HOUSE OF ASSEMBLY.

Wednesday, October 30, 1957.

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

QUESTIONS.

CONSOLIDATION OF ACTS.

Mr. O'HALLORAN—My question relates to the consolidation, reprinting and naming of our Acts. It is now just over twenty years since the Acts existing prior to 1936 were consolidated and reprinted. In the meantime many of these Acts have been amended—some of them on numerous occasions—and, in addition, many other principal and amending Acts have been passed. It is not too much to say that, partly because of our method of enacting amendments and recording them in the amended Acts, the position has become very confused. It would seem that another comprehensive review of the Acts is justified for the purpose of effecting a consolidation similar to that of 1936; and at the same time the opportunity might be taken to obviate some of the disadvantages attaching to existing practices. The traditional method of amending Acts (by the insertion of words, etc., with or without the deletion of other words) is in itself confusing and also involves considerable annotation of the amended Acts, which in the course of time further increases the difficulty of interpreting the legislation. As a contribution to the solution of this particular difficulty provision might be made for the inclusion in the amending Act of the section, sub-section, paragraph, etc., thereby amended. Another matter that might be considered in this connection is the naming of Acts according to some consistent pattern for the purpose of simplifying the construction and use of indexes (as, for example, *Hansard* indexes). Examples of inconsistent naming are: Marketing of Eggs Act; Metropolitan and Export Abattoirs Act; Registration of Dogs Act; Notification of Births Act; The Election of Senators Act. Will the Government consider these matters with a view to taking action along the lines suggested?

The Hon. Sir THOMAS PLAYFORD—True, it is some time since our Acts were revised and reprinted, but that is a colossal job and at present I doubt whether the staff available to the Government could undertake the work. I will, however, have those matters examined.

AMBULANCE DELAYS AT HOSPITAL.

Mr. GOLDNEY—I have received the following letter from the secretary of the Balaklava and District Ambulance Incorporated:—

I would appreciate it if you would forward to the appropriate authority a strong protest against the lengthy delays experienced by our drivers and attendants when delivering patients to the Royal Adelaide Hospital. On the night of August 31 our vehicle was held up for almost two hours before the stretcher was made available and on the night of September 21 there was a 2½ hours delay. Our personnel are serving on a strictly voluntary basis and the loss of time means an extra sacrifice to them, besides having the vehicle immobilized when it could possibly be needed urgently for other cases.

The ambulance used is a Volkswagen; the patient transported on August 31 was from Snowtown, and the patient on September 21 was from Balaklava. Will the Treasurer, as Acting Minister of Health, call for a report on these delays?

The Hon. Sir THOMAS PLAYFORD—I recently investigated a similar complaint concerning another district and found that two things had caused the delay. Firstly, the ambulance concerned did not have standard stretchers and consequently could not get exchange stretchers, and the doctor refused to allow the patient to be moved off the stretcher at that time because that would have been harmful to him. Secondly, the ambulance drivers went away for two hours and left the ambulance at the Royal Adelaide Hospital; therefore, in that instance the delay was not entirely due to the hospital, although there was some delay because the ambulance did not have standard stretchers and because the doctor said the patient must be treated before he was removed from the stretcher. If the honourable member will let me have details of the cases to which he referred I will get a report from the hospital. It might be useful if the honourable member could also say whether the stretchers used by this ambulance are of standard design.

REWARD FOR IRON ORE DISCOVERIES.

Mr. LOVEDAY—I am reliably informed that the pegging of new leases on iron ore deposits is prohibited in the area extending roughly from Lincoln Gap to the southern tip of Eyre Peninsula. As some people are still anxious to prospect for new iron ore deposits, will the Government favourably consider suitably rewarding any person discovering a good deposit in view of the fact that such prospectors are unable to peg new leases?

The Hon. Sir THOMAS PLAYFORD—I will examine that question. Offhand, there appears to be some merit in what the honourable member says and it resolves itself into a definition of what would be regarded as a suitable reward and a worth-while deposit. We may be able to give the honourable member a favourable answer to at least part of his question.

COUNTRY AMBULANCE SERVICES.

Mr. HAMBOUR—Can the Treasurer state the policy of the St. John Council for South Australia with regard to assisting the purchase of country ambulances?

The Hon. Sir THOMAS PLAYFORD—I have just received a report from the St. John Council; it has not yet received the attention of the Government. I believe that one suggestion in the report should be amended slightly in a way that I will indicate in a few moments. I know that country members will be interested in this report, which states:—

In compliance with the terms of your letter under date of October 4, 1957, in respect to a report on a scheme of allocation for the £10,000 grant to country ambulance services for the financial year ending 30/6/58, it is desired to submit the following information which has been carefully discussed and approved by my finance committee. It is considered that the most satisfactory and equitable manner in which the allocation shall be made is by way of a yearly subsidy, based upon mileage covered for 12 months' running. The matter was discussed at a meeting held on September 10, 1957, at our Hindmarsh depot, at which 16 country services were represented with 25 delegates attending, and it was agreed by the majority, the exception being one dissentient, that the distribution of a subsidy on a mileage basis as suggested by St. John would be agreeable and equitable.

The first subsidy to be tabulated on the mileage covered by each service for the period 1/1/57 to 31/12/57, and the moneys to be distributed, as and when the information is received from the various services during the period 1/1/58 to 30/6/58. For the financial years ending 30/6/58 and 30/6/59 there will be certain moneys needed to give assistance of a capital nature, the purchase of new ambulances and their housing. To achieve this it is considered that the Government grant *pro tem* be divided as follows:—£5,250 for a subsidy; £4,750 for capital expenditure.

As country services are inaugurated to give adequate coverage and existing ones have been assisted to purchase new vehicles the capital allocation will be reduced resulting in a variation in the subsidy. It is proposed that the subsidy be allocated on the condition that it be placed in a depreciation fund, so that sufficient money is on hand to purchase a new vehicle when required in the future. At present there are 30 services operating 33 vehicles; of these, 14 vehicles have been purchased within the last two years, seven would have served approximately half life, and 12 can be regarded as needing immediate replacement. Vehicles in construction or negotiations taking place for replacement of vehicles and installation of new services number 10, including a proposed scheme of arrangement for three on the West Coast. This would result in 40 country services operating, 43 vehicles on completion of negotiations. For distribution purposes to those services operating the following would apply according to information received:—

	£
Subsidy at 9d. per mile, being 140,000	5,250
Replacement of old vehicles urgently needed and new services inaugurated, say 8, at a grant of £500 each	4,000
Balance for assisting in providing housing for vehicles, 5 at £150 each	750
	£10,000

Of the 12 needing replacement and 10 new services to be considered, St. John has committed itself to assistance from past moneys to the extent of £1,500 (six services). It will therefore be possible to assist 14 of the 22 before 30/6/58, leaving eight of the less urgent for the ensuing financial year.

My comments in regard to that report are twofold. The first is that while no doubt the existing ambulances would be very happy to have the money used as a subsidy on running, I believe that a large number of people were not represented at that meeting because they have no ambulances at present. Therefore, I do not regard that suggestion as having much merit because it would only give the money to existing services, and the Government's object in providing the additional £10,000 was to get more ample coverage, not merely to provide greater assistance for those already operating. Subject to Cabinet's concurrence, I propose to ask the St. John Council to reduce the amount of subsidy on a mileage rate in order to retain a larger percentage of funds for the introduction of new services.

I think that honourable members will see that that has much more merit from the point of view of ambulance coverage in the country. When we have the country adequately covered there will be no objection to the money being used wholly on a mileage basis, but until the coverage is effected I propose to provide less money on a running basis and more for the purchase of new ambulances and the establishment of new services.

Mr. RICHES—I hope that the Premier will not give any direction to St. John Council on the lines he has indicated without hearing the council's case and its reasons for arriving at the system of distribution—

The SPEAKER—I trust that the honourable member will not debate the question. He can only explain it.

Mr. RICHES—I ask the following questions:—

1. Is the Treasurer aware that the decision of the St. John Ambulance Council was arrived at after careful consideration and consultation with country services running ambulances?

2. Is he aware that some country ambulance services confine their operations to patients in their own district, whereas others cover an area of up to 200 square miles and serve districts which make no contribution whatever to the maintenance of the service, and it would be difficult to apportion the subsidy on other than a mileage basis?

3. Is he aware that any departure from the mileage system would involve subsidizing a rich district at the expense of the poor district if the subsidy were on a capital basis?

4. Will he, instead of giving an instruction as he indicated, confer with the council to make sure that he has its opinion before any decision is reached?

The Hon. Sir THOMAS PLAYFORD—I am aware of the matters mentioned. I am also aware that this £10,000 was put upon the Estimates by the Government for the purpose of establishing new country ambulance centres.

Mr. Riches—You told us it was also for the maintenance of existing services.

The Hon. Sir THOMAS PLAYFORD—To give assistance to existing services. The money was unsolicited by the St. John Council, but was provided for the better coverage of the country. The proposals now put forward provide that the major portion of the money is to be spent on existing ambulances and the lesser portion upon establishing new services. I have not gone into the matter with the council yet as I saw its report only this morning, but I believe that, instead of paying 9d. per mile subsidy, probably 6d. would be ample for running existing services, and that the additional money should be used for new services. It is not suggested that any district will get better benefits than another under my proposal. It is merely a plan for the more rapid coverage of the State.

Mr. BYWATERS—Can the Premier say whether it is the Government's intention to suggest the amount that should be used for new ambulance services, or will this question be referred back to St. John for a further recommendation?

The Hon. Sir THOMAS PLAYFORD—The matter will be referred back for a further recommendation.

CROYDON GIRLS TECHNICAL SCHOOL.

Mr. HUTCHENS—The Minister of Education will remember that following a deputation and request from the Croydon Primary School and the Croydon Boys and Girls Technical School the matter of a new Croydon Girls Technical School was referred to the Public Works Standing Committee and approval was given to the scheme and tenders were called for the foundations, which are now completed. Can the Minister say whether the department has any plan for calling tenders for the completion of the building?

The Hon. B. PATTINSON—I have been advised by the Architect-in-Chief that working drawings and specifications are now being completed and at present quantity surveyors are preparing a bill of quantities, and it is expected that it will be possible to call for tenders at the end of next month or early in December.

SOUTH-EASTERN DRAINAGE.

Mr. HARDING—The South-Eastern Drainage Board's annual report recommends an amendment of the Act to cope with surplus water which is being diverted from higher ground to lower ground, thus impairing the development of settlements in the lower area. Can the Minister of Lands say whether legislation has been prepared, and when it will be introduced?

The Hon. C. S. HINCKS—Legislation is being considered and eventually will be brought down, but not this session.

NEW NORWOOD HIGH SCHOOL.

Mr. DUNSTAN—Can the Minister of Education give me any further reply to my recent question about the acquisition of extra land for the proposed new Norwood high school?

The Hon. B. PATTINSON—Yes. The Education Department already owns or has under option to purchase, 16 acres as a site for the new Norwood High School at Magill. By modern standards this is considered to be inadequate for a high school, which needs at least 20 acres and it has been recommended that a further area of approximately six acres adjoining the site be purchased. The manager of the company which owns the property has been written to asking whether his company will sell the land, and if so, at what price. When a reply has been received it will be referred to the Land Board for valuation of the land

and, if the price is satisfactory, I will then submit a proposal to Cabinet for consideration of purchase.

MURRAY RIVER FERRIES.

Mr. KING—The landing flaps on the ferries on the River Murray are operated manually by a system of ratchets and pawls, and cables held in place by pulleys. Over the last few years two or three people have been seriously injured and I think two deaths have been caused owing to the teeth holding the pawls having snapped and the handles, sometimes used in conjunction with the brakes on the cable, flying around and knocking the operators on the head. As the ferries are now being equipped with diesel motors it should be possible to run feed pumps with them and operate a hydraulic system. Will the Minister of Works obtain a report to see whether the present method, which has been in use for many years, can be replaced by one using hydraulic power for operating the landing flaps?

The Hon. Sir MALCOLM McINTOSH—Yes.

OSBORNE POWER HOUSE SOOT NUISANCE.

Mr. TAPPING—On a number of occasions I have raised the question of the nuisance created by soot from the Osborne Power station. I understand that the officer of the Electricity Trust who went abroad to study this question has now returned. Has the Premier received his report?

The Hon. Sir THOMAS PLAYFORD—The latest information I received was that the report was being prepared but that it would be some time before it was available. It is a complicated matter involving considerable expense on one hand and a good deal of research on the other. I will see, however, if I can speed its presentation.

LINCOLN HIGHWAY.

Mr. BOCKELBERG—Has the Minister of Works a reply to my question regarding the Lincoln Highway? I understand that the Highways Department is preparing specifications with a view to calling tenders for the construction of about 50 miles between Whyalla and Cowell. Will the Minister inquire whether the tenders will be called in time for the work to begin before Christmas and, if not, when?

The Hon. Sir MALCOLM McINTOSH—The Minister of Roads has now furnished me with the following report from the Commissioner of Highways:—

The district council of Franklin Harbour is commencing formation work on Lincoln Highway north of Cowell this week. Surveys of other sections are still being made and it is expected that plans for a section south of Randell Tanks will be completed in the near future. It is then proposed to prepare a specification and call tenders for the reconstruction of the section south of Randell Tanks. Funds are being provided annually for the maintenance, with small improvements, of Eyre Highway. No major reconstruction is proposed in the near future.

WORKMEN'S COMPENSATION ACT.

Mr. LAWN—Has the Premier a reply to my recent question concerning the Workmen's Compensation Act?

The Hon. Sir THOMAS PLAYFORD—I have received a report from the Crown Solicitor, too long to read in answer to a question. It appears that it will be necessary to make some rules of court under section 112 of the Workmen's Compensation Act to regulate the practice of special magistrates in dealing with cases of the type mentioned by the honourable member. Apparently there are some formality difficulties and I am asking the Attorney-General to take this matter up and see if the necessary rules of court can be made so as to facilitate the hearing of the claim the honourable member mentioned.

SITTINGS OF PARLIAMENT.

Mr. STEPHENS—Parliament is to prorogue this week. Can the Premier say whether it is intended to call Parliament together early next year, and, if so, when?

The Hon. Sir THOMAS PLAYFORD—In recent years it has been the practice to have two sessions of Parliament a year rather than one. If sufficient business is available to warrant calling Parliament together early next year Cabinet will do so. At present I do not know of business that will require attention, but from time to time matters arise that need consideration. I think members can safely make arrangements on the basis that Parliament will not meet during January, February or March. It may meet after March.

SOUTH-EASTERN DRAINAGE.

Mr. QUIRKE—Recommendation (*b*) in the first report by the Land Settlement Committee on South-Eastern drainage and development states:—

As a first instalment of such drainage scheme the engineering works necessary for the areas south of drains K-L, estimated to cost £1,280,470, be undertaken, but with due regard to the ultimate effective drainage of eastern divisional lands.

Yesterday, the Minister of Lands intimated that this work was being undertaken and was

almost completed, that most of the main drains and a number of the more urgently needed subsidiary drains had been finished, and that it was expected to complete the main drains and the more urgently needed subsidiary drains during 1958-59. Can the Minister indicate, firstly, what drainage rates have been received from landholders who have benefited from the nearly completed scheme, and, secondly, is there any control over the selling of land subject to the influence of drains, particularly as the absence of drainage was the only factor that prevented high prices being obtained for the subject land and the Land Settlement Committee expressed the opinion that no landholder should reap an unearned increment from the expenditure of public moneys?

The Hon. C. S. HINCKS—I would not have the figures relating to the first question, but will obtain them for the honourable member. In respect of the second query, we have no control over the selling of that land.

MORGAN-WHYALLA PIPELINE.

Mr. LOVEDAY—Can the Minister of Works say whether the pumping plant on the Morgan-Whyalla pipeline has been working to capacity in order to fill certain reservoirs that were empty in addition to supplying water for normal users and, if so, for what period has that been necessary this year?

The Hon. Sir MALCOLM McINTOSH—It has been working to capacity, but I do not know for what period. A short time ago I gave a detailed reply as to how much water was being pumped. The maximum amount pumped in any one year was approximately 1,600,000,000 gallons. The total capacity of the pumps is about 1,000,000,000 gallons in excess of that. This year we wlil pump more water than ever before. The pumps will be kept going. Bundaleer Reservoir, in particular, has been supplied with a great quantity of water from this source. The pumps are being used to the best advantage and I will let the honourable member know how long they have been operating. This year, up to the present I think we have pumped about 800,000,000 gallons.

PARLIAMENTARY PAPERS.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved:—

That it be an order of this House that all papers and other documents ordered by the House during the session, and not returned prior to the prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, be forwarded to the Speaker in print as soon as completed, and if received within two months after such prorogation, that the Clerk of the House cause such papers and documents to be distributed amongst members and bound with the Votes and Proceedings; and as regards those not received within such time, that they be laid upon the table on the first day of next session.

Motion carried.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended to the House the appropriation of such amounts of the general revenue of the State as were required for the purposes mentioned in the Bill.

The Hon. Sir THOMAS PLAYFORD moved—

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to amend the Parliamentary Superannuation Act, 1948-1953.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

The Government recently asked the Public Actuary to investigate the question whether the pensions payable from the Parliamentary Superannuation Fund were adequate, having regard to present day conditions. The history of these pensions is that the original Act of 1948 provided a maximum pension of £370 for 18 years' service. In 1953 this maximum was increased to £420, and there have been no increases since. When the Act was passed in 1948, the C Series All Items (Retail Prices) Index was 1,293. In the second quarter of this year the index was 2,470—an increase of 91 per cent. During this period, however, the Parliamentary pension has increased by only 20 per cent.

During the same period of four years the value of the unit of pension payable from the South Australian Superannuation Fund to public servants has been increased from the original £26 per unit by successive stages to the present amount of £45 10s., and the maximum pension of public servants has been substantially increased. It is also relevant to note that in all the other States, except Queensland, Parliamentary pensions are substantially higher

than in this State. In New South Wales the maximum is £624, Victoria £653, Tasmania £673, and Western Australia £572.

Upon a consideration of these facts, the Public Actuary recommended that there should be an increase of 50 per cent in the rates of Parliamentary pensions payable in this State, with a corresponding increase in the rate of contribution. The Government considers that the arguments in favour of an increase are convincing and has therefore introduced this Bill. Its effect is that members who are now contributing for the maximum pension of £420 a year may, if they so desire, elect to contribute for a maximum pension of £630. This £630 will comprise £450 for the first twelve years' service and £30 a year for each year of service above twelve, the maximum pension being earned by eighteen years' service.

It is not compulsory for members to contribute for the increased rate of pension. Those who are now contributing for pensions at either of the existing rates, that is to say, £370 or £420, may elect not to take the increase. Alternatively, a member who is now contributing for a maximum pension of £370 under the original Act may, if he so desires, elect to contribute for pension of either £420 or £630 a year. A member who is now contributing for £420 must, of course, either continue to contribute for his present rate of pension, or elect to contribute for £630.

Elections by present members must be made within two months after December 1. A new member must make his election within two months after he is elected to Parliament. If an existing member does not elect within the time fixed, or any extension granted by the trustees, he will continue to contribute at his present rate. If a new member makes no election he will contribute at the higher rate open to him. In conformity with the increase in pension now offered to present members, it is proposed that the pensions of existing pensioners under the Parliamentary pension scheme will be increased by 50 per cent.

One other amendment is made by the Bill not dealing specifically with the rates of pension. At present if a member dies before he becomes entitled to pension, and leaves a widow, a refund of his contributions is made to the widow. If, however, there is no widow, the estate of the member does not get a refund. It is proposed in this Bill to provide for refunds of contributions (without interest) where a member dies before becoming entitled to pension, irrespective of whether he leaves a widow or not. Such refunds are commonly provided for in pension systems and add very little to the liabilities of the fund. They will not affect the rate of contribution. It is proposed that the provisions of the Bill will come into operation on December 1 next. This is in accordance with the principle previously followed that increases will take effect on the first day of the month after assent is given to the Bill providing for them.

Mr. O'HALLORAN secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL.

Second reading.

The Hon. B. PATTINSON (Minister of Education)—I move—

That this Bill be now read a second time.

For some years those associated with the administration of justice have been concerned at the time wasted and expense unnecessarily incurred in courts of summary jurisdiction, and this Bill is an attempt to overcome that stiuation. In a great many cases where the defendant is summoned to attend, he either attends and pleads guilty or does not attend at all and the case is heard in his absence. In view of the alterations proposed in this Bill it would be appropriate to consider what happens under the ordinary course of events.

If the defendant appears and pleads guilty the court hears from the prosecutor a statement of the facts and hears from the defendant any matters which he desires to put which might affect the penalty. The witnesses are present, however, unless the defendant has taken the precaution of advising the prosecutor that he would be pleading guilty. The witnesses are either civilians who have come at some inconvenience or police officers who are often required elsewhere on other duties. When civilians are brought to court, the defendant is of course usually required to pay their witness fees and on occasions these can amount to a large sum. Witness fees are very often greater in amount than the amount of the fine. The cases fall into three groups:—

(*a*) Where the only witnesses are police officers and no witness fees are ordered:

(*b*) Where there are civilian witnesses who are stopped because the defendant has either personally or by his solicitor advised the prosecution of the plea of guilty:

(*c*) Where there are civilian witnesses for whose attendance the defendant must pay.

Where the defendant does not attend, the charge is heard in his absence and the witnesses for the prosecution give evidence, although in many cases the defendant has no intention of contesting the charge and would plead guilty but for the necessity of attending the court. In these cases police and civilian witnesses are required to spend considerable time at the court. The Commissioner of Police is very concerned at this wasteful system whereby experienced traffic constables must be taken off their patrols to attend court and give evidence against defendants who, whilst they do not deny the charge are not prepared to go to the court and plead guilty. In addition, in every case the evidence given must be recorded. This imposes a very severe task upon the clerk of the court who, except in Adelaide, Port Adelaide and four country towns, is a police officer usually not well equipped or trained to undertake such duties.

A practice did exist whereby the defendant wrote a letter to the court indicating his desire to plead guilty to the charge, and provided his signature was witnessed by a police officer who verified that fact in the witness box, the court would accept that letter as proof of the charge, and it would not be necessary for the prosecution evidence to be called. However, a recent decision of the Supreme Court has reduced the effectiveness of this procedure, it being held that on the question of penalty the prosecutor must call his evidence to enable the court to make an appropriate assessment, and that it is not permissible for the prosecutor to recite the facts. It is apparent, therefore, that an amendment of the Justices Act is necessary for the following reasons:—

(*a*) to obviate the necessity of police officers attending the court unnecessarily:

(*b*) to prevent some defendants being put to greater expense than others:

(*c*) to obviate the necessity of civilians being brought to court unnecessarily and being made to suffer inconvenience and loss:

(*d*) to prevent police officers, especially those in busy stations, being saddled with the task of recording evidence, 99 per cent of which will never be referred to again:

(*e*) to prevent so much of the time of the court being spent in hearing evidence when a defendant has failed to attend, but does not wish to contest the charge.

A similar problem has been encountered in the other States and in some States procedures have been evolved whereby a defendant may plead guilty without the necessity of attending court. The provisions of the Bill may appear involved because of the necessity, in drafting procedural matters, to deal in detail with the various steps involved, but to put the position briefly the Bill provides as follows:—

Clause 5 enacts a new section 57a which states that in cases where a complaint is made by a police officer for a simple offence which is not punishable by imprisonment, a special form of complaint and summons may be used whereby a defendant who does not wish to come to court, but wishes to plead guilty, may do so by completing a form on the complaint and summons, and returning it to the clerk of the court or the complainant. On this form the defendant may state any facts which he considers to be in his favour on the question of penalty. When such a form is received by the clerk of the court or the complainant they must use every endeavour to stop the attendance of any prosecution witnesses who may have been summoned or warned to attend. Any defendant who returns the form three clear days before the date of hearing cannot be required to pay witness fees. The clause does not apply where the defendant is a child within the meaning of the Juvenile Courts Act. Clause 6 is of a drafting nature.

Clause 7 enacts two new sections of the Act, namely, 62b and 62c. Section 62b deals with the power of the court where a defendant has entered a plea of guilty in writing, and it states that where the completed form is returned to the court it shall be dealt with as a plea of guilty in the same way as if the defendant had personally appeared. The right of the defendant at any stage of the hearing to make an application to withdraw his plea of guilty is specifically retained, and where a defendant in making explanation on the question of penalty discloses facts which indicate that he has a valid defence to the complaint, or which differ substantially in relevant particulars in matters recited to the court by the prosecutor, the court may strike out the plea of guilty and adjourn the hearing of the complaint so as to enable the defendant to be served with an ordinary summons to attend the court. Under this clause, in particular subsection (6), the limitations of the powers of the court under this procedure are set out in detail.

Under new section 62c, which applies to the case where a defendant has pleaded guilty in writing or has been convicted after an ordinary *ex parte* hearing in his absence, it is provided that the court shall not order that the defendant be disqualified from holding or obtaining a driving licence, or imprisoned, unless the court has first adjourned the hearing and given

the defendant notice that he is in jeopardy of such action being taken. This section gives a considerable amount of protection to a person who is convicted in his absence, and will, I think, fully safeguard the interests of such a person and ensure that the interests of the State which, of course, are being considered in streamlining this procedure, are not over-emphasized at the expense of the individual. At present there is no such limitation in the Justices Act regarding the powers of the court on *ex parte* hearings.

Whilst the provisions of new section 62c are unnecessary in the case of hearings before special magistrates who, as a matter of practice, have been following this procedure for some time, it must be remembered that many of the minor offences to which this procedure will relate are matters which are normally dealt with by justices, and it is necessary to state the position clearly and not rely on the inclinations of the individual justices. As a matter of interest, the procedure will relate to almost all the offences under the Road Traffic Act with exceptions such as driving whilst under the influence of liquor, driving whilst disqualified from holding a licence and dangerous driving, which are serious offences and should be dealt with in the ordinary manner.

The other subsections are complementary to the main theme of the amendment which has already been explained. Clause 8 amends section 65 of the Act which deals with the power of the court to adjourn the hearing of any complaint from time to time. Some magistrates interpret this power as being confined to the hearing of evidence up to the stage of the determination of a charge, and as not extending to any proceedings on the question of penalty. In fact, magistrates do frequently adjourn the consideration of matters relating to penalty and from time to time they remand the defendant for a short period while such deliberations are taking place. Rather than leave the matter in doubt it is desirable to make this amendment which will make it clear that magistrates' powers to adjourn extend to all proceedings from start to finish in a court of summary jurisdiction.

Clause 9 amends section 120 of the Act, which deals with certain minor indictable offences which, depending on the value of the property involved, may be dealt with summarily by justices or a special magistrate. A special magistrate has power to hear and determine such matters where the value of the property does not exceed £100, and justices have jurisdiction up to £5. These amounts were fixed in 1931 and, as we all know, since 1931 there has been substantial devaluation in money, and on that basis alone there seems to be a good reason to increase the amounts to some figure more in keeping with present monetary values. Honourable members will recall that last year the Local Courts Act was amended for the same reason. The effect of leaving the figures unamended is to decrease the jurisdiction of magistrates and justices at a time when the Criminal Court is becoming increasingly congested, and I think there is a very good case to increase the amounts by at least 100 per cent to £10 and £200 respectively.

The matters dealt with in this Bill have been referred to the special magistrates for consideration and their comments and suggestions have, generally speaking, been incorporated in the Bill. I commend this Bill to members as I think it will result in considerable saving of time and money so far as the courts and police are concerned, and also save expense and inconvenience to defendants and witnesses. At the same time I feel very confident that the interests of the public have not been neglected and there is no reason to apprehend the miscarriage of justice arising out of this procedure. I again emphasize the fact that this procedure regarding the plea of guilty in writing will apply only to offences which are not punishable by imprisonment either for a first or subsequent offence, and only where the defendant wishes to plead guilty without attending the court in answer to the summons.

Mr. DUNSTAN (Norwood)—I listened with great care to the explanation of the Bill given by the Minister and it seems to be one which members can undoubtedly support. However, it has only just become available, and I would like to examine it in more detail before discussing it. Perhaps, to this end, the Minister will agree to adjourn the Bill on motion. I ask leave to continue my remarks.

Leave granted; debate adjourned.

METROPOLITAN TRANSPORT ADVISORY COUNCIL ACT AMENDMENT BILL.

Second reading.

The Hon. Sir MALCOLM McINTOSH (Minister of Works)—I move—

That this Bill be now read a second time.

The object is to extend the life and powers of the Metropolitan Transport Advisory Council for a further two years. Unless legislation is passed the operation of the Act will come to an end at the end of this year. The Government believes that further problems relating

to the co-ordination and provision of public transport within the metropolitan area may arise and that the Council will be the appropriate authority to deal with them. It is accordingly proposed to keep that body in existence for a further period of two years. For the information of members, the committee consists of Messrs. Hannan, Keynes and Fargher. The Bill has already passed another Chamber where it received unanimous support.

Mr. O'HALLORAN (Leader of the Opposition)—I agree with the Minister that this Bill does not deal with a contentious matter. The advisory council was established under legislation passed, I think, in 1954. At that time I offered some criticism of its machinery provisions, and perhaps they are still valid. Nevertheless, the council has served to a considerable extent the purpose for which it was established and there seems to be a reason for its continuing to function. Consequently I offer no opposition to the passage of the measure.

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

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL.

Second reading.

The Hon. Sir MALCOLM McINTOSH (Minister of Works—I move—

That this Bill be now read a second time.

For many years the Railways Commissioner has experienced difficulty in connection with the detection and prevention of pilfering in and around goods and parcels depots. The fact that railway detectives lack the power to search vehicles and parcels is without doubt, one of the main contributing causes. The Government believes that the giving of this power, which will be entrusted only to responsible persons appointed as railway detectives, will go a long way towards the prevention of pilfering of goods and parcels.

The purpose of the Bill is therefore to allow the Railway Commissioner to make by-laws which will enable railway detectives to detain and search vehicles and parcels in possession of persons on railway property at or in the vicinity of goods yards or parcels depots. The Bill will also enable the making of by-laws to compel the production of consignment notes or other documents relating to any goods subject to search, and to authorize railway detectives to seize and retain any parcels or goods when they reasonably believe them, upon inspection, to have been stolen or illegally obtained. Similar powers have been granted to railway authorities in the other States and have proved helpful in the detection and prevention of pilfering. Any by-laws made by the Railways Commissioner under this proposed power would be subject to disallowance by Parliament.

Mr. O'HALLORAN secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

In Committee.

(Continued from October 29. Page 1386.)

Clause 11—"Expenditure of revenue."

Mr. O'HALLORAN (Leader of the Opposition)—I am not happy about this clause in its present form. Last evening the member for Edwardstown (Mr. Frank Walsh) sought to make an amendment granting special power to councils to make grants for the establishment of community centres. That amendment was defeated and the honourable member then indicated that he proposed to move a further amendment dealing with the amount of grants which, under the proposal of the Government, local authorities could make for this purpose. The amendment he proposed was to strike out, in line 5 of paragraph (*k*1), "two" with a view to inserting "five." This would mean that councils would have the right to grant up to £500, or a certain percentage of their rates, in this regard.

Mr. FRANK WALSH—I move—

In new paragraph (*k*1) to delete the word "two" in line five and to insert "five" in lieu thereof.

The purpose is to enable councils to spend up to £500 on community ventures. Under this clause at present a council would have the right to spend £200, or 1 per cent of the rate revenue from the previous financial year, whichever is the lesser. Everyone admits the desirability of councils assisting local efforts. We must provide for the youths in our community and this will enable councils to assist in that direction.

The Hon. Sir MALCOLM McINTOSH—I oppose the amendment. Last night we discussed a similar proposal to enable councils to make grants to outside bodies. Originally an amount of £50 was included in this legislation because some councils had made grants of £50 to the River Murray Development League.

Mr. Hutchens—How long ago was that?

The Hon. Sir MALCOLM McINTOSH—Some years ago. We now propose to increase the amount of grant to £200. Last night,

when referring to community centres, the member for Burra (Mr. Quirke) said that councils were often glad to have the buffer Parliament provided. An amount of £200 would represent a far better buffer than £500. Many councils could not afford £500. Indeed, last night we were told that councils were so poorly off financially they could hardly carry on. There are already about 47 different ways in which councils can advance money under the Act, but this amendment is to enable councils to spend £500 on purposes outside the Act. A maximum of £200 is reasonable and when that has been spent the council will not be subject to further pressure. If £500 is set as the amount everyone will be in early for a cut and the money will be rapidly spent, to the regret of other bodies. Ratepayers, after all, provide council funds which should be used for the provision of roads, footpaths and other amenities and councils should not be subjected to pressure from groups seeking financial aid.

Mr. HUTCHENS—I support the amendment because I believe it is in the interests of ratepayers. I was a member of the council which was frequently called upon to make grants for matters not provided in the Act. Most people acknowledge that there are many young people who in their leisure time devote their energies to vandalism to the detriment of ratepayers. If a council is able to make grants to provide other outlets for these young people the community will benefit. We must endeavour to create a sense of civic responsibility in our youth.

Mr. FRED WALSH—I support the amendment. The amendment that was defeated last night imposed restrictions on the manner in which money could be expended, but the present amendment will afford councils freedom of action. Councils will be able to spend £500 or 1 per cent of the rate revenue of the previous financial year whichever is the lesser. If a council is in financial difficulties—particularly if it has only a small revenue—not much harm can result, but if a council has a reasonably good financial return it is fitting that it should be able to make grants to the extent suggested. The Minister has argued that pressure groups would attempt to influence a council. Such a suggestion should not be made by a Minister. I do not know that pressure groups attempt to influence councils to a greater extent than they do a State Government. Under the amendment the ratepayer would be adequately protected. Councils should be given the power to make donations to causes in the interests of ratepayers. It has been suggested by some Government members that councillors are conscientious and able to judge the needs of ratepayers, therefore I point out that they would be the best judges on how money should be spent under this clause.

Mr. SHANNON—Although I agree with the member for West Torrens (Mr. Fred Walsh) that we should take some notice of what the councils have had to say on this matter, I point out that the amendment merely imposes a further burden on local government administrators to decide whether or not to increase donations in this field. If the Bill had provided a maximum higher than £200 I would have accepted it, but it does not, and we should not interfere with the working of local government unnecessarily, because, after all, councils are best able to judge how to benefit their districts. Councils have not sought the maximum of £500, nor has the mover of the amendment proved that they want the increased authority. This amendment would only provide further opportunity to criticize councillors if they refused to vote a larger sum for a certain objective, whereas if the upper limit of £200 is retained that opportunity will not present itself.

The Hon. Sir MALCOLM McINTOSH—As recently as June the Local Government Association asked that the maximum be £100, but the Government decided that, because of the change in value of money, it should be raised to £200. In 1956 the Local Government Advisory Committee said that £50 per annum was inadequate to cover subscriptions to various outside organizations. If the figure is raised above £200 we will be doing more than has been asked for.

Mr. STOTT—District councils in my district are happy with the maximum of £200; therefore I oppose the amendment.

Mr. KING—Although the amendment would probably achieve the objective its mover sought to achieve in his previous amendment, it is contrary to the spirit of the Local Government Act, which sets out the purposes for which revenue may be used. I believe this is the first time that councils have been given power to spend money on more or less unspecified objectives. The former provision was that £50 might be used as contributions to organizations that existed to further the interests of local government, but very little restriction will be placed on the expenditure of money under this clause. This is a departure from established principle and will cover any occasion when the council thinks it should contribute to a worthy cause. The maximum

of £200 is ample; therefore I oppose the amendment.

Amendment negatived; clause passed.

Clauses 12 to 15 passed.

Clause 16—"Works and undertakings."

Mr. HUTCHENS—Does this clause cover the construction of fire stations in both metropolitan and country districts?

The Hon. Sir MALCOLM McINTOSH—I think that this clause applies generally. If it does not, I shall let the honourable member know later.

Mr. SHANNON—We have many emergency fire services in my district. Some of them have valuable equipment, which should be housed, and this sometimes presents a big problem. I think the clause is designed to operate mostly in country districts and not where there are established fire fighting services as in the metropolitan area.

Mr. HUTCHENS—If the clause is designed to allow the Fire Brigades Board to put pressure on metropolitan councils for the construction of fire stations I will oppose it in view of the considerable contributions that councils now pay to the board.

Mr. KING—This is a desirable clause. In my district a fire unit run on a voluntary basis was housed on property owned by the district council, and another service run by the Fire Brigades Board erected a building on property acquired from the Department of Lands. This clause makes it clear that councils have power to construct and provide fire stations.

The Hon. Sir MALCOLM McINTOSH—The Parliamentary Draftsman is of opinion that my first impression was correct, namely, that the clause applies to the State generally.

Mr. HUTCHENS—I hope it will not be applied in the metropolitan area because metropolitan councils make substantial contributions to the Fire Brigades Board for the purpose of providing fire stations. Surely this clause will not permit the board to put pressure on councils for further contributions for this purpose?

The Hon. Sir MALCOLM McINTOSH—It would only be applied in areas where the Fire Brigades Board was not operating.

Mr. TAPPING—I endorse Mr. Hutchens' remarks. There might be a demand by people to have a fire station erected in a certain area, and this could result in placing a heavy financial burden on the council concerned.

Clause passed.

Clause 17—"Borrowing powers."

Mr. FLETCHER—I move to insert the following new paragraph:—

(*e*) Where a council under this section obtains the consent of ratepayers to a proposed loan the amount borrowed may exceed the amount of the proposed loan by any amount not exceeding 10 per cent of the proposed loan.

This amendment is desired by the Corporation of Mount Gambier. Section 435, which deals with borrowing to carry out works, enables councils to borrow up to 10 per cent more than the estimated cost of the project. The estimates of the cost of works for which loans are required are usually prepared months before approval is obtained. I point out that most contracts provide for an additional 10 per cent in cost for contingencies. Section 424 does not specifically state that councils may borrow up to 10 per cent more than the amount approved by ratepapers. Recently, with the consent of the ratepayers, the Mount Gambier Corporation obtained a loan of £5,000 from the Savings Bank for the erection of new buildings. After calling tenders several times the lowest tender received was £5,165. The corporation decided to accept that and applied to the Savings Bank for the additional amount necessary, but it was told that the bank had no power to lend the additional sum.

The Hon. Sir MALCOLM McINTOSH—I have no objection to the amendment.

Amendment carried; clause as amended passed.

Clauses 18 to 21 passed.

Clause 22—"Provision of chemical dissolvenator in lieu of bacteriolytic tank."

Mr. KING—I move: —

In proposed new section 530a to strike out "dissolvenator" and insert "disposal unit". None of the dictionaries in the Parliamentary Library gives a definition of "dissolvenator", and no one could tell me what it was, though I believe it is a product of a firm carrying on business in another State. It is a trade name and its retention could exclude the use of all other chemical action appliances and create a monopoly.

The Hon. Sir MALCOLM McINTOSH—I have no objection to the amendment.

Mr. RICHES—Who requested this clause? The Central Board of Health, in its publication *Good Health*, has given plans and specifications of a modified bacteriolytic tank which, from the point of view of both the council and householders, is much more effective than any of the chemical action appliances. It has the

further advantages that it can be used in areas where bad drainage causes trouble or where an adequate water supply cannot be maintained because it requires no more than a couple of gallons of water a week. I was not aware that the Central Board of Health approved of chemical action pan installations in areas where everybody else was required to install bacteriolytic tanks.

Mr. Hambour—The councils would have to give permission before they could use them.

Mr. RICHES—Yes, and it would be a retrograde step. The modified tank, which is used where there is difficulty with drainage or where a reticulated water supply is not available, seems to be the answer rather than the use of pans with a chemical mixture.

Mr. Hambour—Wouldn't this serve only those not in a position to install septic tanks?

Mr. RICHES—The modified tank is cheaper and more efficient.

Mr. LOVEDAY—It is undesirable to retain the words "chemical action" because there is now a unit which is electrically operated. A council should be able to use its discretion to meet the conditions applying in its area. I agree with the member for Port Augusta on the modified tank.

Mr. DAVIS—I support the amendment. In Port Pirie there are certain areas where septic tank installations will not work and the Local Board of Health finally approved of the use of this system. I would oppose the amendment if I thought chemical action units could be installed wholesale instead of merely where the other system will not work. At Port Pirie a number of people have installed the "Hygiea" system and they should not be penalized by having to make a new installation.

Mr. GEOFFREY CLARKE—I support the suggestion that the word "electrical" be inserted. There are very efficient electrical devices which can be inexpensively adapted to the conventional sewage disposal unit and they are frequently installed. They take very little water to operate and are odourless and germ-free.

Mr. KING—I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr. KING—I now move—

To strike out "dissolvenator" and insert "or electrical disposal unit."

That will meet the suggestions of the honourable member for Whyalla, supported by the member for Burnside, and will fairly and completely cover the whole problem.

The Hon. Sir MALCOLM McINTOSH—I was asked where this suggestion came from. It emanated from the Corporation of Port Pirie and has been sponsored by the Local Government Advisory Committee. I see no harm in the amendment.

Mr. SHANNON—This is primarily a health matter. The scientific disposal of night soil is a matter for experts and there are experts who are officers of the Central Board of Health. They are responsible for seeing that bacteriolytic tanks are properly installed and operate correctly. We should not specify any particular method of treating night soil but leave it to "any method approved by the Central Board of Health." I desire therefore to move to delete "chemical action dissolvenator of a kind approved by the council" and insert in lieu thereof "method of treatment approved by the Central Board of Health."

I agree that a bacteriolytic tank has been developed requiring little water. It is effective and it is approved by the Central Board of Health. A council should have a free choice in determining what system should be used so long as it is approved by the Central Board of Health. The other amendments proposed are restrictive and limit the choice of alternatives. I do not want to restrict councils because they all have peculiar problems. There will always be trouble at Port Pirie, for instance, until it is properly sewered.

Mr. GEOFFREY CLARKE—There are now a great variety of disposal units. An electrolitic device requiring little water can be adopted for almost every locality and the principal items of plumbing therein can be used when a conventional sewerage system is installed. The use of the word "dissolvenator" is inadvisable in an Act of Parliament because although it does not have a capital it is a trade name for a specific device. Mr. Shannon's proposed amendment would widen the clause and I support it.

Mr. RICHES—Mr. Shannon's proposed amendment is desirable and would assist from a machinery point of view. A council by absolute majority may carry a resolution insisting on the installation of a certain unit, but before the resolution can apply the unit must be approved by the Central Board of Health. I wholeheartedly agree with the suggestion that units should be approved by the Central Board of Health before their installation is permitted.

Mr. KING—Mr. Shannon's proposed amendment will allow more scope and enable proper control by the Central Board of Health. Under the circumstances I seek leave to withdraw mine.

Leave granted; amendment withdrawn.

Mr. SHANNON—I now move the amendment I formerly indicated.

Amendment carried; clause as amended passed.

Clause 23—"Fees for removal of night soil."

Mr. SHANNON—It is necessary to make a consequential amendment to this clause as a result of my last amendment and, if the Committee permits, I shall confer with the Parliamentary Draftsman. I propose to delete the words "chemical action dissolvenator" and insert "method approved by the Central Board of Health."

I move—

In line 6 strike out the words "chemical action dissolvenator" and insert in lieu thereof the words "method of treatment approved by the Central Board of Health."

Amendment carried; clause as amended passed.

Clause 24 passed.

Clause 25—"Unsightly chattels."

Mr. KING—I move the following amendment to new section 666 (8):—

In paragraph (*a*) strike out the word "disused" twice occurring and add after the word "machinery," the words "which is unfit for use."

In paragraph (*b*) strike out the word "disused" and add after the word "furniture" the words "which is unfit for use."

In paragraph (*c*), after the word "drum" insert the words "carton, box."

This clause sets out to define what are unsightly chattels. This amendment has also been brought about by the Government's recognition of the difficulties experienced by councils and local government bodies in attempting to frame policies dealing with this subject. The Joint Committee on Subordinate Legislation, of which I am a member, has had occasion to deal with by-laws on this matter. One of the reasons for recommending the disallowance of these by-laws was that there was no suitable definition which would give adequate protection to the people concerned. When we considered the amendment brought up and found that the word was used in connection with certain chattels it was recognized that perhaps the word "disused" was not the one which would give an adequate description of the chattel. After consultation with the Parliamentary Draftsman it was agreed that the phrase "which is unfit for use" would be better than "disused." A chattel could be new but still be disused and this provision obviously would not apply to it. However, it would apply to something for which there was no further use and which was unsightly. It is also proposed to remove from the Act the powers given to councils to make by-laws concerning unsightly structures. It is not necessary to retain it because section 56 of the Building Act adequately covers the situation. That section provides that a building surveyor may take action if he is satisfied that any structure is:—

(*a*) ruinous; or

(*b*) so far dilapidated as to become unfit for use or occupation; or

(*c*) by reason of neglect or otherwise, in a bad state of repair; or

(*d*) by reason of its uncompleted state and neglect, in a condition prejudicial to property in or the inhabitants of any neighbourhood.

Councils have adequate power under that section if they have a building surveyor. The Joint Committee on Subordinate Legislation has been anxious to adequately define "unsightly structures" for the guidance of councils. Cartons and boxes are in greater use now than previously and they have been included in the definition. Power will be conferred on corporations and councils to act within a municipality or town within a district but not in respect of areas outside local town boundaries or municipal boundaries. I am keen to see how it works because at a later date it may be necessary to extend the power to public highways or to within a specified distance thereof because some people may decide to remove unsightly chattels from the township and dump them near its borders.

The Hon. Sir MALCOLM McINTOSH—I have no objection to the amendment which clarifies the position. I think the description "packing case, drum, or other container" would include a carton or a box but the inclusion of those words may make the position clearer.

Mr. LOVEDAY—It has been said that we should endeavour to conform to desires of councils and I am surprised that it is proposed to delete the provision relating to unsightly structures, because the Municipal Association in its last bulletin referred to this matter and pointed out that the effect of this clause will be to take away from councils the power to make by-laws to control unsightly structures. It points out that the Act was amended a few years ago at the request of the association to give councils power to deal with struc-

tures that cannot be condemned under the Health Act. The bulletin contains this statement:—

Only last month we received a request from the District Council of Carrieton asking for an opinion from the Local Government Association's solicitor as to what can be done in respect of some old partly-demolished buildings and others which are no longer fit for habitation which create an eyesore in that council area. The solicitor advised the council that, in the absence of some contravention of the Health Act or the passing of by-laws under the Local Government Act, the council was powerless.

I think that indicates that the provisions under the Building Act are not sufficient.

The Hon. Sir Malcolm McIntosh—They would be if the councils used them.

Mr. LOVEDAY—The solicitor's advice suggests otherwise. The bulletin continues:—

There is no evidence to suggest that councils would be unfair or unrealistic in handling matters of this nature. They are administering the affairs of their own ratepayers and if they are harsh, capricious or unreasonable in any action taken, the ballot box at the next election would provide an effective weapon.

In view of that expression of opinion I oppose the deletion of the provision relating to unsightly structures.

The Hon. Sir MALCOLM McINTOSH—Quite recently the House rejected council by-laws relating to this subject. The Local Government Association is satisfied now that the Building Act does cover the situation. I remind members of the section quoted by Mr. King. It is unnecessary to include a similar provision in this Act. It is possible to obtain half a dozen different opinions on various provisions. Council can take action under the Building Act if they desire.

Mr. DAVIS—I regret that the Minister accepts the amendment. The Minister said that we disallowed a by-law recently, but I was misled then because we were informed that it was the request of the councils concerned that it be disallowed. Subsequently we ascertained from the Municipal Association that that was not so and that a by-law concerning unsightly structures was desirable. I cannot accept the Minister's opinion regarding the Building Act because I have been led to believe by the building inspector at Port Pirie that the council has not sufficient power thereunder. A council has power to condemn a building, but it has to be in a poor condition before it can do so. I hope the amendment is rejected and that we retain provisions relating to unsightly structures.

Mr. LOVEDAY—The Minister suggests that the position is adequately covered by the Building Act. Apparently there is no objection to councils having this power. However, as legal opinions differ on these subjects I suggest it would do no harm to retain such a provision in the Local Government Act. As an illustration of difficulties that can arise from legal opinions I need only refer to the Whyalla Town Commission which since 1945 has been regarded as a municipality. We are trying to have the Housing Trust made responsible, as a subdivider, for constructing roads, but it has been suggested that because under the Act we are only "deemed a municipality" there is some doubt as to whether we are. The provision relating to unsightly structures should be retained.

Mr. COUMBE—I support the amendment which is aimed primarily at defining "unsightly chattels". The word "disused" has far too wide a meaning and the words "unfit for use" are much more appropriate. In respect of unsightly structures Mr. Loveday quoted the opinion of the secretary of the Municipal Association. That gentleman said that the Building Act covered the position, so I support the amendment.

Mr. RICHES—The story of the dealings between the Government, particularly the Minister of Local Government, and the councils over the question of the authority to deal with unsightly structures is one of the sorriest in this State's history. Conflicting opinions have been expressed. The Building Act was amended in 1940 and the provision which Mr. King claims to be adequate to deal with unsightly structures has operated for many years, but no council has found it satisfactory. Although the Minister says that councils have not tried to apply the provision, many members know that councils have tried to apply it. A few years ago the Government was convinced that the provision in the Building Act was inadequate and it amended the Local Government Act, inserting the very section that this clause seeks to remove. If, as Mr. King says, the local government bodies had power under the Building Act, why was section 667 (48a) enacted in the first place? That section gives councils power to gazette by-laws to deal with unsightly chattels and structures. As soon as it was passed vested interests got to work on the Government and the department, and no council has been permitted to gazette a by-law under it.

Mr. Coumbe—What are the vested interests?

Mr. RICHES—I do not know, but the honourable member can find that out from his side. The first by-laws gazetted under the provision were drawn up by Messrs. Piper, Bakewell and Piper, who are recognized as the leading solicitors on local government in this State. Not only one council, but half a dozen councils gazetted such by-laws, and this despite the fact, as alleged by Mr. King, that they already have power under the Building Act. Parliament rejected those by-laws, not because of their lack of merit, but because members were told the Government was to gazette a model by-law to deal with the situation that we are now told is covered by the Building Act. That model by-law was not forthcoming, but the Local Government Department framed a suggested by-law. However, that was not acceptable to any council to which it was submitted because it struck out all the provisions concerning structures. After consideration by individual councils and the Municipal Association the by-laws previously drawn up by the solicitors were resubmitted and were before the Parliament only this afternoon. A debate in this place was not possible on those by-laws because the Government saw to it that they were disallowed in another place. That was why I was on my feet before the tea adjournment.

The Hon. Sir Malcolm McIntosh—Others had previously been disallowed.

Mr. RICHES—Yes, because the Government promised the matter would be dealt with by means of a model by-law.

The Hon. Sir Malcolm McIntosh—No.

Mr. RICHES—I ask the Minister to read the *Hansard* report. That was the reason Mr. Millhouse gave.

Mr. Millhouse—That was incidental.

Mr. RICHES—I invite the member for Gawler (Mr. John Clark) to tell members that was not the reason he supported the disallowance last year. That is the reason Parliament was given and I challenge any member to refer to the *Hansard* record of the debate. That was the reason given to the Municipal Association, and the association waited for that model by-law, but it was never promulgated.

Mr. Davis—They complained bitterly because it was not.

Mr. RICHES—Yes, and that is why these by-laws were re-submitted.

Mr. Quirke—Do you support the amendment?

Mr. RICHES—I oppose the latter part of the clause and Mr. King's amendment because it makes the situation worse. I oppose the striking out of section 667 (48a) which contains the by-law making powers this House gave councils five years ago. No case has been presented for the deletion of those powers.

The Hon. Sir Malcolm McIntosh—The amendment strengthens the power on unsightly chattels.

Mr. RICHES—No, it weakens it. I cannot accept the suggestion that this matter is covered by the Building Act, because five years ago Parliament recognized that the Building Act did not cover the position and gave councils power to make by-laws in respect of it. It would be impossible to take action under the wording of the amendment. How could one say an old motor car was unfit to use?

Mr. Bywaters—It might be used as a fowl roost.

Mr. RICHES—Then what ground would exist for action?

Mr. King—It could be proved unsightly, as the clause suggests.

Mr. RICHES—It could be argued that the chattel was used for some purpose and it would have to be proved that it was disused. The owner of the chattel would have to prove that it was used, whereas under the amendment all he would have to do would be to prove that it was fit for use for some purpose or other.

Mr. O'Halloran—It would have to be fit for the purpose for which it was originally intended. That would be the natural interpretation of the court.

Mr. RICHES—If the mover includes those words, the amendment will be acceptable to me.

Mr. KING—Under clause 25 "chattel" means any disused vehicle, machinery, article, or furniture. The definition is not "disused chattel." It must also be unsightly.

Mr. Lawn—How about an old tram car?

Mr. KING—If it is unsightly and unfit for use it will come under the amendment. Great difficulty has been experienced in getting a suitable by-law about unsightly structures and chattels. The Act purported to give councils power to make by-laws, but it was not possible for suitable by-laws to be framed for submission to the Subordinate Legislation Committee. The trouble mainly stemmed from a lack of definition.

Mr. Riches' suggestion that pressure was exerted was an unworthy one. These matters are treated purely and simply on their merits by the Joint Committee on Subordinate Legislation. Firstly, the Building Act must be applied to a certain area and a surveyor appointed. If a council did not have an area declared or a surveyor appointed the legal opinion would be that it would not apply to that council.

The power now reposes in the Building Act and if the council wants to exercise its power it must declare an area and appoint a surveyor. The main questions are: "Are the chattels unsightly? If so, do they fall within the category that has been described—vehicles, machinery, articles, furniture, and so on? There is no general application.

Mr. LOVEDAY—I want to deal with the second part of the clause which repeals the section relating to unsightly chattels and structures. It has been said that the question of a model by-law is beside the point, but it is not. I shall quote the remarks made by Mr. Millhouse last year when speaking on a motion to disallow certain by-laws.

The Hon. Sir THOMAS PLAYFORD—Mr. Chairman, is the honourable member in order in quoting from the debate that took place in this House?

The CHAIRMAN—If the debate took place last year he is in order.

Mr. LOVEDAY—Mr. Millhouse said:—

Notwithstanding those considerations, the committee might have hesitated to recommend the disallowance of these by-laws had it not known that the Government was preparing a model by-law to replace the draft upon which these by-laws have been based. I have not seen the draft model by-law, but it is expected that it will contain a definition of unsightly chattels and structures. In other words, the law will have a greater degree of certainty than it has now. The draft model by-law will be a guide not only to councils, but to all ratepayers, and also to local courts if appeals are instituted.

Mr. Millhouse—What did I say before that?

Mr. LOVEDAY—It is not necessary to quote any more. The Municipal Association, at the meetings I have attended, has been greatly concerned at the fact that a model by-law has not been forthcoming. I was surprised at Mr. Coumbe's remarks that the secretary of the association had said he was quite satisfied with the position, for the last executive meeting of the association took place only about a week ago, and this matter was discussed. The association's last bulletin has reached me since then.

Mr. Coumbe—I referred only to the secretary's opinion.

Mr. LOVEDAY—We should take notice of what the association says, not what the secretary may be said to have stated. Paragraph (48a) of section 667 should remain in the Act, and I want your ruling, Mr. Chairman, on how that can be achieved. I do not want to vote against the first part of the clause, but against the second part.

The CHAIRMAN—The honourable member may move an amendment later to delete the second part of the clause.

Mr. JOHN CLARK—Last year I supported Mr. Millhouse's motion for the disallowance of by-laws relating to unsightly chattels and structures, and some of my colleagues took me to task over that, particularly the member for Port Pirie. I still hold the same views. I said I did not disagree with Mr. Riches' statement that those by-laws, or by-laws with a similar spirit, were not entirely necessary, and I added that I was not happy with the by-laws as framed. I felt that the powers in the by-laws were too sweeping, that they contained no real definition of what might be regarded as unsightly structures, and that it was expected that a model by-law, which would soon be placed before councils, would be acceptable to the Joint Committee on Subordinate Legislation. However, that model by-law has not been forthcoming, and some councils have submitted by-laws that do not differ materially from those placed before the committee on the first occasion.

I told my colleagues on the committee that unless the Act was amended I would not support the disallowance in the House of the by-law about unsightly structures. I said that the best way to tidy the whole thing up was by an amendment to the Act, and I think Mr. Millhouse had the same opinion. I support Mr. King's amendment because I think "which is unfit for use" is much clearer than "disused." There could be many arguments about the word "disused." I have been told by lawyers that the Building Act gives councils power to deal with unsightly structures, and Mr. Loveday had a good point when he said that if that provision works effectively under the Building Act it should work under the Local Government Act.

Mr. O'Halloran—But the Building Act does not apply to the whole of the State.

Mr. JOHN CLARK—That is a good point. If we place this provision in the Local Government Act it can be availed of by all people who want to use it.

Mr. DAVIS—The Government told Parliament that a model by-law would be brought down that would satisfy all members, but we have not seen it. I was disappointed with the attitude of those members associated with local government bodies who supported a motion last year for the disallowance of certain by-laws. Some members have referred to a statement alleged to have been made by the secretary of the Municipal Association, but he had no authority to make any such statement. The association was disappointed when the Government disallowed certain council by-laws last year. I ask the Government to honour the promise given to members of this Chamber.

Mr. QUIRKE—The House has before it an amendment to the Local Government Act and the reason why paragraph 48a of section 667 of the principal Act is repealed is because it did not work. It was not possible to make it work and if legal action under it was contemplated the advice given by a lawyer was that it could not be done. I do not know whether proposed new section 666b will work, but it is based upon the failure of the other sections which are being repealed. Coming to the amendment proposed by the member for Chaffey we must consider what "disused" means. The article may be perfect, but not being used. An old tractor could have been purchased for the sole purpose of providing spare parts. It would not be disused because it was being used for that purpose. Therefore, I think "which is unfit for use" is a better expression. I think the amendment improves the clause and it is an improvement on the original sections which were unworkable. I support the amendment.

Mr. RICHES—I desire to correct one statement made by the member for Chaffey. He said so long as these vehicles were unsightly the councils could take action. The Committee should realize that considerably more than that has to be proved. The council must be of opinion that the chattel on the land is unsightly and that its presence is likely to affect adversely the value of adjoining land. The wording is carried on through the clause. It is not as simple as the member for Chaffey led us to believe. I said I objected to Mr. King's amendment and I still do not think it improves the clause, but on the other hand I am not happy with what is in the clause as it certainly does not improve the situation. I am unable to bring forward a better amendment and therefore am prepared to support his amendment on this understanding that the interpretation will be that the vehicle is unfit for use for the purpose for which it was originally intended. I am assured that is the interpretation the courts will place on that wording but I am not confident in my own mind that that is so. I still see difficulties but because I cannot suggest anything better I accept the amendment.

Mr. King's amendment carried.

Mr. LOVEDAY—I move—

To delete subclause (2).

I have explained my reasons for believing it necessary to retain the provisions relating to unsightly structures.

The Hon. Sir MALCOLM McINTOSH—If the amendment is accepted the position will be exactly as it was when we disallowed some council by-laws. I assure the House that the best available advice is that the Building Act can be made to cover unsightly structures. This matter has been debated at considerable length on a number of occasions on a non-Party basis. Councils seem unable to adequately define "structure." I ask the Committee to reject the amendment.

Mr. O'HALLORAN—I find it difficult to understand the Minister's attitude. He suggests the position is adequately covered by the Building Act. If that is so, what objection is there to a double cover, particularly as such is necessary? A number of councils have not invoked the Building Act. If they do they must undertake certain requirements including the appointment of a building surveyor and the making of a number of local rules relating to plans and so forth. Many councils do not desire to have the full implications of that Act applied to their areas. If we remove this provision from the Local Government Act we will compel councils to have the Building Act proclaimed to their areas if they want to do anything to remove derelict buildings that constitute a danger, particularly to children playing in the vicinity. I support the amendment.

Mr. SHANNON—I point out that we have just inserted a new definition of "unsightly chattels." It replaces the existing definition which appears in paragraph (48a) of the principal Act. If we provide two definitions in the Act obviously confusion will reign. Section 721a of the Act relates to appeals to local courts against certain by-laws, and those by-laws include unsightly chattels and structures. A right to appeal has been incorporated in this Bill and if we retain this provision by accepting the amendment there will be confusion as

to what is intended. The Government advisers have suggested this clause.

Mr. Davis—Who are the advisers?

Mr. SHANNON—The Advisory Committee on Local Government of which Mr. Cartledge is chairman.

Mr. Davis—What about the Municipal Association?

Mr. SHANNON—It has access to the advisory committee which I believe gathers most of its information from the association. Although there are some technicalities about enforcing the Building Act they do not represent insurmountable difficulties. There are unsightly buildings in the middle of 500 acre paddocks, but it is not intended that this provision should apply to them. It is designed to apply to townships and villages. I oppose the amendment because its acceptance would cause too much confusion.

Mr. MILLHOUSE—If we agree to the amendment we will duplicate provisions. The amendments we accepted in subclause (1) have been deliberately framed to replace provisions which are considered undesirable. I can see no reason for confusing the issue by agreeing to the amendment.

Mr. DAVIS—I gather from Mr. Shannon that the Advisory Committee includes members of the Municipal Association.

Mr. Shannon—The Municipal Association has access to that committee.

Mr. DAVIS—It surprises me that the committee suggested that the Municipal Association agreed to the removal of the provision relating to unsightly structures. The committee was instructed to approach the Government to bring down amendments including unsightly structures. The Municipal Association knows the desires of councils because almost every municipality is a member of that body. I hope the amendment is accepted.

Mr. RICHES—There is no duplication by accepting the amendment because there is nothing in clause 25 dealing with structures. Because there was no power to deal with structures a draft by-law submitted to the councils was rejected, and it was because clause 25 did not deal with structures that the last meeting of the executive of the Municipal Association decided that representation should be made direct to the Government and then to members to have the power retained. Mr. Millhouse and the Minister said some power was available to councils under paragraph (48a) to which this House was not willing to agree, but this House has not rejected any by-laws on their merits. No argument has been advanced why paragraph (48a) should be repealed. Mr. Shannon said that the paragraph defines chattels, but it merely confers by-law making powers on local government and the definition would have to be inserted in the by-law.

Mr. FRANK WALSH—I suggest that the clause be recommitted and proposed new section 666b (1) amended to read:—

If the council is of opinion that any chattel or structure upon any land . . .

I believe that would meet objections expressed by some honourable members.

The Hon. Sir THOMAS PLAYFORD—A council could say that a chattel was unsightly. It could say that Parliament House was unsightly and that would be law, for there is no right of appeal.

Mr. Riches—Surely the Premier is not serious?

The Hon. Sir THOMAS PLAYFORD—One council decided that a firm did not have good enough premises and wanted to pull them down because it considered the firm should have built better premises in the town.

Mr. Riches—Many other conditions have to be satisfied.

The Hon. Sir THOMAS PLAYFORD—It is too easy, for it is only in the opinion of the council.

Mr. RICHES—Mr. Frank Walsh's suggestion should meet all the requirements. Further, I understand the member for Gawler (Mr. John Clark) has consulted with the Parliamentary Draftsman and I would like the Committee to have the opportunity of dealing with his suggested amendment.

Mr. JOHN CLARK—I have in mind a scheme to satisfy those who want subclause (2) deleted.

The CHAIRMAN—The time to deal with that is when the Bill is recommitted, if it is recommitted.

The Hon. Sir THOMAS PLAYFORD—The honourable member should bring his amendment to the Minister and it could be considered later.

Mr. DAVIS—I disagree with the Premier's statement that it is for the council to decide, because there is a right of appeal and the local court decides, not the council.

The Committee divided on the amendment:—

Ayes (16).—Messrs. Bywaters, John Clark, Davis, Dunstan, Fletcher, Hughes, Hutchens, Jennings, Lawn, Loveday (teller), O'Halloran, Riches, Stephens, Tapping, Frank Walsh and Fred Walsh.

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

Majority of 3 for the Noes.

Amendment thus negatived; clause as amended passed.

Clauses 26 to 32 passed.

Clause 33—"Authorized witnesses."

Mr. FRANK WALSH—I move—

At the end of subclause (1) to add the words ", and by inserting after 'VII. Any town clerk or district clerk' at the end of the subsection the words and figures 'VIII. Ministers of Religion of any State'."

This amendment will enable ministers of religion of any State to witness signatures for postal votes. I think it will be acceptable to the Government.

The Hon. Sir MALCOLM McINTOSH—I have no objection to the amendment.

Amendment carried.

Mr. FRANK WALSH—I move—

At the end of subclause (2) to add the words "and by inserting after '(*g*) Any town clerk or district clerk' the words '(*h*) Ministers of Religion of any State'."

This amendment will have the same effect as the previous one.

Amendment carried; clause as amended passed.

Clauses 34 to 37 passed.

New clause 10a—"Council may waive rates payable by pensioners and others."

Mr. FRANK WALSH—I move the following new clause:—

10a. The following section is enacted and inserted in the principal Act after section 259:—

259a. In any case where the ratepayer is an invalid or old age pensioner, or where the council is of opinion that the collection of rates would inflict great hardship, the council may, by resolution passed in respect of the particular case, reduce the amount of, or altogether remit, such rates.

Progress reported; Committee to sit again.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

Returned from the Legislative Council with the following amendments:—

No. 1. Page 1—After clause 2, insert new clause 2a as follows:—

2a. Amendment of section 6 of principal Act—Exemptions—Section 6 of the principal Act is amended by inserting therein after subsection (2b) thereof the following subsection:—

(2c) If after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, the lessor and the lessee under a lease of any premises for a term of not less than six months agree in writing as to the amount of the rent thereof, then (whether the rent of the premises has been determined under this Act or otherwise) the provisions of this Act relating to the control of rent shall not apply with respect to the rent payable under that lease or under any subsequent lease of those premises or any part thereof, whether entered into between the same parties or not.

No. 2. Page 2—Leave out clause 6.

No. 3. Page 2—Leave out clause 7.

No. 4. Page 2—After clause 7, insert new clause 7a as follows:—

7a. Amendment of section 55d of principal Act—Restriction on letting of certain dwellinghouses. Section 55d of the principal Act is amended by striking out subsections (3), (4) and (5) thereof.

Consideration in Committee.

The Hon. Sir THOMAS PLAYFORD—The first amendment provides that if a landlord and tenant with a lease of six months or more agree on a rent, the premises thereafter shall be exempt from control under the Act whether owned by the same parties or others. Amendments Nos. 2 and 3 leave out the clauses moved by the member for Norwood (Mr. Dunstan) relating to the question of hardship, and amendment No. 4 strikes out the provision inserted in the Act early this year providing that after a landlord has recovered his premises on a six months' notice and sold it the purchaser is subject to rent control if he lets the premises within 12 months of buying them. I have considered these amendments and move that the House disagree with them all.

Amendments disagreed to.

The following reason for disagreement was adopted:—

Because the amendments defeat the purpose of the Bill.

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved—

That disagreement with the Legislative Council's amendment be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the Assembly would be represented by Messrs.

O'Halloran, Dunstan, Quirke, Millhouse, and the Hon. Sir Thomas Playford.

Later, a message was received from the Legislative Council agreeing to the conference to be held in the Legislative Council conference room at 9.30 p.m.

At 9.30 p.m. the managers proceeded to the conference. They returned at 4.33 a.m. on Thursday, October 31.

The recommendations were:—

As to Amendment No. 1:

That the Legislative Council amend its amendment so as to read:—

No. 1. Page 1—After clause 2 insert new clause 2a as follows:—

2a. Amendment of s. 6 of principal Act—Exemptions.—Section 6 of the principal Act is amended by inserting therein after subsection (2b) thereof the following subsection:—

(2c) If after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act (No. 2), 1957, the lessor and the lessee under a lease of any premises for a term of not less than six months agree in writing as to the amount of the rent thereof, then (whether the rent of the premises has been determined under this Act or otherwise) the provisions of this Act relating to the control of rent shall not apply with respect to the rent payable under that lease or under any holding over by the tenant after the expiry of the lease.

And that the House of Assembly agree thereto.

As to Amendment No. 2:

That the Legislative Council do further insist thereon and that the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 3:

That the House of Assembly insist on its disagreement and that it amend the clause reinstated by such disagreement as follows:—

By striking out all words after "by" in the first line of clause 7 and inserting in lieu thereof the following:—

(*a*) inserting therein after subsection (2) the following subsection:—

(2a) Notice to quit on the ground that possession of a dwellinghouse is required for the purpose of facilitating the sale thereof shall not be given unless at the time of giving the notice the lessor is—

(*a*) a British subject and has been the owner of the dwellinghouse for at least three years; or

(*b*) an executor or administrator who desires to sell the dwellinghouse for the purpose of the administration of the estate of a deceased person; and

(*b*) Inserting after the word "lessor" in the fourth line of subsection (3) the words "of the existence of the grounds of the notice to quit and."

And that the Legislative Council agree thereto.

As to Amendment No. 4:

That the Legislative Council amend its amendment so as to read:

After clause 7, insert new clause 7a as follows:—

7a. "Amendment of section 55d of principal Act—restriction on letting of certain dwellinghouses".

Section 55d of the principal Act is amended—

(*a*) By striking out all the words in subsection (3) beginning with the word "notwithstanding" in the tenth line and inserting in lieu thereof the words "the person so letting the dwellinghouse shall not later than fourteen days after the lease commences give notice in writing to the trust of the letting. Such notice shall be in the prescribed form and contain all the particulars in the form. If a person fails to give a notice in accordance with this subsection he shall be guilty of an offence and liable to a penalty not exceeding twenty pounds; and

(*b*) By striking out subsections (4) and (5) thereof.

Consideration in Committee.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—If I give a non-technical explanation of the effect of these amendments members will have something more easily understandable although not necessarily so accurate as the actual recommendation of the Conference. Members will recall that amendment No. 1 of the Legislative Council, which was moved by Sir Arthur Rymill, provided that if a lease was entered into for six months those premises during that lease and any subsequent lease were to be relieved from the rent control provisions of the Act. There had been some difficulty regarding a person who entered into an agreement for a short period and, having secured possession of the premises, applied to the trust for the fixation of a rent and the owner, instead of getting the amount provided under the lease, got the lesser amount fixed by the trust. The amendment accepted by the managers from this House provides that in any lease of six months the rent shall be as prescribed for the lease and the rent shall be for the holding over as prescribed by the lease. The tenant will not be able to apply to the trust for a fixation of rent in respect of premises entered into on such a basis. On the other hand, the Legislative Council has dropped the vague terms concerning a subsequent lease not in writing, and the term "holding over" has been inserted to tie it up so that a lease shall be a *bona fide* lease at the rents prescribed.

Amendments Nos. 2 and 3 applied to an amendment of this House to bring back the hardship clauses, with some slight modification to their original form, in regard to a person who desired to obtain possession of a house for the purpose of occupying it himself or having it occupied by a member of his family, or where he desired to give notice in order to get vacant possession for the purpose of facilitating its sale. The Legislative Council's amendment, of course, deleted all that, but it is now brought back to the extent that the court shall have power to consider the *bona fides* of the matters set out in the declaration and may investigate and decide whether the declaration is in fact a *bona fide* declaration and in accordance with the provisions of the Act.

The fourth provision was an amendment by the Legislative Council that deleted a number of sections inserted recently in the legislation to overcome the position where a person obtained possession of the house on the ground that it was wanted to facilitate a sale, but where it was immediately let under the terms of an agreement or lease at a greatly increased rent. When that was brought to the notice of the Government the amendment was inserted in the Act last February to provide that the rents should be those prescribed by the Housing Trust. The Legislative Council did not desire that method of fixation to continue because it said that it victimized a *bona fide* purchaser because the vendor had got perilously close to committing an evasion under the Act. The Legislative Council's amendment has been altered to provide that where an agreement for leasing or renting a property takes place, then one year after the sale under the circumstances I have mentioned the terms and conditions of that lease must be reported forthwith to the trust. A penalty of £20 is provided for any breach of that provision. Secondly, it is provided that the provisions concerning obtaining vacant possession for the purpose of facilitating a sale shall only be available to the owner of a house who has owned that house for three years and who is a British subject. The managers of the House of Assembly believe that that in itself will check a considerable number of the practices that we desire to check.

That sets out broadly the provisions that have been agreed upon by the managers. I have been to a considerable number of conferences, but I have never been to one where the problems were so complex and where there was such great difficulty in arriving at some agreement acceptable to both Houses. I believe that the managers of this House conducted the conference in such a way as to secure as much as was possible, and at the same time we were conscious of the fact that failure to reach an agreement would jeopardize the legislation itself. I think the Leader of the Opposition may be able to amplify the explanation I have given.

Mr. O'HALLORAN (Leader of the Opposition)—I have little to add to the excellent and comprehensive report presented by the Premier. I agree with him that it was a difficult conference, but at the same time it was a good conference. The managers of the House of Assembly were unanimous in their desire to give effect to this House's decisions on the Bill. The managers of the other place were also unanimous in insisting on their will prevailing on the House of Assembly. However, after about 6¼ hours of discussion and negotiation we were able to agree on something that represents a compromise, but it is not a compromise which has given away any major principles. Of course, if the conference had failed it would have meant the end of the Bill, and there would have been no landlord and tenant legislation after December 31.

I would have preferred to see some of the more important provisions that were inserted in this House adopted by the conference, but I am prepared to admit that the compromise agreement does, in effect, help in many cases of hardship. It will at least stop the speculative buying and selling of houses to the detriment of the tenant. I compliment the other managers of the House of Assembly on the excellent way they pressed the views of this Chamber.

Recommendations agreed to.

The Legislative Council intimated that it had agreed to the recommendations of the conference.

DECENTRALIZATION.

Adjourned debate on the motion of Mr. O'Halloran—

That in view of the alarming concentration of population in the metropolitan area of South Australia, an address be presented to the Governor praying His Excellency to appoint a Royal Commission to inquire into and report upon—

(*a*) Whether industries ancillary to primary production, such as meat works, establishments for treating hides, skins, etc., and other works for the

processing of primary products should be established in country districts; and

(*b*) What other secondary industries could appropriately be transferred from the metropolitan area to the country; and

(*c*) What new industries could be established in country districts; and

(*d*) Whether more railway construction and maintenance work could be done at country railway depots; and

(*e*) What housing provision should be made to assist a programme of decentralization; and

(*f*) What amenities, particularly sewerage schemes, are necessary to make country towns more attractive.

(Continued from October 23. Page 1285.)

Mr. O'HALLORAN (Leader of the Opposition)—I commend members for their consideration of this motion. It was ably supported by members of my Party and some fine speeches were made and sound reasons advanced why the House should agree to the motion. Although the speeches of Government members indicated that they opposed the motion, many of those members actually furnished sound reasons why it should be carried.

Mr. John Clark—Was that accidental?

Mr. O'HALLORAN—No, rather incidental. They hoped that something would be done, but hated the thought that the Opposition would receive credit for doing it. During the debate some Government members chided me with moving this motion with an eye on the Wallaroo by-election, and I feel it encumbent on me to recapitulate briefly the history of the striving by Labor members in this Parliament for something effective to be done to bring about the decentralization of industry. For 10 or more years we have consistently brought this question before the House. In 1947 the former Leader of the Opposition (Hon. R. S. Richards), in the Address in Reply debate, vigorously drew attention to the need to decentralize industry. In 1950 a motion was moved, but because of the expiration of the time granted for private members' business, it lapsed. In 1952 a similar motion was debated and defeated by 19 votes to 15. The introduction of a motion this session was determined by the executive of the Parliamentary Labor Party in July last, long before the tragic circumstances that caused the Wallaroo by-election. Government members, therefore, should never again have the temerity to accuse the Opposition of trying to use for temporary political gain what I believe is the most important question this Parliament has tackled.

The Premier's attitude on the motion was remarkable. I spoke on August 7 and he commenced his speech against the motion as soon as I sat down. He said he had been able to anticipate most of my arguments because I had moved a similar motion in 1952. He admitted that, irrespective of the strength of my arguments on this occasion, he had made up his mind to oppose the motion. That is typical of the Premier's attitude: he frequently opposes suggestions made by Labor members, but subsequently, when due time has elapsed, he comes along with some of those suggestions as brand new proposals conceived by the Honourable Sir Thomas Playford.

Mr. Bywaters—Will he do that with decentralization?

Mr. O'HALLORAN—I think he will have to because the result of the Wallaroo by-election has taught him and his Party a salutary lesson. The grounds for this motion are so strong that they will eventually be sufficient to compel the great industrial and commercial powers of the metropolitan area to decentralize their activities. The Premier devoted much of his speech to saying what the Mines Department had done in investigating and treating our natural mineral resources. The efforts of the Mines Department in this respect have been praiseworthy and the officers of that department are entitled to the commendation of this House and of the people of South Australia for the meritorious service they have rendered to the State; but this is not true Liberal Government policy. We are told that the Government Party is a private enterprise Party and that it does not believe in the socialistic theories Labor members advance from time to time. That being so, this department should not have been organized in the way it has been; it should have been left for private enterprise to establish the various experimental treatment works and other plants that have proved of great benefit to South Australia and to mining and metallurgic interests generally throughout Australia.

Mr. John Clark—Including private industry.

Mr. O'HALLORAN—Yes, our Mines Department conducts experiments and assays and determines methods of treatment for many large and small privately owned mining ventures throughout Australia. I listened with great interest to the remarks of the member for Victoria (Mr. Harding) and the member for Chaffey (Mr. King) on this motion. Both gentlemen indicated in no uncertain terms that they opposed it, but both said they wanted industries established in their

districts. I agree with that contention. Indeed, in moving the motion I mentioned some possibilities, but if those gentlemen want industries established in their districts they must start thinking of some practical means to give effect to their desires. After many years' consideration the Opposition is satisfied that something along the lines of the motion is the only practical way this can be achieved. The member for Burra (Mr. Quirke) indicated that he would support the motion if it were not for paragraph (*b*) which states:—

(*b*) What other secondary industries could appropriately be transferred from the metropolitan area to the country.

This is not the first time such a motion has been moved; in 1952 an almost identical motion was moved and, in regard to paragraph (*b*) the verbiage was exactly the same. On that occasion Mr. Quirke voted for the motion and nothing has occurred since 1952, regarding the practical implications of paragraph (*b*), that could justify his changing his vote this time.

The Premier wrongly accused the Opposition of desiring to push people about and make them do certain things. We were told that Opposition members wished to legislate so that industry and its employees would have to move to the country. Paragraph (*b*) means no such thing. The committee would determine whether it would be in the economic interests of South Australia and of the industries concerned for them to be established in the country under certain conditions, such as adjustments of the freights on raw materials and finished products and the provision of amenities in country towns. Those questions would not be determined by Parliament unless it acted on the committee's recommendations. Is not that precisely what Parliament has done in developing the mineral resources of this State? We can thank the Mines Department for the Leigh Creek coalfield being of such great value to this State and for the uranium mine at Radium Hill, which is becoming a money spinner for South Australia. Those projects, and the Nairne pyrites field, were established as a result of investigations and reports by the Mines Department.

For the past 19 years, which have been amongst the best in the history of this State, the Premier has had the power to influence the development of South Australia, and he has had huge financial resources at his command. Almost unlimited opportunities have presented themselves for the encouragement of industries to decentralize, but what do we find? We have industries all over the metropolitan area. Housing settlements have had to be established for their employees, and water and sewerage and other amenities have been provided, with the result that there is no money left to do anything for the people outside the metropolitan area and save many dying country towns. Now, with a slight regression in the season, and our difficulties in overseas markets, we have a general tightening up, so there will be no money for providing many amenities so urgently needed in the country to keep people there.

Cockburn, in the north-east of this State, is a railway town, and I do not suggest that an industry could be established there, but a considerable number of railway employees and their families are compelled to live there to man the trains that carry a great volume of traffic, which is so profitable to the railways, from the New South Wales border to the Port Pirie Smelters. Six years ago, when the late Sir George Jenkins was Acting Minister of Roads, he promised that the main road to Broken Hill, where it passes through Cockburn, would be sealed with bitumen to minimize the dust nuisance, but that little job has not been done yet, and it seems that the unfortunate people there will be facing another summer of blinding dust.

The people of Terowie have been battling for a water scheme for years. Since 1949 the Railways Department has spent £113,000 on carting water from Burra to Terowie. A scheme to supply Terowie with water would cost about £117,000, and the cost would have been met by what the railways could have saved in carting water since 1949. The Minister of Works told me recently that the scheme could not be carried out for a long time because of financial exigencies and the fact that many other schemes have already been approved, but those schemes concern areas much closer to Adelaide. Yesterday the Public Works Standing Committee recommended a scheme to reticulate water throughout several districts in the Adelaide hills. I have no objection to that, but the claims of a town such as Terowie are greater than those of areas which are already fairly well supplied with water. It is difficult for members to get anything done for places outside a certain distance from Adelaide.

The Government has often referred to the establishment of the uranium mines and the treatment plant at Port Pirie, but those things had to come because Nature provided the uranium deposits at Radium Hill. There

would not be any barytes plant at Quorn had it not been for the discovery of one of the best deposits of barytes in the southern hemisphere. Right from the start the Premier indicated his opposition to anything practical to bring about the decentralization of industry. Although some of his supporters admitted that they wanted industries established in their electorates they could not oppose the Premier. Positive Government action must be taken to counteract the tendency for population to concentrate in the metropolitan area. For several years well-informed people not influenced by Party politics, such as authorities on town planning, local government, health and defence, have stressed the dangers of concentrating population in a few big cities. It is time we turned back the clock and re-wrote the history of this country. I urge the House to carry the motion.

The House divided on the motion:—

Ayes (17).—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran (teller), Riches, Stephens, Stott, Tapping, Frank Walsh and Fred Walsh.

Noes (21).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Dunnage, Fletcher, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Sir Malcolm McIntosh, Messrs. Millhouse, Pattinson, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, and Shannon.

Majority of 4 for the Noes.

Motion thus negatived.

INDUSTRIAL CODE.

Adjourned debate on the motion of Mr. O'Halloran—

That in the opinion of this House a committee should be set up to inquire into and report to Parliament on the desirability of amending the Industrial Code, 1920-1955; such committee to consist of—

(*a*) two members of the Legislative Council, one of whom shall be selected by those members of the Legislative Council who belong to the group led by the Leader of the Opposition in the Council;

(*b*) two members of the House of Assembly, one of whom shall be selected by those members of the House of Assembly who belong to the group led by the Leader of the Opposition in that House;

(*c*) one other person who shall be appointed by the Governor and who shall be chairman.

(Continued from October 2. Page 889.)

Mr. FRED WALSH (West Torrens)—I support the motion. The honourable member for Onkaparinga opposed it, saying it was time-wasting, but nothing was further from the mind of the Leader of the Opposition when he suggested that this committee be set up. Members on this side of the House do not desire to waste time. We believe the Code should be overhauled and brought into line with modern industrial trends. There have been amendments to it in recent years, but mostly minor, some referring merely to the remuneration of the President and Deputy President of the Industrial Court. The Premier suggested that we had no argument to support the motion and that members on this side could move amendments to any section of the Code, but it is futile for us to move amendments because the Government always regards them as suspect. At times we do so move, hoping to gain the support of Independent members, but recent events have shown that we can place little reliance on obtaining their support.

Many purely advisory committees have been set up at different times by Parliament or the Government without objection from the Labor Party to either the committees or the terms of reference, because we regard it as the right thing to do. A committee can go into more detail than Parliament can. Although Parliament need not accept the recommendations made they may be a guide and a basis for discussion. The Trades and Labor Council contemplated making arrangements with the Chamber of Manufactures, during recent negotiations between the two bodies, for an agreement to amend the Industrial Code. These negotiations, unfortunately, failed, possibly because the Chamber of Manufactures as such is not greatly interested in the Industrial Code but is more concerned with the Federal Arbitration Court because it comprises most of the bigger employers in South Australia and therefore is linked up with the rest of the Australian States. On the other hand the Employers Federation, an association of smaller employers of labour, deals with the State Industrial Court, and it may adopt a different attitude to the Code from that adopted by the Chamber of Manufactures.

The first country in the world to introduce compulsory arbitration was New Zealand, in 1894 followed by New South Wales. In the same year South Australia introduced industrial disputes legislation, which set up conciliation committees, which had no relationship to the present State Industrial Court and the wages board system. That method carried on until 1912, when the Arbitration Act was

passed. It took the form of industrial disputes committees which did not operate until a dispute actually existed. The committees met representatives of both sides and arrived at decisions that were binding when adopted by the court. The Premier said that the Industrial Code had stood the test of time.

In 1920 the industrial legislation was consolidated and the Industrial Code of 1920 established the system of an industrial court, boards of industry and wages boards. I remind the Premier that his Party has not always believed in the effectiveness of the Code. In 1922, in moving the second reading of the Industrial Disputes Bill, Sir Henry Barwell said, in effect, that it provided not only for the abolition of the industrial court, but for the abolition of industrial boards and wages boards. He claimed, "rightly so." He said that the industrial board system was just as objectionable and just as unworkable on sound lines in times of falling prices as the industrial court. He intimated that he believed compulsory arbitration was doomed in Australia and New Zealand and he quoted a statement made by that arch traitor, Mr. William Morris Hughes, that compulsory arbitration was doomed. When this attempt was made by the then Government to scrap the Industrial Code there was such a hue and cry among South Australian workers that a most successful public demonstration was held. I participated in it and well remember marching from the Trades Hall to Parliament House one evening and demonstrating. Some members were afraid of what might result from that demonstration. We were gravely concerned with the proposals to scrap the Industrial Code which until then had not had a reasonable trial. The Bill was not given effect to. I forget whether it was carried.

The Hon. Sir Malcolm McIntosh—We rejected it.

Mr. FRED WALSH—The Minister was probably one of the members afraid of the outcome of the demonstration.

The Hon. Sir Malcolm McIntosh—I never saw it.

Mr. FRED WALSH—Many members did and police were used to prevent persons from entering the gallery. I agree that the wages board system in South Australia is as good a system as possible although it has certain imperfections which could be remedied by the establishment of a committee to fully investigate the Code with a view to making recommendations.

The Code provides for the establishment of a State Industrial Court under a president and a deputy president. We hope that in the near future a deputy president will be appointed. It also provides for the establishment of a board of industry and wages boards, which deal with the wages and conditions of employees in the metropolitan area. The jurisdiction of the wages boards does not extend beyond the metropolitan area as defined in the Code. I have had 34 years' experience on one wages board and many years on another and I believe it is a good system and far better than the system operating under the Federal Conciliation and Arbitration Act, principally because of the elimination of legal representation. Employers and employees get together and provision is made for one person on either side outside the particular industry to be on the board. There is also an independent chairman. The chairmen of these boards are competent men well able to give just decisions when required. Meetings are held frequently when claims are made or disputes occur, but often the boards do not sit for 12 or 18 months.

The Leader of the Opposition referred to many of the anomalies in the Code. Because of the limited time I cannot fully discuss them, but there are one or two requiring consideration. For many years the Labor Party has sought to eliminate the provision excluding agricultural workers from the provisions of the Code. I know that the definition of "agricultural worker" is wide and that possibly two or three of the categories mentioned therein would be difficult to govern by an award, but I cannot understand why viticulturists are excluded. I have had much experience in the industry and it has always caused me grave concern that we are unable to get an award to cover a particular class of employee so closely allied to an old-established industry in which every worker is governed by an award or wages board determination. I refer particularly to those working in vineyards. Most employers in the established winemaking centres pay the same wages and provide the same conditions to their permanent employees as those which apply to workers covered by an award or determination. However, seasonal employees who work in the vineyards during the pruning and grape-picking seasons are not covered and we are unable to ascertain what they are paid. During the vintage a number of women are employed in the vineyards from morning till night, but we do not know their wages and conditions.

Mr. Laucke—In most cases the wages for females are the same as for males for grape-picking.

Mr. FRED WALSH—The point I make is that they may not be the same as for those working in the wineries or those permanently employed in the vineyards. Winery employees enjoy a 26s. margin over the basic wage. Some employers may pay similar wages to vineyard employees, but I doubt whether the great majority do. I am concerned with the general principle.

Mr. Hambour—Grape pickers are under an award.

Mr. FRED WALSH—The grape pickers in the river districts work under an agreement secured by the Australian Workers Union, but they are not covered in the metropolitan area nor in the Barossa district. Union membership does not necessarily bring them under an award. Under the Commonwealth Conciliation and Arbitration Act every employer must be cited and the award made binding on him. If it were possible my union would get an award for the grape pickers. I negotiated an agreement to cover employees in the Magill vineyards. The Premier said that fewest strikes occurred where there were fewest awards, but if that argument were taken to its logical conclusion there would be no strikes if there were no awards. True, where there is no award there is no organization of employees, and in the absence of such organization an industrial dispute rarely occurs because there is no-one to organize it.

Mr. King—The workers may have been happy as they were.

Mr. FRED WALSH—Union membership is optional and the honourable member for Chaffey knows that every worker in the vineyards who is a member of the Liquor Trades Employees Union is covered by an award. The Premier's suggestion that there are fewest strikes where there are fewest awards does not accord with his argument that the Industrial Code has stood the test of time and his advocacy of its continuance in its present form. By interjection, the member for Light (Mr. Hambour) suggested that grape pickers were paid under an award, but their rates are fixed under an agreement registered in the Commonwealth Court.

Considerable pressure is being brought to bear on the South Australian branches of Federal organizations to transfer from the jurisdiction of the State Industrial Court to that of the Commonwealth Court. Although branches of my Union in other States have obtained Commonwealth awards, the South Australian branch works entirely under the State jurisdiction, except three sections that work under private agreement. Each year fewer workers are covered by State awards and more are working under Federal awards. Such a trend will be perpetuated by Parliament's refusal to consider amendments to the Industrial Code.

The Leader of the Opposition (Mr. O'Halloran) said that under certain conditions the right should be given to appeal against determinations. All members on this side agree with that, but we feel that generally there should be no right of appeal against the decisions of wages boards. Such decisions are majority decisions and should be accepted unless a legal technicality is involved, in which case the only competent body to settle the matter would be the State Industrial Court. Despite the Premier's assertion that everyone should have the right to appeal against a court decision, I point out that there is no appeal against a decision of the State Industrial Court, and Labor members consider that the same principle should be extended to the decisions of wages boards. For years until recently Commonwealth Conciliation Commissioners functioned under this principle, which we feel should be applied in the State's sphere.

In support of this argument I refer to an application by the employers in the aerated waters section of the liquor industry for the right to work shift work and to employ females in the industry. My union opposed the application before the Industrial Board and evidence was called by both sides, particularly the employers. After many meetings the board rejected the application. The employers then appealed to the State Industrial Court against the decision and after consideration the court rejected the appeal. Not satisfied with that, the employers then applied to the Commonwealth Conciliation Commissioner covering the industry on a Federal basis and asked that workers and employers in South Australia be bound by the conditions of the Federal award. After hearing evidence the Commissioner rejected the application. The employers then appealed to the Federal Arbitration Commission which, after hearing evidence only from the employers' side, said that it did not want to hear any evidence from the employees and rejected the appeal. That proves conclusively that the wages board was correct in its original decision and that much expense was involved both for the employers and the trades union in the appeal procedure. That can happen in other industries too, therefore the question of appeals should be considered by the committee referred to in the motion.

I appeal to the Government to increase the fees payable to members of wages boards. The chairman may be adequately compensated by a retainer of 10 guineas a year with a guaranteed minimum fee of two guineas a meeting, but other board members receive only £1.

Mr. Lawn—This Government believes in low wages.

Mr. FRED WALSH—Possibly, but if wages boards are set up to fix fair wages for employees, surely the Government should be fair in its payments to board members. In 1931 when the living wage was £3 3s. members were paid 7s. 6d. a sitting, and if this amount is related to the basic wage payable today, I consider that a fee of at least 30s. should be paid. It is true that wages board meetings sometimes last only an hour, but I have attended meetings that lasted three hours. That may not affect me greatly, but it would affect a man who had to lose a whole morning or afternoon from his work. Some wages board members are paid by their employer for time spent at meetings, but I know one man who lost £6 in wages through attending a meeting. The fees for attending wages board meetings are fixed by regulations, and I ask the Minister of Works to bring my remarks under the notice of the Minister of Industry.

I make a special plea to members opposite to support this motion so that a committee may be set up to inquire into the desirability of amending the Industrial Code. The motion says that the Government may appoint the chairman of the committee, and we hope that he will be competent to sift all the evidence and guide the committee in bringing down recommendations of value to Parliament.

The House divided on the motion—

Ayes (17).—Messrs. Bywaters, John Clark, Corcoran, Davis, Dunstan, Fletcher, Hughes, Hutchens, Jennings, Lawn, Loveday, O'Halloran (teller), Riches, Stephens, Tapping, Frank Walsh, and Fred Walsh.

Noes (21).—Messrs. Bockelberg, Brookman, Geoffrey Clarke, Coumbe, Dunnage, Goldney, Hambour, Harding, Heaslip, Hincks, Jenkins, King, and Laucke, Sir Malcolm McIntosh, Messrs. Millhouse, Pattinson, and Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Shannon, and Stott.

Majority of 4 for the Noes.

Motion thus negatived.

COUNCIL BY-LAWS: UNSIGHTLY CHATTELS AND STRUCTURES.

Adjourned debate on the motion of Mr. Millhouse—

That By-law No. 62 of the Corporation of the Town of Glenelg, made on 26th February, 1957, and laid on the table of this House on 30th July, 1957, and By-law No. 36 of the District Council of Salisbury, made on 29th January, 1957, and laid on the table of this House on 23rd July, 1957, both dealing with Unsightly Chattels and Structures, be disallowed.

Motion read and discharged.

[*Sitting suspended from* 5.58 *to* 7.30 *p.m.*]

TOWN PLANNING ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD having obtained leave, introduced a Bill for an Act to amend the Town Planning Act, 1929-1956. Read a first time.

Second reading.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I move—

That this Bill be now read a second time.

The Bill makes a number of amendments to the Town Planning Act of varying degrees of importance. Clause 2 amounts to a drafting amendment. Subsection (3) of section 3 of the principal Act provides that the Act is not to apply within the City of Adelaide or to any Crown lands. It makes it plain that this restriction does not apply to the development plan which is required to be prepared under sections 26, 27 and 28.

Clause 3 makes a fairly important alteration relating to the administration of the Act as to plans of subdivision. The Act now provides that all plans of subdivision are to be approved by the council and the Town Planning Committee. Until 1955 the approvals necessary were those of the Town Planner and the council but in that year the Town Planning Committee was substituted for the Town Planner. It is proposed by clause 3 to revert to the position prior to 1955 so that the Town Planner will have the duty of considering plans of subdivision but there will be a right of appeal against the decision either of the Town Planner or the council to the Town Planning Committee. The principal work of the committee is to prepare the developmental plan for the metropolitan area. This will take some years and will require considerable application by members of the committee. It is considered that members of the committee should not be burdened with the day by day

work of considering the many plans of subdivision submitted for approval and this is best done by the Town Planner assisted by officers of his department.

Section 12a of the Act, among other things, provides that if subdivided land is situated within a municipality it is the duty of the subdivider to provide roads. It is proposed by clause 4 to extend this obligation to proclaimed district council districts or portions of such districts. A considerable amount of subdivision is taking place in the areas outside municipalities. If the subdivision were within a municipality the subdivider would have to provide roads and it is considered that, in general, there should be the same duty to provide roads in districts as in municipalities. However, it is felt that the provisions relating to districts should not necessarily apply through the State but that before it applies to any particular district or portion thereof a proclamation should be made to that effect.

Members will see from the Bill that the proclamation is made at the request of the council so it does leave it very largely to the councils as to whether they want this provision to apply in their district or not. Some councils have requested the Government by deputation to have this particular clause applied to their areas.

Mr. O'Halloran—I do not think we have the Bill yet.

The Hon. Sir THOMAS PLAYFORD—The Bill will be here in due course and the Leader will see that it is on the petition of councils that the clause is made operative, so the councils will only have to petition the Governor and then the obligation will be on the subdivider to provide roads. Six or seven councils asked for this relief to be given to them. I explain that so that members will know whether a proclamation should be made or not.

The existing provision in the Act provides that the subdivider may build the roads himself or he may make arrangements for the council to do it on his behalf. It is proposed by clause 4 that when he does the work himself it should be done with the concurrence of the Town Planner and the council. Instances have occurred where the roads have been built in the wrong place and neither the council or the Town Planner has desired to approve of the plan with the roads in the position where they have actually been constructed. Therefore it is considered that before the roads are constructed there should be a preliminary approval to their position. The clause also makes what amounts to a drafting amendment to the paragraph in question and provides that where the subdivider makes the roads himself they must be of consolidated metal to a depth of four inches and sealed. At present that is the requirement fixed when the work is done by the council and obviously there should be unformity in the matter.

Section 14 of the Act provides that when a plan of subdivision is deposited, every street, road and reserve or other open space shown on it, unless it is otherwise specified, is vested in the council in fee simple. It is proposed by clause 5 to extend this to plans of re-subdivision. It sometimes occurs that a plan of-resubdivision will create a reserve or road and obviously the same position should apply in cases of plans of re-subdivision as in plans of subdivision. Clause 6 makes a drafting amendment only to section 26 of the Act.

Section 31, which was first enacted in 1956, provided some measure of control over the subdivision of agricultural land with a view to preventing ribbon development. However, it is now considered that the section as then enacted goes too far as it provides that there must be approval of the Town Planner of every map or plan dividing land into allotments or otherwise or showing any street or road over the land. Clause 7 re-drafts subsection (1) of section 31 to provide that the control given by the section will apply, firstly, where any of the allotments are 20 acres or less in area and, secondly, where new roads are created. Thus it will be quite clear that the division of broad acres such as dividing a farm of 2,000 acres into two farms of 1,000 acres would not be controlled by section 31 unless it is proposed to create a new road, in which event it is obvious that the council and the Town Planner should have some degree of control.

Mr. O'HALLORAN secured the adjournment of the debate.

DAIRY INDUSTRY ACT AMENDMENT ACT.

Returned from the Legislative Council without amendment.

ADVANCES FOR HOMES ACT AMENDMENT ACT.

Returned from the Legislative Council without amendment.

PRICES ACT AMENDMENT ACT.

Returned from the Legislative Council without amendment.

STATUTE LAW REVISION ACT.

A message was received from the Legislative Council intimating that it agreed to the House of Assembly's amendment.

POLICE PENSIONS ACT AMENDMENT ACT.

Returned from the Legislative Council with amendments.

RENMARK IRRIGATION TRUST ACT AMENDMENT ACT.

Returned from the Legislative Council without amendment.

MAINTENANCE ACT AMENDMENT ACT.

Returned from the Legislative Council without amendment.

ADJOURNMENT.

At 4.57 a.m. on Thursday, October 31, the House adjourned until 2 p.m. the same day.