineer for Water Supplies that over 300 people have applied for quotas for commercial gardening purposes in that area. That supply was never intended to be used other than for domestic and stock purposes. The statement continues:—

Local shortages have occurred in other districts and the effect of these has been magnified by the failure of farmers and graziers to provide a reasonable reserve storage of water for their livestock.

In some instances when we have received complaints I have ascertained that those people have nothing more than a trough at their service. Under the Act, as Minister of Works, I have the power—which has never been exercised—to compel the installation of storage. Instead of people complaining that they have no continuous supply, I think it is up to them to ensure the safety of their stock by installing a tank that will at least fill up over night and guarantee the stock receiving adequate water in the morning. The cost of such an installation is a total deduction for income tax purposes. It would cost very little and much of it would come out of the revenue of the Federal Treasury.

Booleroo Centre is an exception to the general rule as in this case the well supplying the town is not yielding sufficient water to cope with the demand. Construction of a large storage tank of 1,000,000 gallons capacity is approaching completion and this tank will be filled during the coming winter to provide a substantial reserve to cope with the heavy summer demand.

Despite a rate of growth exceeding that in other States and the long dry period we have experienced, the water supply position in South Australia contrasts very greatly with that in Western Australia, Victoria, New South Wales and Queensland. Each of these States has restrictions in its capital city and some of its country areas, whereas the only restrictions in South Australia are those in force at Booleroo Centre and a limitation on the quantity which can be used by commercial gardeners in the Warren district.

INSURANCE OF FIRE FIGHTERS.

Mr. JOHN CLARK—The Minister of Agriculture is keenly interested, as most country members are, in the work of the emergency fire service. Recently some concern has been expressed to me by various services in my district and by councils at the fact that certain insurance companies do not cover emergency fire-fighting personnel and volunteers, while they are in the course of training, under the same conditions as when they are fighting a fire. Will the Government consider amending the Act in this regard?

The Hon. G. G. PEARSON—The question arises whether or not personnel who are in training are covered by the fund, not by the insurance companies. Consideration has been given to that aspect, and I think it was generally agreed by all concerned that where people who are *bona fide* members of an emergency fire-fighting service organization are undertaking training exercises approved by and under the control of the leader of the unit, they might very well be included for benefits under the fund in the same way as if they were actually fighting a fire. Consideration has been given to that and probably a Bill will be introduced for that purpose.

SOUTH-EASTERN DRAINAGE.

Mr. HARDING—I understand that the South-Eastern Drainage Board's report on the Eastern Division, covering a valuable area of 700,000 acres, is almost completed. Can the Minister of Lands say whether the Land Settlement Committee will inspect and report on this project at an early date in order that it may be ready for consideration on next year's Estimates?

The Hon. C. S. HINCKS—I will get a report and let the honourable member have it.

FOY AND GIBSON'S BUILDING.

Mr. LAWN—Recently the Government named the building formerly occupied by Foy and Gibson "George Building." Another building close by in Rundle Street has borne that name for many years. It has been brought to my notice that people desiring to go to the original George Building have been directed to Foy and Gibson's building. In view of the confusion arising from the duplication of names will the Government consider re-naming Foy and Gibson's Building, possibly calling it "George II Building"?

The Hon. Sir THOMAS PLAYFORD—The suggestion of the name "George Building" came from the chairman of the special committee and it had not been appreciated that another George Building was actually in existence. That has now been explained to His Excellency the Governor and the proposal to adopt the name "George Building" for the building formerly occupied by Foy and Gibson's will not be continued. Another name will be found for it.

KILLING WORKS IN SOUTH-EAST.

Mr. HARDING—My question relates to the mention in the Premier's policy speech of killing works in the South-East. This matter has created tremendous interest among the stockowners, district councils and corporations. In one council area alone members of the local Stockowners' Association own 430,000 sheep and twice as many cattle as are normally carried on the Jervois swamp area. Can the Premier say whether such a venture as killing works in the South-East would attract either Australian or overseas private enterprise?

The Hon. Sir THOMAS PLAYFORD—Prior to the Noarlunga Meat Case going to the Privy Council an overseas firm expressed the desire to have a freezing works in the South-East, but since the Privy Council decision was given there have been no further overtures from the firm. As the honourable member knows, a survey is being made at present by Mr. Rice as to the possibilities in the South-East. The Government would naturally prefer private enterprise killing works to be established, for it would relieve the Treasury of the capital cost of the installation. The report by Mr. Rice will not only enable the Government to define policy, but enable a proposition to be submitted to a private firm with all the information available confirmed by a preliminary investigation. As soon as may be Mr. Rice will continue the investigation.

WATER RATES ASSESSMENTS.

Mr. HUTCHENS—In accordance with section 24 of the Land Tax Act it is necessary for the department on making a new assessment to advise the taxpayer in writing of the change. Section 175 of the Local Government Act makes it necessary for the council concerned to advise of any change in an assessment. In each case ample opportunity is given for an appeal to be made against the assessment. Section 66 of the Waterworks Act makes it necessary only for the Minister to publish any variation in assessments in the *Government Gazette.* Accordingly, on July 21, 1955, the Minister inserted an advertisement in the *Gazette.* Since then many people who are paying water rates have regretted that because they did not see the notice and received no advice, though they believed they had good grounds for appeal, have been denied the right to appeal. Less than one per cent of the population would read the *Gazette.* Will the Minister of Works have the position examined with a view to having the Act amended if desirable, so that the people paying water rates may have the same rights and get the same notices as are required of other departments?

The Hon. Sir MALCOLM McINTOSH—That point has not escaped my notice. I do not think it is necessary to bring out a steam-roller to crush a fly. In some cases we adopt the local council assessment and in others they adopt ours. This provides a sort of cross check. In administration if people feel they have been wrongly assessed, despite the fact that they have gone beyond the time in regard to an appeal, we have not failed to look at the matter to see if they are paying out of proportion to the actual value. I do not know of one case of injustice under the section of the Act referred to. If the honourable member has a case in point, rather than an academic one, I shall be glad to look at it. For every £1 of rates paid the ratepayer gets a corresponding amount of water, and the sum total is that it makes very little difference and is not worth while discussing. We have been happy to look at some of the cases where persons think they have been over-assessed and we have always arrived at an understanding satisfactory to both the department and the applicant.

STURT HIGHWAY.

Mr. LAUCKE—Following on the closing of that portion of the Sturt Highway between Gawler Belt and Daveyston for reconstruction purposes road traffic has been diverted through Freeling. Portion of the detour road has a loose surface and as it has to carry all the river bound traffic from Adelaide it is rapidly deteriorating. Will the Minister of Works bring the matter before the Minister of Roads with a view to ensuring that this heavily used road is maintained in a reasonably good condition?

The Hon. Sir MALCOLM McINTOSH—I will bring the honourable member's question to the notice of my colleague and bring down his reply, probably next week.

TONSLEY RAILWAY SPUR LINE.

Mr. FRANK WALSH—Will the Minister representing the Minister of Railways ascertain when the work on the Tonsley spur line is likely to be commenced and whether it is intended to extend the line beyond the original destination of Tonsley?

The Hon. Sir MALCOLM McINTOSH—Yes.

LARGS BAY JETTY.

Mr. TAPPING—Has the Minister of Marine anything to report regarding the progress made on the reconstruction of the Largs Bay jetty?

The Hon. Sir MALCOLM McINTOSH—I have an up-to-date report. The demolition work on the jetty has been practically completed and the permanent pile-driving is about to commence. The demolition work concerns that part of the jetty which it is not proposed to maintain.

CARE OF ABORIGINAL CHILDREN.

Mr. RICHES—On Tuesday, in reply to a question on the Government's policy concerning the care of aboriginal children, the Minister of Works said:—

The Government is prepared to increase the maintenance of children in every case from 25s. to 30s.

Can the Minister say when that increase will become effective? Has the Government or the Aborigines Protection Board considered making any payment for those aboriginal children living with their parents, some of whom, for instance, in the Port Germein district, are having difficulty in finding work? After all, those children are as much entitled as aboriginal children in any other part to be cared for by the people of South Australia. Will the Minister obtain a report from the board on the possibility of rehousing an aboriginal family at present living in Port Germein? I note with much pleasure that the Government has purchased Campbell House and is paying attention to providing for the education of boys past the Grade VII stage in agricultural and pastoral work and that that training will be available to aboriginal children from all parts of the State. Has the provision of training in callings other than these been considered?

The Hon. Sir MALCOLM McINTOSH—I prefer to examine the question and will bring down a considered reply, probably next Wednesday.

CARAVAN PARKS.

Mr. STEPHENS—Can the Premier say whether public caravan parks in South Australia must be licensed by the Government or local councils; whether they are subject to inspection by health authorities; and whether the Government subsidizes any such parks?

The Hon. Sir THOMAS PLAYFORD—I know of no law authorizing the registration of caravan parks, but a number of councils have established parks for the use of travellers, and some have authorized people to have caravans on their premises for the purpose of housing. Some councils have by-laws on the subject. Any premises in South Australia are subject to the provisions of the Health Act, and health authorities may insist on the compliance of sanitary conditions with certain standards. The Government, through the Tourist Bureau, has subsidized a number of councils that have established parks for caravans, which are a favourite means of travel today. Such parks are well patronized and often quite profitable. Those established by councils are inspected from time to time when the question of a subsidy is raised, and a report is obtained from the Tourist Bureau in each instance. Such parks fulfil a useful purpose and some are well established with modern amenities. Indeed, we frequently get favourable reports from tourists from other States on these services. The Government itself controls a number of caravan parks for tourists, two or three in the metropolitan area.

PUBLIC SERVICE BOARD'S ACTIVITIES.

Mr. JENNINGS—Yesterday the Premier said that the Public Service Board, in failing to adjust the rents of Government-owned houses, had followed a course of its own. Does the Premier consider that it would be fruitful to inquire into the other activities of the board to see whether in other matters it is pursuing a line of its own irrespective of Government directions?

The Hon. Sir THOMAS PLAYFORD—I have looked into the matter on which the honourable member has questioned me and find that the board had some validity in querying Cabinet's action. Parliament has placed the fixation of rents of Government-owned houses under the Public Service Board; therefore, to that extent Cabinet was speaking out of turn.

Mr. O'Halloran—Does that mean the inquiry was only hocus-pocus?

The Hon. Sir THOMAS PLAYFORD—Not as far as the Government was concerned. I have no doubt that as I said before, the view of Cabinet on this matter will prevail, but I do not want the honourable member to construe my remarks of yesterday as a denial of the fact that the board has certain obligations in this matter. Concerning other matters, I said previously this session that the Government is not entirely satisfied with the present set-up of the control of the Public Service. The matter is being investigated, and legislation will probably be introduced next session. I hope the Government will have the honourable member's support on it.

JAMESTOWN-PETERBOROUGH PIPELINE.

Mr. O'HALLORAN—Can the Minister of Works say what progress has been made on laying the pipeline from Jamestown to Peterborough to enable Murray water to be used there, and can he say when the line will be completed?

The Hon. Sir MALCOLM McINTOSH—Delivery of the 8in. cement asbestos pipes commenced last year, 12 miles has been delivered, and the laying thereof is proceeding. Delivery of the steel pipes has not yet commenced, but to advance the completion of the scheme steps have been taken to call for tenders for the pumping machinery. Storage tanks will be constructed by the department when the storage tank at Booleroo Centre has been completed, probably soon. We are proceeding with all due haste, but I will have to inquire about the expected date of completion. We must await delivery of the steel pipes, but I can assure the honourable member there is no delay on the part of the Government.

RE-SITING OF MOOROOK.

Mr. STOTT—The Premier will remember that a deputation waited on him before Christmas with regard to the Moorook settlement that had some specific problems. He said he would investigate them to see whether it would be possible to shift the lower part of the town, and he said he would consult the Housing Trust, Lands Department and other authorities. Has he a reply?

The Hon. Sir THOMAS PLAYFORD—The Lands Department has been making investigations to see whether land can be made available on the higher levels to enable future buildings to be constructed above flood level. I believe that in few districts, if any, is there any great difficulty in providing for that, but the question of shifting a town is an entirely different matter. As far as I know, no funds are available to shift a town or improve a town as a result of the flood.

METROPOLITAN MILK SUPPLY.

Mr. HARDING—It was forecast by the Metropolitan Milk Board in November last that there could be a shortage of milk during the autumn of 5,000 gallons a day. Can the Minister of Agriculture state the present and future delivery position of whole milk from registered dairies to the city and metropolitan area?

The Hon. G. G. PEARSON—The metropolitan area's milk supply is always under close review, but so far there is no cause for concern. Production is keeping up remarkably well and on present indications there is no cause for any immediate action, but if and when the necessity arises appropriate action will be considered.

FINANCE FOR HOUSING.

Mr. QUIRKE—The chances of young people getting finance for housing have not improved. Under existing conditions many young people who desire to build houses themselves or employ a contractor will probably never be able to get a house. The Advances for Homes Act lays down the maximum advance, but it is not sufficient, and I ask the Premier whether the Government intends bringing down legislation next session to increase that amount?

The Hon. Sir THOMAS PLAYFORD—No. The maximum amount of £1,750 cannot be raised because all money available for this purpose is fully taken up. We may not be able to grant some applications this year, so if the maximum were increased fewer people could be assisted. It would mean that some applicants would get larger amounts, but others nothing. The experience we have had does not justify a revision of the Act now.

POLICE OFFICERS FOR ELIZABETH.

Mr. JOHN CLARK—Several responsible citizens of Elizabeth think the time has come when a resident police officer should be appointed there. They are not reflecting, nor am I, on the police at Salisbury, but they think it would be more convenient and help prevent offences against the law if a police officer were stationed at Elizabeth. Will this matter be considered by the Government?

The Hon. Sir THOMAS PLAYFORD—Yes.

PORT AUGUSTA WEST WATER SUPPLY.

Mr. RICHES—Will the Minister of Works call for a report on the condition of the storage tank at Port Augusta West and on the capacity of the reticulation system to provide an adequate supply to that town?

The Hon. Sir MALCOLM McINTOSH—Yes.

EVICTION OF RAILWAY WORKER'S WIDOW.

Mr. JENNINGS—Last year I asked the Minister representing the Minister of Railways a question about a widow of a former railway employee who died as a result of injuries received in the service. She was occupying a railway house and was facing eviction, but the Minister took the matter up and gained some respite for her. I am now informed that she is once again under strong pressure from the railways to vacate the house. I have spoken to the railway officer responsible for these matters and he assures me that ordinary Railway Department policy is being followed; but, because of the unique nature of the case, will the Minister intervene to enable the lady to remain in the

house until it is possible for her to secure alternative accommodation? I assure him that every effort is being made in that direction.

The Hon. Sir MALCOLM McINTOSH—I will take the matter up with my colleague. On the assurance that every effort is being made to find alternative accommodation, I am sure that he and the Railways Commissioner will sympathetically consider the matter. However, the honourable member will understand that the house in question was erected to accommodate a railway worker; at the present moment the man who has taken the other man's job.

SALE OF UREA AND GROFAST.

Mr. LAWN—I have been informed that the Department of Agriculture is considering licensing either the manufacturers or the distributors of Urea and Grofast. Is there any truth in this?

The Hon. G. G. PEARSON—Any product marketed under a trade name which is purported to contain certain ingredients must be up to the standard set. As the honourable member knows, legislation provides for this. That is the only obligation on the manufacturer who sells a proprietary line, and does not involve any restrictions or licensing. As far as I am aware there is no suggestion to license these people under the provisions of the legislation.

POSTAL EMPLOYEES AND TRAFFIC LAWS.

Mr. O'HALLORAN—I have been approached by the Postal Workers Union in this State and my attention drawn to the fact that recently the head of the Commonwealth Postal Department issued regulations under the Posts and Telegraphs Act which are intended to supersede the parking laws made by the Adelaide City Council or other municipalities in this State, and also the provision under the Road Traffic Act relating to the standing of vehicles in streets. I understand that these regulations have been introduced because difficulties have arisen when postal vehicles are used to collect letters. The union concerned wants to know whether the Commonwealth law supersedes municipal laws in this respect. Has the Premier's attention been drawn to this matter and, if not, will he ascertain the position?

The Hon. Sir THOMAS PLAYFORD—My attention has not been specifically drawn to it, but I noticed a press report that a similar regulation was in operation in Sydney. At that time I gave it a passing thought as to what would be the result of the operation of such a regulation and whether it was within the Commonwealth power. I have not obtained a Crown Solicitor's opinion on it, but I know that the Commonwealth military authorities have always been considered completely outside the scope of State traffic laws, although they are subject to Commonwealth direction. Where the military authorities have a regulation contrary to a State law dealing with traffic undoubtedly the Commonwealth law is valid. In the case mentioned by the honourable member, no doubt a similar position applies. The Post Office could not carry out its work if a State law interfered with the collection of mail. Therefore, I think the State regulations would have to be construed as subject to reasonable liberty by Commonwealth authorities. I will take the matter up to see that, in the event of any charge being laid against any members of the union for a breach of the State law, the charge is suspended and the matter examined on a higher level as between Governments.

NEW SHIP BUILDING YARDS.

Mr. STOTT—The Premier stated some time ago that it was possible an overseas company would establish shipbuilding yards in South Australia. Has any progress been made, is it an English company and is there any possibility of the project being soon started?

The Hon. Sir THOMAS PLAYFORD—I understand that negotiations with the overseas interests are proceeding satisfactorily, and am told that a final decision will depend substantially on whether the Commonwealth Government is prepared to sponsor this overseas company as it has sponsored other shipbuilding companies in Australia, and give it the same encouragement. I am to have a conference with the Commonwealth Minister for Shipping next week and I believe we will be able to iron this matter out satisfactorily. The Prime Minister, with whom I have already discussed the matter, has expressed the view that the Commonwealth would support the introduction of this industry. Everything considered, prospects appear to be quite good.

MURRAY RIVER LEVELS.

Mr. BYWATERS—Has the Minister of Irrigation a reply to my question of Tuesday as to the pool level in the lower Murray and also the condition of the Mundoo barrage?

The Hon. C. S. HINCKS—I have received the following report from the Engineer-in-Chief:—

The normal controlled pool level in the lakes and lower Murray is R.L. 109.50. However,

to facilitate and lower the cost of pumping water and otherwise rehabilitating the lower river reclaimed areas, arrangements have been made to keep the pool at Goolwa one foot below normal this season. The level at Wellington and places further upstream will depend upon the quantity of water flowing and will gradually approach the Gooolwa level as the flow decreases. Sufficient stoplogs and gates are being replaced at Mundoo and the other barrages to retain the water at the required level.

STANDING ORDERS COMMITTEE REPORT.

The SPEAKER laid on the table report of the Standing Orders Committee.

The Hon. Sir THOMAS PLAYFORD moved—

That the report be printed and taken into consideration on Tuesday next.

Motion carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

In Committee.

(Continued from February 6. Page 1602.)

Clause 2—"Enactment of Part XXIIIA of principal Act."

The Hon. Sir MALCOLM McINTOSH (Minister of Works)—In new section 475b relating to procedure as to by-laws, I move—

At the end of paragraph (*a*) to insert "and may, if the Governor thinks proper, be confirmed by the Governor."

This will enable an amendment to be moved by the Leader of the Opposition to be given full effect.

Amendment carried.

Mr. O'HALLORAN—I move—

At the end of new section 475b to insert the following new subsection:—

(5) Notwithstanding subsections (1) to (4) inclusive of this section, when the council first makes by-laws under section 475a in pursuance of the powers conferred by paragraph III or paragraph V of section 475a then the provisions of subsections (1) to (4) inclusive of this section shall not apply with respect to such by-laws but, whether the by-laws contain, in addition, provisions made in pursuance of paragraphs I, II or IV of section 475a or otherwise, the provisions of section 675 and the other provisions of Division I of Part XXXIX shall apply with respect to the by-laws. The provisions of subsections (1) to (4) inclusive of this section shall, however, apply to all subsequent by-laws made by the council under section 475a.

This means, in effect, that the first by-law will be subject to the existing provisions regarding by-laws made by councils, but that subsequent amendments to that by-law will be subject to the provisions of new section 475b. I originally proposed to oppose this section and intimated that further important amendments would be required. However, after consultation with the Minister and the Parliamentary Draftsman we arrived at what we consider a satisfactory solution. Parliament will be enabled to scrutinize and disallow the first by-law in the usual manner. Any subsequent amendments will be subject to the new provisions of the Bill and will come into operation forthwith after approval by the Governor and remain in operation until such time as Parliament has had an opportunity of considering them. The important by-law will be the first. It will fix the parking areas, the number of meters, parking time, fees and everything associated therewith. My proposal substantially retains the supremacy of Parliament on this important matter without unduly hamstringing local authorities who may find, after making their parent by-law, that small amendments are required for its more efficient working. They should have an opportunity of bringing them into operation forthwith. We are not sacrificing Parliament's right to disallow those amendments. If they are subsequently disallowed by Parliament they cease to operate.

The Hon. Sir MALCOLM McINTOSH—The Government has no objection to this amendment which, as a matter of fact, has been arrived at as a matter of compromise. However, to put the views of the Government, I shall read the following short statement provided by the Parliamentary Draftsman:—

The ordinary rule relating to by-laws is that they must be tabled for 14 sitting days in Parliament before coming into force. New section 475b provides that, as far as parking meter by-laws are concerned, the rule to be followed is to be that provided in the Acts Interpretation Act for regulations generally, namely, that the regulations come into force on making but are subject to disallowance within 14 sitting days after they are tabled in Parliament.

The amendment proposes a compromise. It provides that the first by-laws made by any municipal council relating to parking meter fees or penalties for offences are to be subject to the ordinary rule for council by-laws, that is, they will not come into force until they have been tabled for 14 sitting days. As regards subsequent by-laws the amendment provides that the provisions now in the Bill will apply, namely, the by-laws will come into force on making but be subject to disallowance within 14 sitting days.

The effect of the amendment is that, if a council wishes to install parking meters, it must make its by-laws setting out the fees to be paid and the fines which may be imposed

and must, in effect, obtain Parliamentary approval to its by-laws before it can commence to implement the by-laws. It can be expected that the first by-laws will set the pattern for the council and that subsequent revisions of the by-laws will be such that it will be sufficient if the by-laws are subject to disallowance by Parliament to the same degree as regulations are.

New subsection inserted.

The Hon. Sir MALCOLM McINTOSH—I move:—

To strike out subsection (4) of new section 475g and to insert in lieu thereof the following new subsection:—

(4) This section shall not authorize the council to construct or provide on any parklands any garage, building of any kind, petrol pump or similar structure or to enclose any parklands so as to prevent access thereto by the public.

In support of this amendment I shall read a report from the Parliamentary Draftsman, which sets out:—

Clause 2, among other things, inserts a new section 475g in the Local Government Act. This new section authorizes a municipal council to establish, on land owned by the council or on land under its control, off-kerb parking facilities such as car parks, garages, etc. Subsection (4) of the new section provides that, if any such facilities are provided on parklands, no building or petrol pump is to be erected and the land is not to be enclosed so as to prevent access by the public. As drafted, this subsection is somewhat obscure. The amendment therefore proposes to substitute a new subsection which is expressed in clearer language but which is designed to achieve the same purpose. The subsection proposed to be substituted for the existing subsection provides that the section will not authorize the erection of any garage, building of any kind, petrol pump or similar structure on parklands or authorize the council to enclose parklands so as to prevent access by the public.

The intention is that parklands may be used for car parks only but that the council is not to erect on the parklands obstructions such as buildings, petrol pumps, etc. It is not a departure from the present Act to permit a municipal council to use portions of the parklands as car parks. Paragraph 24 of section 669 provides that a municipal council may make by-laws for such a purpose and may fix charges for the use of such car parks, and this power has been exercised by some councils.

Mr. O'HALLORAN—I do not desire to debate this matter except to indicate that I think the amendment is better than the provision in the Bill, and I therefore have no objection to it.

New subsection inserted; clause as amended passed.

Clause 3 passed.

New Clause 1a—"Differential general rate."

Mr. DAVIS—I move to insert the following new clause:—

1a. Section 214 of the principal Act is amended by adding at the end thereof the following subsections:—

(3) The council may, by resolution passed in manner provided by subsection (2), declare a general rate in respect of any ratable property which at the time the rate is declared is—

(a) used solely for recreational purposes; or

(b) is occupied by a person in receipt of invalid or old age pension pursuant to any law of the Commonwealth,

which may be less than the general rate declared in respect of the remainder or any other portion of the area.

(4) The council may, by resolution passed in manner provided by subsection (2), declare a general rate in respect of any specified ratable property which at the time the rate is declared is used solely for residential purposes, but which is situated in a neighbourhood where the land is mainly used for business purposes, which may be less than the general rate declared in respect of the remainder or any other portion of the area.

I move this amendment in order that the Act may be clarified, because municipalities are in a quandary about what it really means. We have had opinions from several legal men, and most of them are to the effect that we cannot apply differential rating. The Minister, in a reply to a question in this House, stated that it could be applied, and we have had the same opinion from the Crown Solicitor. My council and others have sought advice from other legal men who are definitely of the opinion that differential rating cannot be applied. We find that there is a difference of opinion amongst the Parliamentary Draftsmen themselves, and the former Crown Solicitor also differs from the gentleman now holding that office. In view of the varying legal opinions, the Municipal Association sought an opinion from its own solicitor (Mr. Piper), who advised that differential rating could not be applied to individual blocks.

The Minister of Local Government made certain statements to a deputation from Port Pirie which waited on him in connection with this matter. They were published in the Port Pirie *Recorder* and were to the effect that we could apply differential rating, and that if we did not do so he would use his influence to see that we did. The result is that we have had many complaints from people whom it affected in Port Pirie. Strange to say, the Minister of Local Government has recently turned a complete somersault. He was asked for an opinion by the Municipal Association

on this matter, in view of the fact that there had been a difference of opinion amongst legal men. The Minister sent the following reply to the Association:—

With further reference to your letter of December 17 last regarding rates to pensioners, I have to advise that it is considered that in the exercise of the powers conferred by section 214 of the Local Government Act, the powers must be exercised in good faith and on grounds of justice and fairness. If they are exercised otherwise there is no doubt that, in appropriate proceedings, the council would be restrained by the court. It would not be a proper exercise of its powers for a council to declare rates on land according to the economic circumstances of the ratepayers, and thus the section should not be used to declare on land, of which pensioners are owners or occupiers, lower rates than those generally declared for land in the locality. If a council adopted such a policy as regards pensioners it could, with equal justification, declare rates on ratable properties differing according to the means of the ratepayers. Discrimination of this nature would violate the general principles of rating.

The manifest purpose of section 214 is to give a council latitude in the declaration of general rates and so that the rate burden can be distributed equitably, but it is considered the test to be applied should be such as the demands made upon the council by the various categories of ratable property and similar reasons, and not the circumstances of the individual ratepayer. One of the most obvious cases for the application of section 214 arises where a council area comprises both urban land and farm land. The urban land normally requires a greater expenditure of council revenue than the farm land and thus it is appropriate for the council to declare, under section 214, a higher general rate on the urban land than on the farm land. The same position can, of course, apply with respect to one part of the urban land as compared with other parts. It is upon general principles such as these that section 214 should be applied and it would not be proper for the council, by declaring differential rates under the section, to reduce the general rates payable on land indistinguishable from other land, by reason of the circumstances of the ratepayers.

In my opinion the Minister in that letter drew a red herring across the path by making a comparison between urban and farm lands, because to my knowledge that point has never been debated by my council or any other council. We merely wish the position clarified in order to see whether we have the power to impose a differential rating in certain parts of our municipality. Other councils who are members of the Municipal Association have made various approaches to that organization regarding the power to give some relief to old age and invalid pensioners. My council is of the opinion that we should be able to do that, because we think it is wrong for a council to penalize the old age pensioner in rating. If the Government of the day did the right thing and paid a decent pension to elderly people, there would be no need for me to move this amendment because they would be in a position to pay their rates. Applications have been made to the Port Pirie Council for differential rating in connection with recreation grounds. The council said it would take over the land, give a lease of 50 years with the right of renewal, and that, if there were no renewal, it would buy at a price fixed by an independent assessor any buildings placed on the land during the period. I do not say the council would use those powers, for each case would have to be treated on its merits. Some bodies in the town are highly rated because they own valuable land. If my proposal is accepted their difficulties will be eased. If the Government does not accept the proposal I will take it that the councils have not the power suggested by the Crown Solicitor. If there is not the power there should be a clarification of the position. People in various parts of the State are awaiting with interest the result of this move today.

The Hon. Sir MALCOLM McINTOSH—I ask the Committee to reject the new clause. This Bill was introduced to give effect only to the urgent matter of installing parking meters. The Government intends next session to introduce a Bill permitting a general discussion on local government matters. This new clause contains two principles. The first is that differential rates should be declared on ground used solely for recreational purposes. I remember on one occasion debating in conference whether polo grounds and golf links should have a differential rating simply because they were used for recreational purposes. I thought at the time that people should be able to pay for their amusement and I objected to differential ratings. As a compromise it was agreed to allow them to apply for a period, but the principle is wrong. The new clause would cover coursing grounds, golf links, polo grounds, and other sporting areas, and should not be accepted.

The other principle deals with people who are receiving the old age pension. I noticed in the *Advertiser* the other day that Newcastle has agreed to such a provision and that it will cost the council £26,000 per annum. A person receiving the old age pension may not be in a worse position than a neighbour receiving superannuation. An old age pension couple will get more than any member of this House will get for himself and wife after paying

for many years into our superannuation fund. An old age pensioner can possess a house of any value without the amount of pension being affected. Next door may be a man with a little money in the bank after working all his life and paying rent as well as the rates and taxes. If the new clause is agreed to the man in the valuable house will get a differential rate whilst the other man will pay the full rate. The council could declare a differential rate for a specified area or it could defer the payment of rates. Any council that gets the power under this new clause will be sorry. The Port Pirie council is not so affluent that it can afford differential rating. Mr. Davis said the pension should be large enough to cover the payment of rates, and I agree. The council could allow the rates of an old age pensioner to accumulate and then collect them later from his heir. I have a report from the Parliamentary Draftsman that clarifies the position, although I thought the letter from the Minister of Local Government covered the position adequately. The report of the Parliamentary Draftsman is as follows:—

The new clause provides that, in land values councils, the council may declare in respect of recreation land, premises occupied by invalid or old age pensioners, or residential premises situated in a business area, a general rate which is lower than the rate on other ratable property. Section 214 now provides that a general rate on any portion of the ratable property in the area may be greater or less than the general rate on the remainder or any other portion of the area.

This power is frequently exercised and it is common for a council to declare different rates for different wards on the ground that the demands made on the council's revenue vary from ward to ward. The outstanding example is the town ward in a district as opposed to the country wards. However, section 214 does not confine this power of differentiation to wards as it is realized that the character of the ratable property and the consequent demands on the council may vary from one part of a ward to another. Thus, the language of the section is general and it depends upon the good sense of the council to what degree differential rates will be imposed. However wide the powers of the council may be to differentiate between ratable property, it is suggested that it is undesirable that this differentiation be extended to what might be called the pin-pointing of ratable properties so that the rate imposed on the property of one owner is different to the rate imposed on a similar property of another owner. In effect, this is what is proposed by the new clause and, if accepted, the amendments in the new clause would give legislative approval to discrimination of this kind.

I suggest it will not stop there. What about land tax, or sewerage or water rates? I suggest that the acceptance of the principle will open up an entirely new avenue that will be regretted. It has been stated that it will cost the Newcastle Council £26,000 a year and the member for Port Pirie will recollect that he came to me when his council was in such dire straits that it wanted to sell its indeterminable bonds to pay off its overdraft. Is it now in such an affluent position that it can afford this proposed concession? I do not think that the amendment has any merit, but if it has, it should not be dealt with in this Bill, but in a more comprehensive measure. Certainly in respect of recreational property it opens up a very wide field, namely, concessions to those who can well afford to pay. I ask the Committee not to agree to either of the proposed new clauses.

Mr. FRANK WALSH—I cannot agree with the Minister and propose to support the new clause. To carry the Minister's contentions to their logical conclusion he would permit councils to allow a debt to accumulate on a property during the life of the pensioner and the council would have to wait until his death to recover the amount. Under the Act at present, if rates are not paid they can be recovered by distress warrant, so the councils have exactly the power that the Minister is suggesting and to which I am opposed. We have been told again and again in recent sessions that there would be no increase in water rates, or if there were, it would be only a minor increase, but what do we find? Admittedly the department did not increase the rates or the price of water much, but it raised the assessments substantially. The Minister said a council might adopt the waterworks assessment. True, some have adopted that, although others make their own assessment. People living on main roads have been hit very hard in this respect. Some sections of Anzac Highway are under the annual rental values system whereas others are under the unimproved land values method of rating, and this is typical of the position on main roads generally. Increases in waterworks assessments and council rates generally have harmed age pensioners. Should we ask that a debt be created and later discharged by the beneficiaries of a deceased ratepayer? If the Committee does not accept this amendment, the only solution is for councils to adopt its provisions so that deserving ratepayers may be assisted.

Mr. HAMBOUR—I oppose the amendment, which I believe originated because of last year's vicious council assessment at Port Pirie. How many councils would use such a provision?

If one council adopted differential rating pensioners throughout the State would set up a hue and cry for its application generally, and councils would not appreciate that. The present application of uniform rating is fair, and councils cannot afford to subsidize social services by a method of differential rating. Mr. Davis referred to recreation grounds, but most of these are owned by councils, and owners of private recreation grounds should pay rates the same as other people.

Mr. TAPPING—I support the amendment. The Minister said that it should be introduced not at this stage, but in a few months' time.

The Hon. Sir Malcolm McIntosh—I said a more appropriate time would be when considering the legislation as a whole.

Mr. TAPPING—This is a Bill to amend the Local Government Ast, so surely members have a right to move amendments as they see fit. The Minister also said councils had the right to accept rates by instalments, but poor people may take a year to pay their rates under such circumstances and then have to start paying next year's rates, and that position could continue indefinitely. That was a weak argument. If a bill is deferred it still has to be paid later. Differential rating has been operating in South Australia for the last 25 years. The rate on land in my area is 1s. 8d. in the pound on the unimproved value, but people on Lady Gowrie Drive pay 1s. in the pound. Under the amendment zones and specified dwellings may be granted a special rate, but in the Port Adelaide Corporation differential rating applies through the wards. The second part of the amendment gives councils power to grant concessions to pensioners if they think it necessary.

The Hon. Sir Malcolm McIntosh—Some pensioners own valuable homes.

Mr. TAPPING—That is a weak point because they cannot eat their houses. The amendment only says that councils may grant a concession, not that they shall grant it. The council would consider a pensioner's means before granting a concession. It is true that the Municipal Association has been divided on this question for some years, but most councils now favour having this discretionary power. Councils in New South Wales and Tasmania have had power to grant these concession for years.

Mr. O'HALLORAN—I assure the Committee that the amendment has the support of the Opposition, but some members seem to think it will be the means of granting concessions to wealthy sporting organizations which are not entitled to them. We only want to enable councils to grant assistance to small amateur bodies, which are to be found in every country town. They find it difficult to maintain their playing grounds and purchase equipment, but they are not entitled to charge the public for admission to their fixtures. All we are asking is that councils have the right to consider each case on its merits. Any resolution by a council for this purpose must be passed by at least three-quarters of the members of the council excluding the mayor. I am prepared to trust councils.

Mr. RICHES—The Minister questioned the urgency of this amendment and suggested that it be left until next session, but it is a matter of urgency. It is urgent not because of any situation that has developed at Port Pirie, as Mr. Hambour suggested, but because of some extraordinary statements made by the Minister of Local Government—statements which were completely contradictory within the course of two months. There is a need for clarification and the sooner the position can be clarified the better for those responsible in administering local government and those who feel they are suffering difficulty in meeting their annual rate accounts. Last October Mr. Loveday asked a question as to the powers of councils to strike a differential rate and the Minister representing the Attorney-General quoted this opinion from the Crown Solicitor:—

I agree that it is competent for the council to declare a differential rate in respect of any ratable property within any portion of the area, and there are no grounds for saying that there must be more than one property within the portion of the area.

The member for Light stated that if a council struck a differential rate there would be an outcry all over the land. He said the position was quite clear—no council had the authority to do it; whereas the Crown Solicitor, as quoted by the Attorney-General, says that councils have the power. In order to clarify the position Mr. Davis asked whether the Minister had a reply to a question he had asked regarding an opinion of the Crown Solicitor on differential rating for a pensioner, and on that occasion the Minister of Education replied:—

The opinion of the Crown Solicitor means precisely what he says, and if the honourable member reads it in *Hansard* tomorrow morning he will find it abundantly clear, but I shall be only too pleased to refer the question to my colleague and get a detailed reply.

The following week Mr. Davis asked:—

Last Tuesday the Minister of Education read a report from the Crown Solicitor on

differential rating and I asked him whether that report meant that a different rate could be struck for a pensioner and whether it would be possible to have a dozen different rates in the one street. Has he a reply to those questions?

To which Mr. Pattinson replied:—

Yes, but it is not what the honourable member desires. I referred the questions to my colleague (the Minister of Local Government), who said that he considered the Crown Solicitor's opinion adequate and that if the honourable member was not satisfied he should again consult the corporation's solicitor, who has already expressed an opinion that coincides with the Crown Solicitor's.

Subsequently, the Minister of Local Government made another statement in reply to a deputation which waited upon him from Port Pirie. It was pointed out that tennis clubs and other small sporting organizations which were operating on private land were meeting with great hardship. The tennis club which had I believe from memory something like 30 members had to pay a rate of about £120 a year. The Minister was asked whether the council could strike a differential rate to give alleviation, and among other things this is what the Minister said, as published by the *Port Pirie Recorder*:—

While the rates for this financial year cannot be altered, there is no doubt that, by the exercise of the powers given by section 214 of the Local Government Act to impose differential general rates, the corporation in future financial years could, in large degree, overcome many of the local objections, and such influence as I have with the corporation will be exercized accordingly. However, I would stress that the Minister has no powers in this regard but can only attempt persuasion.

If this persuasion is ineffective, the Government will have the matter examined with a view to seeing whether the Local Government Act can be amended in a manner to deal with the position at Port Pirie without restricting the powers of councils generally.

I agree with what was said as to the hardship imposed upon sporting and similar bodies by the rates imposed upon their land and would certainly think that the corporation, in order to alleviate their position, should strain its legal powers to the utmost.

Today the Minister says that councils have not that power, and it is not wise that they should have it. The Minister in charge of the Bill in this House when Minister of Local Government adopted the same attitude. He has always held that this is not a power which should reside in local government, but the present Minister of Local Government, by published statement in a place where he thought it would result in most embarrassment, has expressed a contrary opinion and the Crown Solicitor has expressed a similar opinion. Subsequently, the Municipal Association in order to get clarification, sought the opinion of its solicitors Messrs. Piper, Bakewell and Piper and received an opinion to the effect that differential rating cannot apply to individual allotments, but was intended to apply to a group or an area in a ward, and their opinion has now been substantiated by the Minister of Local Government, who has now completed a somersault. This week he notified the Municipal Association that the intention of the Act was exactly what Messrs. Piper, Bakewell and Piper indicated. How can anyone get a clear picture of what the powers of councils are in such circumstances? The position is that pensioners who are property owners and other people who feel that under the operations of the Act they are experiencing hardship in meeting their rates have from time to time approached a council requesting that their individual case be met, but the councils have had to tell them that they have no power to grant differential rates. The answer that it was beyond the power of councils to grant these concessions has been given in good faith and one can appreciate the consternation that resulted from the Minister's publicized statement that councils had the power. The Minister of Works takes the opposite view and has always done so.

A similar situation developed at Whyalla. In the main street some allotments were occupied as dwellings, and highly assessed because they were in the business centre. It was impossible for the owners to construct business premises on the allotments because at that time building restrictions operated. When those wartime restrictions were lifted Whyalla's growth had slackened and the town had become stable, with the result that there was no need for additional shops. The owners were still paying about £100 a year for rates. The Town Commission applied to the then Minister of Local Government (The Hon. Sir Malcolm McIntosh) seeking a differential rate to be applied in such cases of hardship, but was told that it would not be permitted. In the last two months the present Minister of Local Government has indicated that that advice was wrong and that councils have been misinformed because this power is clearly stated. However, today we have been told that the power does not exist.

This move should clarify the position. It will make clear the intentions of Parliament as constituted today. The clause before us makes it clear that the council should have the power

to grant a differential rate in the case of property occupied by a person receiving an invalid or old-age pension. As soon as that property comes into an estate or passes to another ownership it will revert to full rating. The council will have a discretionary power. Not every council would care to accept the responsibility, but there are some councils, closely in touch with people, that recognize the need for these concessions and would attempt to apply them. I regret the need for this amendment. If the Commonwealth Government provided an adequate pension it would not be necessary, but pensioners are not in a position to meet the rates on their properties. I realize that one argument against granting concessions is that there is no provision for pensioners who rent houses: they have to pay the full rent demanded from them and receive no relief. Rate concessions is not a burning question in some council areas where the proportion of pensioner property owners is comparatively small, but at Port Augusta where a large proportion of ratepayers are pensioners that is the limiting factor in determining the rating—the ability of the person to pay—and not the requirements of the council to provide services to the community. My council is not unique in this regard.

The Leader of the Opposition has dealt forcibly and reasonably with the provision relating to recreation grounds. Councils will have a small discretionary power. It will not apply to sporting bodies who receive revenue from gate money, but to small organizations which provide recreation facilities. Councils can be trusted with this discretionary power. It is obvious that there is need for clarification, particularly when it is realized that the Crown Solicitor and Messrs. Piper, Bakewell & Piper —recognized authorities on local government—hold conflicting opinions.

Mr. BYWATERS—I support the amendment, but draw attention to the position in my district, especially at Murray Bridge. Recently, like other councils, the Murray Bridge corporation has had to raise its rates rather considerably to meet its commitments. In that town there are many pensioners who years ago built homes quite close to the shopping centre, which was only natural because they did not wish to travel long distances to do their shopping. As values are higher on properties near the centre of a town, these people are finding it difficult to meet their rates. This new clause is a very desirable provision because it will enable councils to alleviate the difficulty imposed on pensioners. It need not affect the total rates collected because councils can collect their requirements from other ratepayers. It has been said that many of these homes are of good type and are worth quite a large sum of money.

The Hon. Sir Malcolm McIntosh—Deferment would not hurt them.

Mr. BYWATERS—Perhaps not, but under the present set-up councils cannot even defer.

The Hon. Sir Malcolm McIntosh—Any council can defer, because it need not collect.

Mr. BYWATERS—I will accept that, but most of these homes are not worth as much as the Minister has claimed. Even if some are worth a large amount there is no reason why a council should not be able to assist the owners.

The Hon. Sir Malcolm McIntosh—The council can defer without this power.

Mr. BYWATERS—But there is no provision for people who are not so fortunate.

The Hon. Sir Malcolm McIntosh—But it does not take anything out of their pockets.

Mr. BYWATERS—I am talking about people who only have their homes to live in. The council has a right to defer, but it does not have to do so; it depends on the council. It was felt by the Murray Bridge corporation that some alleviation should be afforded these people, so I cannot understand why the council should not have the power to do so.

Mr. LOVEDAY—In supporting the amendment, I shall deal more particularly with proposed new subsection (4) which particularly applies to my district. When local government was applied to Whyalla in 1945 certain portions of the town were declared business areas, and there were residences within those areas. As building control prevented the building of business premises, residential sites could not be used for business purposes. Some people have been trying to pay £100 a year in rates for ordinary four or five-roomed wood and iron homes. They have practically no prospect of selling these houses for business purposes and some have been unable to meet their rates. It is ridiculous that there is no provision whereby some sympathetic consideration can be given to them.

We all know unimproved land values are applied to compel land in business areas to be used for such purposes, but these people have not had the opportunity to convert their homes to business premises. This amendment will simply give councils a power that they may or may not exercise at their discretion. It is quite wrong that people like those I have mentioned should be placed in an impossible

financial position because they live in proclaimed business areas. The council now finds that an increase of one penny in the coming year will mean an extra load of at least £6 a year on the already overburdened shoulders of these ratepayers. Other residents of the town pay about £8 to £10 a year at the most, while these particular people face the prospect of having to pay over £2 a week in trying to meet their rates. This is an absurd situation.

This amendment will enable councils to grant relief in circumstances such as those I have mentioned. I admit they are extraordinary but nevertheless they do exist and the council has no other means of applying relief. It is obvious that if we deferred one-half of the rates annually the people would still have to pay £1 a week and in a short time the deferred payments would equal the value of their property, which would be unjust. It has been said that sooner or later the council will receive the deferred amounts upon the decease of the ratepayers. Surely that argument is absurd, because in a matter of 20 years a ratepayer would owe at least £1,000, assuming there was a deferred payment of £50 per annum.

I emphasize that the section is a most desirable one from the point of view of meeting these unusual circumstances which face the local governing body in Whyalla and for which there is no other remedy in the Act. Confusion has arisen as a result of the different opinions we have received on this question. The residents of Port Pirie, in particular, have been encouraged to believe that differential rates can be applied and to seek these remedies. If they are encouraged to seek these remedies, surely such remedies are desirable.

The Committee divided on new clause 1a.

Ayes (13).—Messrs. Bywaters, John Clark, Davis (teller), Hutchens, Jennings, Lawn, Loveday, O'Halloran, Riches, Stephens, Tapping, Frank Walsh and Fred Walsh.

Noes (19).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Fletcher, Goldney, Hambour, Harding, Heaslip, Heath, Hincks, King, Laucke, Sir Malcolm McIntosh (teller), Messrs. Pattinson, Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon.

Pairs.—Ayes—Messrs. Dunstan and Corcoran. Noes—Messrs. Millhouse and Dunnage.

Majority of 6 for the Noes.

New clause thus negatived.

New clause 4.

Mr. O'Halloran (for Mr. DUNSTAN)—I move to insert the following new clause:—

4. The principal Act is amended by the addition of the following words after section 888:

889. (1) No drive-in picture theatre shall be erected within any area unless permission for such erection shall have been granted by the council pursuant to this section.

(2) On receipt of an application for permission to erect a drive-in picture theatre, the council shall not grant the said application unless it is satified that the erection and management of the proposed theatre will not be an inconvenience to ratepayers within the said local government area.

(3) The council shall, if it proposes to grant the application, give public notice that it so proposes.

(4) The said notice shall be published in the *Gazette*, and twice in some newspaper circulating in the neighbourhood, not less than one month nor more than three months before the adoption of the motion for granting the said permission, and shall state:

(*a*) The name of the applicant.

(*b*) The site of the proposed drive-in theatre.

(5) (*a*) Within one month after the last publication of the notice under this section, the requisite number of ratepayers may, by writing under their hands delivered to its mayor or chairman or clerk, demand that the question whether or not the said permission shall be granted be submitted to poll of ratepayers in accordance with this section.

(*b*) If no such demand is made the consent of ratepayers shall be deemed to be obtained.

(*c*) If any such demand is made the question shall be submitted to poll of ratepayers in respect of property situated within a radius of one quarter of a mile from the site of the proposed theatre, to be held as provided by Part XLIII.

(*d*) The requisite number of ratepayers for the purposes of subsection 5 (*a*) shall be twenty-one ratepayers who are ratepayers in respect of property situated within a radius of one quarter of a mile from the site of the proposed theatre.

(6) Where the consent of the ratepayers has been obtained at a poll, the council may grant permission, and where consent of the ratepayers has been refused, the council shall not grant permission.

During the past two years a number of drive-in theatres have been established in and around the metropolitan area and proposals for establishing further theatres have been canvassed in various districts, but there is some contention as to the wisdom of allowing them to be established. The new clause provides that the ratepayers in the locality where it is proposed to establish one shall have a voice in determining whether the council should give the necessary permission. It is confined to a poll of ratepayers within a quarter of a mile

of the proposed theatre so that only those who will be affected will have a say.

It is also proposed that 21 ratepayers residing within the fixed radius shall sign the petition to the council for the granting of a poll, and if a poll is granted it must be taken under the provisions of the Act relating to polls. If there are not 21 ratepayers within the fixed radius there can be no protest and the council will be free to grant permission. The Opposition believes that drive-in theatres should not be permitted in thickly populated built-up areas where they become a nuisance to local residents. We want the residents concerned to have the opportunity to guide the council on the action to be taken. In a council members are drawn from different wards and if a matter of this kind were considered by the council only one or two members would represent the ward concerned and they could be outvoted in council by members not concerned with the locality. We think it better to have a poll of the ratepayers who will be affected.

The Hon. Sir MALCOLM McINTOSH—This new clause could conceivably give a great deal of thought to those interested in local government affairs and the convenience to people living in the area concerned. Drive-in theatres seem to fill the want of many people of poorer means.

In South Australia there is a motor car for every third person. The family man who goes to a drive-in theatre takes his children in pyjamas and puts them in the back seat of the car, and consequently does not have to employ a baby sitter. It is a great convenience to the poorer class of people. Residents living within a quarter of a mile of a proposed theatre should not be the determining factor. The new clause provides that before a drive-in theatre can be established the consent of the council must be obtained. Before the council gives consent it must afford the ratepayers the opportunity of demanding a poll on the question and if a poll is held and the vote is negative consent to the drive-in theatre is not to be given. The present control over drive-in theatres is as follows:—General control is exercised by the Chief Secretary under the Places of Public Entertainment Act and the plans for such a theatre must be approved. The council has power under the Building Act to make zoning by-laws, and if the by-laws have zoned the area into residential areas, business areas and so on, it may be that either a drive-in theatre cannot be establish in a particular locality, such as one zoned entirely for residential purposes, or can be established only with the consent of the council if the by-laws so provide. In addition, the actual structure of the theatre, such as the screen and any ancilliary building, need to be approved by the council as being in conformity with the building regulations, so it will be seen that there are a lot of safeguards. Drive-in theatres are usually well out of ordinary residential areas because they must have ample space to provide parking areas, children's playgrounds and other amenities. There are many people living outside of a quarter mile radius who would welcome them very much.

The effect of the new clause is to make it necessary to obtain a further approval before a drive-in theatre may be built. Its main purpose, however, is to provide a means whereby ratepayers who wish to do so may object to the establishment of a drive-in theatre. Whilst the existence of a drive-in theatre may be distasteful to neighbouring occupiers of premises, that position could arise with many other types of premises such as factories and other industrial premises, and to be consistent the restrictions proposed should apply generally. It is to provide for such matters that councils were given power to make zoning by-laws, and it is suggested that the existing law, including the private land holder's right to take action in case of nuisance, should be adequate to deal with the matter. Drive-in theatres are rapidly becoming popular because they suit people who, perhaps, cannot afford to pay a baby sitter or go to other types of theatre, and at the same time they afford some recreational facilities for the children. I do not think that their construction should be hampered any more than the establishment of a factory should be the subject of a poll.

Mr. O'HALLORAN (Leader of the Opposition)—On behalf of every member of the Opposition I say that we are not opposed to drive-in theatres. We think them an excellent innovation, particularly for people with families, but we do say that residents in the areas where drive-in theatres are proposed should have some say as to whether or not they should be established there. I know of two propositions that have been hotly contested by the residents in the areas concerned, and therefore I suggest that such people should have an opportunity to express their opinion. Whilst admitting the necessity for them one must remember that they may be a nuisance because cars coming and going must raise dust in dry periods. The Minister put forward the most

extraordinary reason for opposing the amendment in saying that any householder in the vicinity could take action against the proprietors for creating a nuisance. How can a man who has the consent of the council and the Chief Secretary under the Places of Public Entertainment Act create a nuisance?

Mr. LAWN—It is obvious that the Minister has misunderstood the purpose of the amendment. I do not quarrel with his statement that drive-in theatres suit people of poorer means. In two instances, however, councils have given approval very quickly and when the ratepayers became aware of what was proposed they protested very strongly. In both instances the councils attempted to escape from the agreement they had made with the people concerned, but it was impossible for the council to change its decision. That is wrong in principle and contrary to the democratic procedure that permits the widest possible knowledge of what is proposed by the governing authority. The amendment gives that opportunity. Having advertised the fact that the council will deal with the application for a drive-in theatre, an opportunity is given to all residents to consider the matter and register a protest, if that is considered desirable. That is in line with democratic procedure. A poll may then be taken of all ratepayers within a quarter of a mile of the proposed site and there is nothing wrong with that.

The Liberal and Country Party represents property owners and, if the Adelaide Development Company or some firm of land sharks suggested that the value of their property would be reduced by the construction of a near-by drive-in theatre, I would expect that Party to do something in the interests of its supporters. I do not object to drive-in theatres as such, but I should not like to live next door to one, because not only do cars go into the theatres, but they also park outside and their occupants view the screening from there. How would the Minister feel if a drive-in theatre were erected within 100yds. of his home? His suggestion that residents should go to the police and lay a complaint against a public nuisance shows how little interest he has in the welfare of the people of this State.

The amendment is not an attack on drive-in theatres; it merely gives near-by residents a chance to protest. In the two cases I have mentioned, ratepayers had no knowledge of the proposed drive-in theatres until it was too late. The Minister does not object to similar provisions in the Licensing Act, and he should be consistent in this case. The amendment seeks nothing unfair, excessive or unreasonable, and I trust the Minister will change his mind and accept it.

Mr. QUIRKE—Notwithstanding the Minister's remarks I think that he is open to conversion. The amendment has considerable merit and needs much more consideration, but if it is pressed now I am afraid it will be defeated. The councillor most concerned is the one representing the area in which a drive-in theatre will be erected, and often other councillors are not very concerned. Therefore, it is only fair that the people who will be plagued by a theatre should be able to express their wishes. I would like to see the amendment withdrawn and considered next session.

Mr. STEPHENS—I support the amendment and regret that the last speaker fears it will be defeated if pressed. I ask members to consider the rights of people living close to drive-in theatres. Many elderly people will be greatly inconvenienced because their rest will be broken by the noise from theatres, people and motor cars. Many of them will be forced to leave their homes, but is that right and fair? We now protect people from noisy and noxious trades, and ratepayers can even override the opinions of their council on raising loans. I am sure the Government would not agree to a drive-in theatre being erected next to the Queen Elizabeth Hospital. I hope country members will consider the rights of people living in the metropolitan area and support the amendment.

The Hon. Sir MALCOLM McINTOSH—I assure the Committee that if this matter is deferred ample opportunity will be given for its discussion when a major Bill on local government is brought down next session. I ask the Leader not to proceed with the amendment, but withdraw it and avoid a division. That will not prejudice the amendment.

Mr. O'HALLORAN—In view of the Minister's assurance that we shall have ample opportunity to debate the amendment in the not too distant future, and as I fear some members have not had sufficient opportunity to study it and may take the line of safety and vote against it if I press it now, I ask leave to withdraw the amendment.

Leave granted; amendment withdrawn.

Title passed. Bill read a third time and passed.

ADJOURNMENT.

At 5.32 p.m. the House adjourned until Tuesday, February 12, at 2 p.m.