HOUSE OF ASSEMBLY.

Wednesday, August 16, 1961.

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

QUESTIONS.

PORT STANVAC DISPUTE.

Mr. JENKINS: Yesterday it was stated in the *Advertiser* that certain hold-ups were likely because of the action of several unions combining to oppose work conditions at the new oil refinery. In view of the unemployment situation, will the Premier enlighten the House about this matter?

The Hon. Sir THOMAS PLAYFORD: Obviously this matter does not directly come under the control of the Government, but this morning I received a letter from Mr. Bishop (secretary of the Trades and Labor Council) to the effect that an industrial dispute was pending at the oil refinery site over the question of an on-site award. Today I discussed this matter with Mr. Murray, the representative of the contracting firm here. I have found that there is a demand for an on-site award and I have heard that that demand is being rather forcefully advanced at present. I think it would be injudicious for me to make any statement at present beyond saying that I hope that there will not be an industrial disruption which, firstly, would prevent the work on the refinery going ahead (work that will give employment to many people), or, alternatively, would cause much work, which is not on-site work and which we are hoping to get in South Australia, to be transferred to some other part of Australia or overseas. I am investigating these matters and will be in a position, perhaps, to give a more explicit answer later.

ADDRESS IN REPLY.

The SPEAKER: I have to inform the House that His Excellency the Governor will be pleased to receive members for the presentation of the Address in Reply at 2.10 p.m. today.

At 2.07 the Speaker and members proceeded to Government House. They returned at 2.23 p.m.

The SPEAKER: I have to inform the House that, accompanied by the mover and seconder of the Address in Reply to the Governor's Opening Speech and by other members, I proceeded to Government House and there presented to His Excellency the Address adopted by this House on August 9, to which His Excellency has been pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the third session of the thirty-sixth Parliament.

I am confident that you will give your best attention to all matters placed before you.

I pray for God's blessing upon your deliberations.

Questions resumed:

WHYALLA EXPANSION.

Mr. LOVEDAY: Under the provisions of the Broken Hill Proprietary Company's Steelworks Indenture Act the Whyalla Town Commission is precluded from expanding north of the line that leads from Whyalla to Iron Knob. Because of that the town can expand only lengthwise in a westerly direction and because of the likely size of the town this will probably cause increased costs that could be avoided if the town were permitted to expand northerly on part of the land north of that line. Obviously many inconveniences are associated with a town that must expand lengthwise and not in more than one direction. Will the Government approach the Broken Hill Pty. Company to see whether the Broken Hill Proprietary Company's Steelworks Indenture Act could be amended and land provided north of the Whyalla to Iron Knob line so as to provide more residential land on that side of the line for the town to expand more advantageously?

The Hon. Sir THOMAS PLAYFORD: This matter has already come under my notice. I attended a meeting of the Whyalla Town Commission at which certain aspects of the development of Whyalla were considered. I then asked the Housing Trust to give me a plan of the proposed expansion of Whyalla and I immediately realized the problem mentioned by the honourable member. Because the development of the town is conditioned by the Act, the town has spread into a long narrow town rather than into a compact area. I discussed this matter with one of the directors of the B.H.P. Company and asked him whether he could sound out the company to see whether it was possible for an amicable agreement to be reached on a small amendment to the Act in order to make some land north of the line available for housing development. I think that the honourable member realizes that land adjacent to the steelworks would not be suitable for housing because of the noisy nature of the industry, but on the

other side of the hospital there is, in my opinion, extremely good housing land much closer to the centre of the town than is the present expansion. I will obtain further information on this matter and advise the chairman of the Town Commission as soon as any concrete proposal is made because it will be necessary to seek the concurrence of the Town Commission before any legislation can be brought down on this matter.

FULLARTON WATER SUPPLY.

Mr. DUNNAGE: I have had reports that there is a considerable shortage of water in the Fullarton area, that there is not enough water for bathing purposes, and that much trouble has been experienced with hot water services. Can the Minister of Works say why there is this shortage?

The Hon. G. G. PEARSON: I have not heard of any problem associated with the supply of water at Fullarton although I live there when in Adelaide. The complaint may relate to a part of the area but I will inquire for the honourable member.

BROOKERS (AUSTRALIA) LIMITED.

Mr. BYWATERS: Yesterday I asked the Premier a question relating to the firm known as Brookers (Australia) Limited. The Premier is probably aware that this firm owes large sums to fruitgrowers. Can the Premier assure fruitgrowers concerned that they will have their claims considered in any takeover proposal?

The Hon. Sir THOMAS PLAYFORD: This matter is fully covered by certain laws concerning the distribution of money. I do not doubt that the law will be complied with and that the claims of the fruitgrowers will receive consideration commensurate with the sums available.

WHYALLA WATER SHORTAGE.

Mr. LOVEDAY: Does the Minister of Works consider that the town of Whyalla is likely to be associated with water shortages in the coming summer, in view of the statement by Mr. Dridan that the pipeline may not be able to cope with Whyalla's requirements? I notice that a booster pump is being installed. Will that be sufficient or is there likely to be water rationing?

The Hon. G. G. PEARSON: As the honourable member says, a booster station is being built close to Whyalla for the purpose of drawing down the grade line and enabling us to get more water into the township supply system. I cannot say whether that will be sufficient to meet Whyalla's needs although, speaking as a layman, I think it will because Whyalla has been provided with water satisfactorily in past summers without the use of the booster system, and it seems logical (to me, at any rate) to assume that the booster system will take care of the township's supply, although it will have increased between last summer and the coming summer.

We had some problems last year further back on the Morgan-Whyalla line, and the Northern District Engineer (Mr. Steele) had some short periods of anxiety because the level of his supply tanks along the route of the main from Hughes Gap and through Port Augusta fell once or twice during very hot periods. I cannot answer the honourable member categorically and say that there would not be any problem but I think that there would not be a problem. I will confer with the Engineer-in-Chief to see whether he has any further comment on the question.

OLD LEGISLATIVE COUNCIL BUILDING.

Mr. RYAN: Has the Government considered (or, if not, will it consider soon) the demolition of one of the eyesores of Adelaide, the old Legislative Council building, so that the land there can be used to extend the facilities and amenities of Parliament House?

The Hon. Sir THOMAS PLAYFORD: When Parliament House was extended some years ago, this matter became one of great controversy. The honourable member may be pleased to know that the architectural experts considered the old Legislative Council building not an eyesore but something that should be preserved as an architectural feature of the city. If I may, I refer the honourable member to the correspondence on this matter that went on heatedly over a period of six months. However, the controversy was ultimately concluded by the Government's usefully employing the building at present.

MURRAY RIVER ACCESS ROADS.

Mr. STOTT: On June 21 the acting Minister of Lands promised to obtain a report regarding my question about the closing of some of the Murray River access roads and the disposing of reserves close to the banks. Has he that information?

The Hon. D. N. BROOKMAN: Yes; the Director of Lands states:—

Mr. Stott's question regarding Murray River access roads and "22 links alongside the river" is not clear. It has been the general practice

for very many years to reserve a strip of land approximately 150 links wide along sea coasts and river frontages, although the actual width may vary from place to place. This is generally referred to as the "150 links reserve." In the early days of the State, leases or titles were granted right to the water's edge in some instances, but since the latter part of last century the provision of such a reserve along the River Murray has been observed wherever possible, and when opportunity arises the Department of Lands takes steps to recover a 150 links strip from leases which extend to the water's edge. It frequently happens that where such a reserve exists between leasehold land and the water's edge, the lessee is granted a licence to use the reserve so that it will not be necessary for him to incur the expense of fencing the boundary between his lease and the reserve. Licences are also granted for shack sites, etc., on the reserves in some localities. In all such cases, the licences provide that the rights of the public must not be interfered with. Access to these reserves is provided by road in many instances, but in other cases it is necessary to traverse the reserve itself to reach a particular point. It can be stated that it is not the policy of the department to sell such reserves. Closing of roads is generally initiated by the local district council.

SCHOOL FIRES.

Mr. TAPPING: On June 20 I asked a question of the Minister of Education regarding fires in schools, and the Minister stated that at that stage the matter was being considered by a special committee. Has he any further information in this matter?

The Hon. B. PATTINSON: No, other than what I told the honourable member at the time, namely, that the various reports and recommendations had been referred to a special committee for investigation and report, that a number of its recommendations had been put into effect, and that others were being examined.

PETHICK ESTATE.

Mr. FRANK WALSH: Has the Premier a reply to my recent question about what is to become of the national reserve at Oaklands Park?

The Hon. Sir THOMAS PLAYFORD: Mr. Pollnitz (Director of the Tourist Bureau) reports:

So far as I know, the Government has not stated that it would ask the Town Planner to prepare a plan of development for the area. In November, 1958, I received a request from the Marion Progress Association that the development of this reserve be commenced and, in reply, I stated that I was hopeful that arrangements would be made for the Town Planner to prepare developmental plans for such areas. In subsequent correspondence in February, 1959, I asked the Association to let me have any suggestions they, or other local interests, had for the development of this reserve and added "it could well be that practical assistance from local people will be necessary and desirable if the area is to be developed satisfactorily". The next move was in June, 1959, when Alderman Wilson presented a plan of development and it was agreed that this plan would be referred to the Marion Corporation for consideration so that the council could take the matter up officially if it was in favour. No approach has yet been made by the Marion Council.

On May 29, 1961, the Oaklands Estate Residents Association asked whether any indication could be given as to the future development of the reserve. I concluded my letter to the association by stating: "Further consideration is being given to the future control and development of the Oaklands national pleasure resort. My present personal feeling is that this resort is more in the nature of a good local reserve and that much can be said in favour of transferring it to the local governing authority for development. However, I do not know whether my personal opinion would fit in with Government policy and a Government decision will have to be made before further action is taken".

From time to time I have discussed with you the overall question of the future control and development of various national pleasure resorts. A good deal of consideration is being given to this important matter and, in accordance with your instructions, a report will be prepared for you as soon as possible. I think it is true to say that some of these areas are more local reserves than national pleasure resorts and that a good deal can be said in favour of transferring such areas to the appropriate local government authorities.

Over the last 15 years we have accumulated many small desirable blocks of land, which have been reserved for public purposes. I believe the time has arrived when we must have some general policy regarding their control. At present many of them are not developed, some are being developed partially by money provided through the Tourist Bureau, and some have been placed under the control of the National Park Commissioners. For instance, the new one at Humbug Scrub has been placed under the control of the commissioners. I think that these reserves must be sorted into two categories: the ones that could be considered national reserves should be placed under the National Park Commissioners, and the ones that would have a local significance should be handed over to the control of the council concerned, which would then be able to use them for local purposes. I will inform the Leader as soon as policy in this matter has been determined.

MATRICULATION STANDARDS.

Mr. KING: Can the Minister of Education say what progress is being made in altering the matriculation standards for high schools; and also what can be done towards the decentralization of country secondary education to provide country students with the opportunity to matriculate without coming to the city?

The Hon. B. PATTINSON: At the moment I have not any up-to-date information. The honourable member will recall that last year the council of the Adelaide University appointed a sub-committee to investigate the matter, and that sub-committee co-opted representatives of departmental and independent schools. The committee had several meetings, called witnesses, and then submitted two interim reports to the University council, which then submitted the matter to the Public Examinations Board for investigation and report. I was given to understand that I would receive some interim report from that board this month, but up to the present I have heard nothing about its deliberations. I am becoming rather anxious about the matter because I had hoped to make some decisions in relation to the establishment of further classes for either Leaving Honours or the equivalent year, but I am in a dilemma and cannot do anything until I receive a further report from these investigating committees. I hope that I shall receive some advice in the near future.

NORTHERN WATER SUPPLIES.

Mr. RICHES: In view of statements made today about water supplies to northern areas, will the Minister of Works call for a report on supplies of water to market gardeners in the foothills at Beetaloo Valley and Napperby and on whether adequate steps are being taken to ensure that there will be a full supply for those growers over the coming summer?

The Hon. G. G. PEARSON: The supply of water for commercial market gardening is, of course, normally outside the activities of the Engineering and Water Supply Department, but, in the areas mentioned, it has been the practice of market gardeners to rely on the supply the department is able to make available. In market gardening areas of the State where mains water is used, the rationing or allocation of water between various interests has to be considered, and I think it has always been resolved after discussion between gardeners and officers of the department. The obligation on the department is to supply water for stock and domestic purposes, which is the primary requirement. The honourable member knows, of course, that a long-term project to duplicate the Morgan-Whyalla main is pushing forward as rapidly as possible, so it is too early to make prognostications about the precise position at any point in that system. I assure the honourable member that everything possible is being done to augment the supply, and I hope and expect that it will be satisfactory. I have no reason to think otherwise, as practically all these people have relied in previous years (although not in every year) on water pumped from Morgan, and so far there have been no serious difficulties, although in 1959, I think, we had to meet growers in that area and discuss with them how to make the best use of the water available. In the main they were satisfied with the arrangements. Should any situation arise that requires consultation with the gardeners concerned, I assure the honourable member that a consultation will be held.

ELECTRICAL PARTS.

Mr. CASEY: Has the Premier a report in reply to a question I asked on August 2 about spare parts for electric irons?

The Hon. Sir THOMAS PLAYFORD: I have obtained the following report from the Prices Commissioner:

The manufacturer of the iron concerned discontinued the supply of the spare part (a thermostat) following numerous complaints. The company claims that the fitting of a thermostat required for a steam and dry iron should be accompanied by dismantling, cleaning and adjustment of the iron, which is not a simple task and involves technical knowledge and equipment. The fitting of this spare part by a handyman and even electrical tradesmen without dismantling, cleaning and adjustment led to so many irons becoming defective that the manufacturer was forced to take corrective action and as a result an "exchange service" was introduced. Under this arrangement the owner of a defective iron can exchange it for a fully reconditioned iron which carries a 12 months' written guarantee. This is the same as for a new iron. In the case of country residents it is the company's policy to effect an exchange within 24 hours, if transport is available. The charge where the iron is completely reconditioned and the thermostat replaced is 50s. plus freight. The offer by a retailer to accept a defective iron as part payment for a new one is a matter over which the manufacturer has no control, and a different make of appliance could be involved.

MOTION FOR ADJOURNMENT: RAILWAY STANDARDIZATION.

The SPEAKER: I have received information from the Leader of the Opposition that he intends to move that the House at its rising do adjourn until 1 p.m. tomorrow to enable a discussion of the following matter of urgency:

That this House bitterly condemns the Government of the Commonwealth of Australia for its failure to make any provision for starting the standardization of the rail gauge between Broken Hill and Port Pirie during the current financial year.

I indicate to the House that it will be necessary for four members to rise to support this motion before it can be proceeded with.

Four members having risen:

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): Before the Leader commences the debate, I point out that this matter is at present subject to a High Court hearing and for that reason I would have thought that any reference to it would be *sub judice*. Will you give a ruling on that, Sir?

The SPEAKER: I asked the Leader of the Opposition a few moments ago if this matter was *sub judice*, and I was informed that it was not. If I have the Premier's assurance that the matter referred to is *sub judice*, then I propose to rule the motion out of order, as I have done on previous occasions with motions for adjournment when the matter was *sub judice*. Will the Premier indicate what steps have been taken?

The Hon. Sir THOMAS PLAYFORD: The Government of South Australia has issued a writ and has before the High Court the question involved in this work. As a consequence it is to be mentioned at the High Court hearing in South Australia in September with the object of setting down a definite date for the action to be heard by the Full Court in Melbourne in October. That is the position relating to this particular standardization project. It is for you, of course, Sir, to decide whether in those circumstances the motion of the Leader is *sub judice* or not.

The SPEAKER: Can I ask the Premier whether, apart from the issue of a writ, any further steps have been taken? Has a defence been entered?

The Hon. Sir THOMAS PLAYFORD: The ordinary steps have been taken in this matter. Upon the issue of the writ the Commonwealth Government had a certain period in which to lodge a defence. We had a certain period in which to lodge our claim before the court. The Commonwealth Government lodged its defence and we asked the court in Melbourne to set a date for the hearing, and it said that the hearing could take place in Melbourne in October. We were given leave to raise the matter at the September sitting of the court in Adelaide in order to get a precise date fixed for the Melbourne hearing. At present an action is pending before the High Court and we propose to have the date fixed for the hearing at the October meeting of the Full High Court in Melbourne.

The SPEAKER: In these circumstances I rule that the matter is *sub judice* and that the proposed motion would be out of order.

Mr. FRANK WALSH (Leader of the Opposition): Mr Speaker, I rise to disagree with your ruling.

The SPEAKER: The honourable member has to move a motion of dissent.

Mr. FRANK WALSH: Now that I am forced to do so, I move:

That the ruling of the Speaker be disagreed to on the ground that the substance of the motion proposed to be moved in the House is not *sub judice*.

The SPEAKER: Is the motion seconded?

Mr. DUNSTAN (Norwood): I second it.

Mr. FRANK WALSH: I regret that it was necessary at this stage for you, Mr. Speaker, to give a ruling following on the Premier's query. There is no mention of the matter he raised in the proposed motion, which reads:

That this House bitterly condemns the Government of the Commonwealth of Australia for its failure to make any provision for starting the standardization of the rail gauge between Broken Hill and Port Pirie during the current financial year.

When I framed the motion I believed that the South Australian Government was a party to a dispute with the Commonwealth Government about which railway system should have the work of standardization commenced first, either, as indicated in this morning's press, the line between Kalgoorlie and Kwinana in Western Australia or the line from Port Pirie to Cockburn in South Australia. There is no mention of that matter in my motion. I regret that I did not catch your eye, Mr. Speaker, immediately prior to your giving the ruling, which is most distasteful to me at this stage. I and my colleagues on this side of the House, and I believe the Government, are vitally concerned about the South Australian unemployment position. Are we correctly informed by this morning's press that the Commonwealth Treasurer has indicated that a preference is to be given to the line from Kalgoorlie to Kwinana? That

was indicated before the matter can come before the High Court. Why should I be in the unfortunate position of having a ruling given on a matter that is not before us? I am perturbed that you, Mr. Speaker, should rush in with a ruling. In other words, I am perturbed that you should rush in where angels would fear to tread on a matter of this description.

Members on this side are concerned about the South Australian unemployment position, and, in fact, the position throughout Australia. When I submitted the motion I was not unmindful that the Commonwealth Government had been mentioned, and I do not forget that when I refer to that Government both State and Commonwealth Parties are involved. Are we to take it for granted—and I hope not—that, because the South Australian Government has said "You must not proceed with the motion," it is not concerned because the Loan Estimates do not provide much assistance towards solving the unemployment problem? I thought that we would get some inducement from the Premier to lodge a strong protest with the Commonwealth Government. It would not be only a matter of the Premier protesting to the Prime Minister or another Commonwealth Minister, but a protest from the whole South Australian Parliament that it is vitally concerned about the unemployment position. We believed that when the motion was moved there would be a golden opportunity for all members to protest to the Commonwealth Government for its lack of foresight in not giving material assistance to the South Australian Government to at least make a start on this important construction work.

Do I need to remind the Premier of what happened only a few months ago? Almost daily for three weeks the South Australian press came out with statements in large black headlines about the importance of this vital matter. Do I need to remind the Premier about those headlines? We believed that if he was sincere at that time he would be equally as sincere on this occasion without forcing me into the position of not being allowed to debate the matter. Can we believe the Premier's announcements of several months ago that 750 people would be employed on construction work in the Peterborough division, which he said would uplift trade in the Peterborough area, and mean that the shopkeepers would not have sufficient goods to meet demands by people engaged on the work? That appeared in the press only a few months ago. In addition he said, "What a grand thing it will be to have this railway work commenced; the 700-odd people that will be put in employment . . ."

The SPEAKER: Order! The Leader has moved a motion to disagree with the Speaker's ruling, and I think he will appreciate that his remarks are going considerably beyond the ambit of that particular motion.

Mr. FRANK WALSH: I can only indicate, Sir, that I am sorry you have ruled against me again, because I thought I was doing a fairly good job—

The SPEAKER: The Leader must come back to the motion.

Mr. FRANK WALSH: The question before the House is the motion to disagree with your ruling over a certain subject matter, which is my proposed motion that this House bitterly condemns the Government of the Commonwealth of Australia.

The SPEAKER: The subject matter is the matter contained in the Leader's motion disagreeing with the Speaker's ruling.

Mr. FRANK WALSH: Under that ruling, Sir, I am not able to refer to any of the hardships that have been imposed on the South Australian people, firstly, by the Commonwealth Government in not making any provision in its Budget for unemployment, and secondly, by this State's Government in not being prepared to listen to me.

The SPEAKER: Order! The Leader cannot get in by a side wing, and I ask him to adhere strictly to the motion before the Chair.

Mr. FRANK WALSH: We come back to the vital question. The Opposition believed that the contents of the proposed motion were such that they would not be ruled to be *sub judice*. My understanding of the position was that the question resolved itself because of certain action taken by the Government of this State after the Commonwealth Government (or a representative of the Commonwealth Ministry) had indicated that it could not make up its mind whether the Kalgoorlie to Kwinana or the Port Pirie to Cockburn line should be given first consideration.

The SPEAKER: Order! The Leader is drifting back.

Mr. FRANK WALSH: I very much regret that I found it necessary to attempt to disagree with your ruling, Mr. Speaker. When the Opposition submitted this motion we were most sincere in our attitude and fully believed we would be within our rights in submitting it in trying to solve the unemployment problem.

Mr. DUNSTAN (Norwood): I must regretfully rise to support the motion to disagree with your ruling, Mr. Speaker. When the Premier raised a point of order in this House he assured you and the House that the matter of the railway gauge between Port Pirie and Broken Hill was one that was *sub judice* as being a question raised in the action taken by the South Australian Government before the High Court against the Commonwealth Government. It was significant that when you asked the Premier what the position was on this matter he did not inform you or this House what was the declaration that the writ sought. It is very difficult, in consequence, for you to have known, Mr. Speaker, what was *sub judice* and what was not, because we have not been told. I respectfully submit that before any member can assure this House that a matter is *sub judice* he ought to tell this House in precise terms what the declaration is that this action has sought, and if he does not do that then the House ought not, and you ought not, Sir, act upon his assurance to the House.

We have been told something about this matter because the Commonwealth Treasurer referred to this particular action in his speech before the Commonwealth Parliament last night. He said that what was *sub judice* in the matter was a declaration as to whether a time and date should be set in relation to the agreement between this State and the Commonwealth for the carrying out of that work. That has nothing whatever to do with a motion as to whether, as a matter of moral duty in the present unemployment situation, the Commonwealth Government ought to make provision for the standardization of the railway gauge, entirely apart from any agreement or date or declaration that that agreement might contain. That is an entirely different matter from the matter now before the High Court, according to the statement made by the Commonwealth Treasurer. In consequence, it would appear from the Commonwealth Treasurer's statement that this matter is not *sub judice* and that this House is not prevented from discussing the question whether as a matter of policy—apart entirely from any agreements or disputes in relation to those agreements, or anything else—this work ought to be done during this financial year. That was the matter of substance that was in the urgency motion to be put before this House—an urgency motion that should appeal to anybody in this State who is concerned with the present unemployment situation.

I was astonished that the Premier should rise and take this objection and then give an assurance to this House in general terms, without telling the House, when you asked him what the position was, precisely what the declaration was that the writ was seeking. If the Commonwealth Treasurer is right as to what the purpose of the action is before the High Court, then with very great respect, Sir, your ruling is not correct, and the matter of substance in this motion is not *sub judice* and in consequence it would be perfectly in order for members to discuss this urgent matter this afternoon. I regret that there was not an opportunity to explain this matter before you, Mr. Speaker, gave your ruling. Unfortunately, your ruling was given before members on this side of the House had a chance to raise questions concerning the Treasurer's statement. Members who disagreed were then in the unfortunate position that they could do nothing about it but move disagreement immediately, because otherwise they would be prevented from testing the feeling of the House. I urge that before any member of this House seeks to assure the House that a matter is *sub judice* he should be required to state the precise nature of the action before the court, and the House should not be prevented from discussing a matter of vital urgency to this State because of an extremely general statement by a member as to an action before a court. You should not be required to give a ruling and, in fact, should not give a ruling, Sir, until those precise matters have been put before the House. Consequently I regretfully ask the House to take a course which it rarely adopts—disagreeing with your ruling—because the House should preserve its rights to discuss matters of urgency and of great moment.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I thank the member for Norwood for his very clear statement of the issues concerned in this matter. The honourable member does not take issue with you, Mr. Speaker, that if the matter is properly before the court it should not be debated prejudicially here. What he says, and what the House will ultimately have to decide, is whether this matter is before the court, and if it is the honourable member, as legal interpreter for the Opposition, agrees that it should not be prejudicially debated in this House. In supporting his argument the member for Norwood referred to two things, firstly, that I

have not stated categorically what is the issue to be placed before the court and that I merely said there was an issue coming before the court without precisely stating its nature. Secondly, he drew inferences from words used by the Commonwealth Treasurer in his Budget speech last night. Without involving myself in matters which are, in my opinion, *sub judice* I wish to place before members the basic issues that are involved and the House can then fairly and squarely decide whether this matter does come within the scope of an action that is before the court and whether members are debating something that represents a dispute before the court, or whether we are debating a political matter outside the court's jurisdiction.

The SPEAKER: The Treasurer may not debate the issue.

The Hon. Sir THOMAS PLAYFORD: I assure you, Sir, that I will not debate the issue, but dealing with one point raised by the member for Norwood, the reference made by the Commonwealth Treasurer last night led me to consult the Crown Solicitor because, as soon as I read the statement, I considered that it was prejudicial to South Australia's case. My opinion that the Commonwealth Treasurer should not have made that statement, short as it was, was backed by the Crown Solicitor. The Commonwealth Treasurer should not have made the statement last night.

Mr. Lawn: It was not ruled out of order in the Commonwealth Parliament as *sub judice*.

The Hon. Sir THOMAS PLAYFORD: No, it was not raised in that House and the Speaker did not give a ruling on it but I have no doubt that if the issue had been raised the Speaker would have been obliged to give a ruling. I have never hampered members in an important debate, but there is a vital principle in this matter. The member for Norwood would be the first to realize that we should not prejudicially affect an issue coming before the court and we should not, by trying to stir up public agitation or by stating arguments that may not be relevant and which may mould public opinion, influence the court, but the court should hear arguments for and against this case fairly and in an unprejudiced manner.

The issue placed before the House by the Commonwealth Treasurer last night was not the issue in the action before the High Court and that is why I regarded the statement made by him as prejudicial to the South Australian case. The action before the High Court has been taken by the South Australian Government on a substantially different ground, for the High Court has been asked to decide whether there is an enforceable agreement between South Australia and the Commonwealth. In its claim South Australia has stated that there is an enforceable agreement.

Mr. Shannon: Relating to standardization of railway gauges?

The Hon. Sir THOMAS PLAYFORD: It is not necessarily confined to the standardization of railway gauges; it is whether the whole agreement entered into between South Australia and the Commonwealth is a binding agreement. The Commonwealth Government, in the demurrer placed before the court, stated it is not a binding agreement: we say it is. The Commonwealth states it is not an enforceable agreement, but we say it is. The High Court action does not concern priority of projects. The Leader of the Opposition raised the question of the Western Australian line, but this is not a question of priority at all.

Mr. Frank Walsh: You said it was.

The Hon. Sir THOMAS PLAYFORD: I have never stated that it was; I have always maintained the opposite view. South Australia has never—and let me emphasize this—criticized the Commonwealth Government for performing work in other States and that is an attitude I think no Australian could support. We have never done that and we are anxious to see that Western Australia gets as much development as possible. That is not the issue. The issue is, "Have we got an enforceable agreement, is the standardization agreement a real agreement, or is it something which is not an agreement?" Those are the issues and in those circumstances I ask the House to support your ruling, Sir, because in no circumstances can a debate take place on the issues raised by the Leader without getting us involved in a question that will be heard before the court in October. I believe it would be improper for the Commonwealth Parliament, with the security that its members enjoy, to raise issues in that Parliament if this matter is to be debated. Because I objected to the issue being raised in the Commonwealth Parliament yesterday I must take the view that it should not be debated here today.

Mr. McKEE (Port Pirie): I rise to add my protest against your ruling, Mr. Speaker. Dealing first with the Commonwealth Budget, it appears that the action before the High Court is being used to gag this debate.

The SPEAKER: Order!

Mr. McKEE: The fact that the standardization of the gauge between Port Pirie and

Broken Hill has not been provided for in the Commonwealth Budget concerns mostly the people of Port Pirie, so I feel I am quite justified in entering their protests against your ruling on this matter.

The SPEAKER: I trust the honourable member will confine his remarks to supporting the Leader of the Opposition's motion of dissent.

Mr. McKEE: I am protesting against your ruling, Sir, and also dealing with the Commonwealth Budget. I do not see that that Budget has anything to do with the court action. The fact that the Port Pirie to Broken Hill project has not been provided for vitally affects established industries in my electorate as well as in the rest of the State. The Commonwealth Government's attitude regarding the Commonwealth—

The SPEAKER: Order! The honourable member is out of order in debating that matter. I pointed out to the Leader of the Opposition that he was going beyond the terms of this particular motion. I think the member for Port Pirie, too, will realize that he must confine his remarks to the motion to disagree with the Speaker's ruling.

Mr. McKEE: I can say only this now, that you have made it somewhat difficult for me to discuss even the Commonwealth Budget.

The SPEAKER: That is so.

Mr. McKEE: I feel it is vitally connected with the welfare of this State. Much as I should like to go on with this, I feel that you, Sir, have stopped me from carrying on; but I have entered my protest against your ruling. I think it is unfair that you should inflict this gag on members of this House, who are speaking for their constituents.

The SPEAKER: Order!

Mr. CASEY (Frome): I support the motion moved by the Leader of the Opposition and disagree, if I may say so, Sir, with your ruling, on the ground that I was hoping that the Premier would see the significance of the Budget speech last night in which, if I may quote from the speech of the Commonwealth Treasurer (Mr. Holt), he said:

We intend to have discussions with the South Australian Government about a proposal for assistance by the Commonwealth in the purchase and construction of diesel electric locomotives and associated rolling stock for use on the existing railway between Broken Hill and Port Pirie.

The SPEAKER: Order!

Mr. RICHES (Stuart): Mr. Speaker, no member of this House gets any pleasure at all out of having to move, or support, a motion disagreeing with your ruling, but I want to put to you that you ruled the proposed motion by the Leader of the Opposition out of order on an assurance given by one member of this House that it was *sub judice*. You did not give any other member an opportunity to express an opinion as to the correctness or otherwise of the opinion expressed. I feel it is a dangerous precedent for any Speaker to rule out of order a considered motion moved on behalf of a responsible section of this House on the say-so of one member without giving any other member an opportunity to place before you information on whether the subject matter was actually before the court or not.

Mr. Shannon: Do you know of your own knowledge what is before the court?

Mr. RICHES: I do not profess to know all the facts. The honourable member will have full opportunity to have his say afterwards. As long as he keeps it to a minute, we shall all be happy. I say it is a dangerous precedent that you have set this afternoon by your action in accepting the say-so of one member. I am not deriding him, but I doubt whether had he been other than the Premier you would have done so. In a question of this kind all members have a right to be heard. My first point is that this is a precedent of which this House should be wary. I am of the opinion, in spite of the Premier's explanation, that the matter you have ruled as being *sub judice* is not *sub judice*. If I were convinced that it was, I should not be supporting this motion. I cannot see the relationship between the proposed motion that you have ruled out of order and the application before the High Court. They are two totally different subject matters. One relates to the action of the Commonwealth Government, as disclosed in a Budget speech delivered last night, and it is submitted to this House with the object of allowing Parliament to speak as a whole; it has no relationship to any prior agreement that may or may not have been in operation between this Government and the Commonwealth. It is a motion that has an effect on policy and affects projects both inside and outside South Australia. It is not objecting to what is going on in Western Australia; the object is that both schemes should be put in hand simultaneously.

I should like you, Sir, if that is possible now, to reconsider your decision and say whether, in the light of the Premier's explanation and that of the member for Norwood (Mr. Dunstan), you still hold that this motion is out of order. My third point is that I had

hoped that the Premier would adopt a different attitude and not challenge it; but, since he has, I should like to put this to the Premier: will he at some early convenient date—

The SPEAKER: Order! I do not think the honourable member is dealing with the motion before the House.

Mr. RICHES: Then I will not put it as a question. I can see your point, Sir. I should have hoped that in speaking to this motion the Premier might have indicated that he was prepared to facilitate the submission of a motion, or perhaps himself move a motion, to give this House an opportunity to express itself. Before we are asked to cast a vote in opposition to your ruling, Sir (as present indications are that we shall be), is there any possibility of your reconsidering the ruling you have given, in the light of the information now before you?

Mr. LOVEDAY (Whyalla): I regret that I have to support my Leader in disagreeing with your ruling, Sir. I should like you to cast your mind back to just how this discussion started this afternoon. I think you will remember that you first of all told us that you accepted the statement from the Leader of the Opposition that the matter was not *sub judice*, and then later you accepted a statement from the Premier that it was. Those two statements cancel each other out. When one examines the proposal we have put forward and compares it with the Premier's statement about the subject matter to come before the High Court, one can clearly see that the two matters are not related. In fact, when the Premier replied this afternoon to the member for Norwood he reinforced what Mr. Dunstan had suggested. The Premier said that the matter which is *sub judice* is that the State has said that there is an enforceable agreement which is the whole basis of the matter, whereas our motion condemns the Commonwealth Government for its failure to make any financial provision for starting the standardization of this railway line. Those two things are poles apart. One is the question of providing money to start a standardization programme and the other is the question of whether there is an enforceable agreement. It would be to the advantage of this House, and everybody in South Australia, if your ruling, Mr. Speaker, could be reconsidered in the light of what I have said, because obviously you accepted first the word of the Leader of the Opposition and then that of the Premier, and their statements were completely contradictory about what was *sub judice*. The two matters have nothing to do with each other.

Mr. SHANNON (Onkaparinga): I think we are getting away from the ruling that we are supposed to be debating.

Mr. Corcoran: You think so: we don't!

Mr. SHANNON: Members have been debating, Mr. Speaker, whether or not you were well advised in ruling on the say-so of one member (and I think that was the expression used by the member for Stuart).

Mr. Riches: That is right.

Mr. SHANNON: I wanted to pin the honourable member to that because he has been quibbling about what has been said.

Mr. Corcoran: Don't be nasty!

Mr. SHANNON: I shall be, if I want to be. A lot of silly stuff has been spoken this afternoon. The only member in this Chamber who can be cognizant of the action between the Governments is the Premier. He only can say what is before the court, yet members are quibbling about your ruling, Mr. Speaker, on his say-so. I submit, with all respect to members opposite, that you, Sir, could not have denied accepting from the person who instituted the court proceedings what was the subject matter of those proceedings. One further point that has been taken is that the motion we would have debated has no bearing whatever on the court case. What a quibble that is! The motion, in effect, asks why has not the Commonwealth Government provided money on this year's Estimates for an immediate start on work which, at the moment, the Commonwealth Government has not decided it is duty bound to undertake. At the moment the only point at issue, as I see it—

The SPEAKER: Order! The honourable member is out of order.

Mr. SHANNON: That is what the Opposition raised and it seems to me to be entirely irrelevant. The whole point at issue is whether there is an agreement.

The SPEAKER: Order!

Mr. SHANNON: I do not want to delay the vote because the sooner it is taken the sooner we can get on with the business of the country.

Mr. STOTT (Ridley): On a point of order, Mr. Speaker. On my own behalf, and probably on behalf of other members, I seek your guidance as to what, in your opinion, is a matter that is *sub judice*. Is it when writs are issued by parties, or does a matter become *sub judice* when a case is in the court and before the court?

The SPEAKER: I have ruled in this instance that the matter is *sub judice* following on several questions asked of the Premier early this afternoon. I was satisfied from his remarks that a writ has been issued and that a defence has been entered in the matter. A defence having been entered, the matter would come on for hearing unless the action were withdrawn in the meantime. Under those circumstances I consider that the matter is *sub judice*, because it is before the court. Litigation has been commenced and I was informed that it has proceeded further in as much as a defence has been entered and a date is being arranged for the hearing of it in October. Under those circumstances I consider that the matter is *sub judice*.

Mr. LAWN (Adelaide): I support the motion for disagreement with your ruling, Mr. Speaker. However, a new point has been introduced as a result of the question asked by the member for Ridley and your reply. This Government has issued writs the same as children throw peanuts to monkeys at the zoo. This Government has issued writs against the Commonwealth Government time and time again and withdrawn them. They have never appeared before the court, but according to your ruling, all of these matters were *sub judice* and could not have been discussed here. The River Murray Waters Agreement was an example. A cricket team (including Mr. Dridan and the Attorney-General) went with the Premier, with guns, to Canberra and issued a writ in the High Court against the Commonwealth Government, but that matter never came before the court. On your latter ruling, Mr. Speaker, that matter would have been *sub judice*, but I remember its being discussed in this House, because I referred to a cartoon in the *News* about that party going up Gun Alley with two guns. I think we are getting more ridiculous with these rulings about what matters are *sub judice*. I shall trace this afternoon's events. Firstly, the Leader of the Opposition desired to move a motion that would have condemned the Commonwealth Government's Budget introduced last night.

Mr. Ryan: And rightly so!

Mr. LAWN: That is what the motion set out to do. The Government's application was filed in the court some months ago and there was no intention by the Leader of the Opposition to criticize any part of that application: if there had been, we would have done so earlier this session. Last night those who listened heard the Commonwealth Budget explained, and this morning we read about it. Today, the Opposition seeks to move a motion condemning the Commonwealth Government on its Budget.

The SPEAKER: Order! The Leader of the Opposition has moved another motion which is before the House at present.

Mr. LAWN: Yes, but the second motion arises from the one which he attempted to move and which you ruled out of order.

The SPEAKER: The second motion is being debated at present.

Mr. LAWN: And I am debating it. You told the House that the Leader of the Opposition discussed this motion with you and that you asked him whether the matter was *sub judice* and he replied "No." Obviously the Leader had in mind that this was a motion of condemnation of last night's Budget which could not possibly have been before the court and, therefore, was not *sub judice*. He honestly and conscientiously answered "No" to your question. That is how we view the matter. We thought that the Government Party would support this motion of condemnation of the Commonwealth for not providing money in last night's Budget for the standardization of our northern railways. Mr. Speaker, that matter is not before the court, even though you have ruled it out of order. You ruled it out of order on the Premier's statement that it was before the court but the motion we sought to move is not before the court. During the debate the Premier, in answer to the member for Norwood, told the House that in fact the application was before the court. He also said that South Australia had an agreement with the Commonwealth Government and the application before the court is as to whether or not it is an enforceable agreement. The issue before the court is whether the agreement between these two Governments is enforceable or not. We are not discussing that, and that is not the subject matter of the motion. That is why I support the motion for disagreement with your ruling.

All we want to discuss is the fact that the Commonwealth Treasurer's Budget did not contain financial provision for the commencement or completion of the standardization of our northern railway lines. We did not ask that it should be completed. All we wanted to discuss was the Commonwealth Budget, a matter which is not before the court on the Premier's own statement to the House this afternoon. He said that in his opinion last night's Budget was prejudicial to the issue before the court. I suggest that if he had been in the National Parliament last night

he would have raised the point of the matter being *sub judice,* as he has done here. Obviously, the Commonwealth Treasurer did not think it was *sub judice,* or he would not have made any reference to it.

Obviously, any Commonwealth member, either of the Liberal or the Labor Party who was present, could have raised the question last night whether the matter was *sub judice.* I think all Commonwealth Parliamentarians take the same view as we do: that the question of the Budget providing a line for the standardization of our northern railways has nothing to do with the application before the High Court whether or not the agreement existing between the Commonwealth and the South Australian Governments is enforceable. That is the issue before the court. We are not allowed to discuss the matter in the House, but in today's *News,* page 3, the Deputy President of the Chamber of Manufactures (Mr. Allison) discusses the identical protest—

The SPEAKER: Order! The honourable member must discuss the motion before the Chair.

Mr. LAWN: Mr. Speaker, you ruled that the matter was *sub judice.* I say that if your ruling is correct we are not able to discuss a matter in this House which affects the people of South Australia; yet the Deputy President of the Chamber of Manufactures can discuss the very same thing and have his remarks published in the South Australian press. I do not claim to be as skilled as yourself and other legal men in being able to determine what is *sub judice,* but I have seen actions, particularly in the trade union movement (although such actions may be different from other actions), for contempt of court. Speaking as a layman I say that, if this matter is *sub judice,* the Deputy President of the Chamber of Manufactures in making this statement is liable for action for contempt of court. This is the statement: "It was regrettable . . . "

The SPEAKER: Order! I do not think the honourable member should refer to a statement in the press.

Mr. LAWN: The Leader of the Opposition attempted to say that we bitterly protested against and condemned the action of the Commonwealth Government. The Deputy President of the Chamber of Manufactures says—

The SPEAKER: Order! The honourable member is getting away from the matter under discussion. He must confine his remarks to the motion.

Mr. LAWN: With all due respect, Mr. Speaker, I suggest that, by your ruling the matter out of order, in effect you are saying that we are unable to discuss it.

Mr. Shannon: That's quite correct.

Mr. LAWN: I am disputing your ruling, Mr. Speaker. I suppose the secretary of the Trades and Labour Council could have something to say in the press tomorrow condemning the Commonwealth Budget, or some other organization or councils up north may criticize the Budget, and they would all be in order to make such protests. Yet, members of the South Australian Parliament are unable to do so because we are told that the Budget introduced last night is *sub judice.* I have never heard anything to be compared with this. This matter referred to by the Premier is *sub judice,* but we do not want to discuss the South Australian application before the High Court as to whether the agreement is enforceable or not. Until we were ruled out of order, we only wanted to discuss the Commonwealth Budget which was explained in Canberra last night and which provided no finance for the standardization of railways in northern South Australia.

Mr. Riches: We can discuss the matter outside the House to our hearts' content.

Mr. LAWN: Yes, we can make public statements either within the precincts of the House or outside. I suggest that no action for contempt of court would be taken against Mr. Allison or any other person who criticized the Commonwealth Budget.

Mr. Clark: Obviously, the Commonwealth members will be discussing it for the next month.

Mr. LAWN: I suggest that when the Commonwealth Budget is before the Commonwealth Parliament, some South Australian members will be discussing it.

The SPEAKER: Order! I have not ruled that the Commonwealth Budget is *sub judice.*

Mr. LAWN: I was about to say that the Budget delivered last night will be discussed for some two or three weeks and at least some Labor members from South Australia will, during the debate, protest; yet you, Mr. Speaker, ruled us out of order for trying to do it today. I should like to know whether members of this Parliament are debarred from discussing a matter of public importance to the people of South Australia because it is allegedly before the court and yet members of the Commonwealth Parliament will be able to discuss it to their hearts' content. It does not make sense to me. I thought that, on reflection and after having had the matter explained to you thoroughly by

the Premier regarding the Government's application and hearing the remarks of the Opposition on what was intended by the motion, you might have re-considered your earlier decision that the matter was out of order simply because it was *sub judice* and before the court.

I have tried to limit my remarks to your ruling, Mr. Speaker, and have not attempted to discuss what benefits would accrue to the people of the north, or whether or not the agreement should be honoured. I do not want to discuss the enforcement of the agreement. This matter is before the court. We are here representing the people of South Australia. Although I represent a metropolitan electorate, there are country members representing northern electorates that would be vitally interested in this matter that we wanted to ventilate this afternoon, particularly from the angle of reducing unemployment in South Australia.

The SPEAKER: Order! The honourable member is not debating the question before the Chair.

Mr. LAWN: We would have been able to speak on behalf of those thousands of people who are unemployed.

The SPEAKER: Order!

Mr. LAWN: Obviously, we cannot carry the matter further than your actual ruling. I think I have analysed your statement to the House. You, Mr. Speaker, asked the Leader whether the matter was *sub judice* and he answered "No." You allowed discussion until the Premier explained that it was before the court. You did not even stop to find out from him what was the actual application, but asked him whether it was defended, which links up with the question asked by the member for Ridley. It means that any time in the future if a person issues a writ or summons on any matter, discussion of that matter (or even a matter far removed from it, such as in this case the Commonwealth Budget) will be out of order in this House, because you say in your ruling that the matter is before the court. I hope that members, irrespective of Party, will agree that this matter (that is, the Commonwealth Budget) is not before the High Court and that they will therefore vote for the motion disagreeing with your ruling.

Mr. RALSTON (Mount Gambier): I did not intend to speak until some remarks made in the debate reminded me that an important principle was involved. The Leader has moved that your ruling (that there is something in the original motion that is *sub judice*) be disagreed with. The member for Ridley asked you on a point of order to decide when a matter was, in principle, *sub judice*. You have ruled that when a writ is issued and a defence filed the subject matter becomes *sub judice*; that is the way I interpreted the ruling. This matter has not come before a court, and it may never do so. Many writs have been issued by the Premier on various matters, but have not appeared before a court; they have all been withdrawn. How can a matter be *sub judice* when it may be withdrawn before a court ever sits in judgment on it?

The point of order raised by the member for Ridley is one of the most important issues raised in this House since I have been a member. On your ruling, Mr. Speaker, once a writ is issued and a defence filed the elected representatives of the people have no right to discuss the issues at stake. I disagree entirely with your ruling, which I think was given without much thought. I do not claim to be an authority on legal matters, but to me "*sub judice*" means that a matter is before a court, not that someone has merely gone before a lawyer and issued a writ. That matter may never appear before a court.

Mr. STOTT (Ridley): I wish to make my position clear. I respect your opinion, Sir, as you have great legal knowledge of what constitutes a writ and when a matter is *sub judice*. Backed by your legal knowledge, you have ruled that the matter is *sub judice*; I therefore accept your ruling.

The House divided on the motion:

Ayes (14).—Messrs. Bywaters, Casey, Clark, Corcoran, Dunstan, Jennings, Lawn, Loveday, McKee, Ralston, Riches, Ryan, Tapping and Frank Walsh (teller).

Noes (18).—Messrs. Bockelberg, Brookman, Coumbe, Dunnage, Hall, Harding, Heaslip, King, Laucke, Millhouse, Nankivell, Pattinson and Pearson, Sir Thomas Playford (teller), Messrs. Quirke and Shannon, Mrs. Steele and Mr. Stott.

Pairs.—Ayes—Messrs. Hutchens, Fred Walsh and Hughes. Noes—Sir Cecil Hincks, Messrs. Jenkins and Nicholson.

Majority of 4 for the Noes.

Motion thus negatived.

REGISTRATION OF DOGS ACT AMENDMENT BILL.

Mr. FRANK WALSH (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Registration of Dogs Act, 1924-1957. Read a first time.

Mr. FRANK WALSH: I move:

That this Bill be now read a second time.

I assure members that very strong representations have been made to me by the Postal Workers Union and other organisations concerning the importance of this amendment, which provides for the principal Act to be amended by inserting therein, after section 24 thereof, the following section:—

24a. Where—

(*a*) the dog that is not securely leashed or confined within a kennel or other suitable enclosure rushes at or attacks any person on premises occupied by the owner of the dog and

(*b*) at the time the dog so rushes at or attacks a person, the person had a lawful excuse for being on those premises

the owner of the dog shall be guilty of an offence against this Act and shall be liable to a penalty of not less than £2 nor more than £5 and the person may recover from the owner in any court of competent jurisdiction such amount as the court considers sufficient to compensate him for any injury or damage thereby caused to the person or his property.

The amendment will not impose a hardship upon owners of dogs. I do not intend to impose a hardship by paragraph (*a*), but under paragraph (*b*) persons who have a lawful excuse should have the right of protection from an injury that could be caused by a dog. The amendment will not affect the position where a person keeps a dog on the property for his protection, because unlawful visitors will not be afforded any protection under the amendment.

Under the provisions of the existing legislation no person entering private property has protection from the dog. However, the amendment places the onus on the owner of the dog to adequately protect lawful callers who are on his premises. If I were challenged as to what would be a lawful excuse I would say that all tradesmen who provide services for the occupiers of properties, *e.g.* postmen, bakers, grocers and plumbers, would have a lawful excuse for being on the property. In fact, any tradesman who provides a service requiring him to go on to the property to carry out a service for the occupier would have a lawful excuse for being on the property. These persons would not only have a lawful excuse, but their occupation would demand that they enter properties in order to perform their various types of work. I am hopeful that the Postal Department will amend the regulations to provide that it is not necessary for a postman to blow a whistle because not only does this attract the attention of the dog but aggravates it because of the noise.

I realize that there are some high-pressure salesmen who are not welcome at many properties around the metropolitan area. However, I have seen signs on many gateways stating "No canvassers," or "Enter at own risk," and if occupiers have a dog for the sole purpose of protection, or of deterring people from calling, they can safeguard themselves against any claims for damages by merely displaying a similar sign. In these circumstances, persons are forewarned that if they enter these properties they are not afforded any protection if the dog attacks them. In other words, if a caller is unwelcome and the occupier forbids his entry to the property this type of caller would lose his lawful excuse for being on the property, and consequently would not be safeguarded under the amendment.

Therefore, my amendment serves both occupiers and callers, because if occupiers desire to keep dogs they may do so on condition that they provide protection for lawful callers, but the occupiers are still afforded protection, if necessary, from unlawful callers. I am firmly convinced that this amendment will not impose a hardship; consequently, I submit it for the consideration of members in anticipation that the Bill will be read a second time.

The Hon. G. G. PEARSON secured the adjournment of the debate.

MOUNT GAMBIER BY-LAW: PARKING METERS.

Mr. HALL (Gouger): I move:

That by-law No. 47 of the Corporation of the City of Mount Gambier in respect of metered zones and metered spaces for vehicles, made on June 23, 1960, and laid on the table of this House on June 20, 1961, be disallowed.

I have several reasons for moving the motion.

Mr. Millhouse: They had better be good ones.

Mr. HALL: I assure the honourable member that they are, and I shall put them before members by quoting the contents of a letter from the Royal Automobile Association, reading extracts from the *Border Watch* (a reputable newspaper at Mount Gambier), and giving my own views. I understand that the by-law had its origin in council dicussions in 1958-59. I consider that the time the proposal to have meters was first mooted is significant, for I think this move by the Mount Gambier Corporation to make provision for meters is a result of the laxity of both Houses of Parliament in 1956.

Mr. Millhouse: You are reflecting on members of the House?

Mr. HALL: I am not exactly reflecting on members. I repeat that this move was a result either of a laxity or of ignoring a point pertaining to meters. Nearly every member of this House and of the other House regarded the enabling legislation as applying to Adelaide. *Hansard* shows that some mention was made about its extension to country areas, but nearly all the debate centred around this city. I will mention directly what I consider to be another oversight in the enabling legislation. Meters have been established in the City of Adelaide, and we now find an attempt to have them installed in Mount Gambier, which is a great distance from this city. I maintain that a precedent is being created. That can happen, because it is well-known that councils and other bodies that have to make decisions take a lead from other people.

Mr. Millhouse: Do you want them in Balaklava?

Mr. HALL: I should not like to see them in Balaklava, because the life that centres around nearly all country towns is entirely different from that which centres around Adelaide.

Mr. Clark: You told us last week in a debate that there should not be any distinction between country and city.

Mr. HALL: We now have this proposal to extend the regulation of traffic by meters to the country. As I have said, we in the country have a different mode of living. The country population centres around its towns and cities, and people come and go from those places for their own livelihood. Much of the trade within the City of Adelaide is passing trade: it concerns far more people than those who live within the normal living radius of the city itself. I feel that the Mount Gambier Corporation, in passing this by-law, is attempting to apply a control that is not yet necessary. Mount Gambier is a city and a very good one, but it is a country city nevertheless, and it is widely recognized as being one that depends largely on primary products.

Mr. Ralston: Have you been to Mount Gambier? How would you know if you have not been there?

Mr. HALL: The honourable member will have a chance to put his views on this question.

Mr. Quirke: Does the honourable member admit that the Act gives power to make this by-law?

Mr. HALL: This by-law has been considered by the Joint Committee on Subordinate Legislation, which has seen no technical reason why it should not be granted.

Mr. Millhouse: I think you are reflecting when you say that.

Mr. HALL: I do not think the member for Mitcham will say I am wrong. I repeat that the committee has seen no technical flaw in the by-law and therefore it has not opposed it.

Mr. Bywaters: You are suggesting the committee has disregarded the moral issues attached to it.

Mr. HALL: This Parliament delegates to the committee the power to examine by-laws and to recommend: it does not delegate the power of disallowance. The member for Mount Gambier's own words, as reported in the *Border Watch*, indicate a peculiar regard of the powers of this committee, and he has had much to say about this matter. One of my reasons for moving for the disallowance of this by-law is that no support has been given to the very prevalent feeling in Mount Gambier against it. The local member has had every opportunity to rise in this House and put those views which, as I shall demonstrate directly, are of a very wide nature. He has seen fit to ignore that opportunity. Are the people of Mount Gambier to be denied representation on this vital matter, which affects not only themselves but—because a precedent will be created—other country districts? I shall raise the issue, and I shall let their voice be heard here. At the outset I say that it is wrong to apply parking meters to any situation except for regulating traffic and traffic flow. I think every honourable member of this House will accept that. The only moral reason for installing these meters is to regulate traffic and solve a traffic problem, and I think that should be the basis of any decision to install them.

I find that there are many unusual facets to the background of this by-law. One of those facets is the very close vote in the council: at one stage the voting was six to five in favour of parking meters. Secondly, there has been an amazing amount of public opposition to this move. That opposition has been organized and well demonstrated, and it has been taken as far as it possibly can be taken at Mount Gambier. A rather unusual method has been proposed for the financing of these meters, and there seems to be a confusing lot of reasons for their installation. In addition, there seems to be indecision about whether they will actually be installed; it appears that this is a by-law that is merely wanted in case the council wishes to install meters, for at one

time it plans to install them and another time it intends to defer installation. I do not think we should grant these powers unless they are necessary, and they certainly cannot be necessary if there is indecision about their installation.

I shall now quote from copies of the *Border Watch,* initially to give some idea of the build-up of the moves for and against parking meters in Mount Gambier. The first one I shall quote (although it does not by any means deal with the first move for this by-law) states:

Mount Gambier, Tuesday, June 7, 1960. Counter-moves to throw out meters. Members of the council of the Chamber of Commerce decided at a meeting last night to endeavour to have the proposal to install parking meters in Mount Gambier rejected at Thursday night's council meeting instead of asking for a deferment of the issue.

Under the heading ''Public Meeting'' it goes on to say: ''A petition is being prepared by the chamber for submission to the mayor asking for a public meeting to permit the subject to be debated by ratepayers if necessary.'' A further heading in the issue of June 9 reads ''Meter night at council'' and the article continues:

The fate of the proposal for parking meters in Mount Gambier may be decided tonight at the city council meeting. The traffic committee will move that meters be installed. Through Councillor D. A. Downs, the council of the Chamber of Commerce will try to have the proposal rejected. Councillor Downs will put evidence before the city council purporting to show that Mount Gambier does not require meters.

A heading in the newspaper dated June 11 states ''Parking meters by one vote''. The article continues:

The Chamber of Commerce will not give up. By a majority of only one vote the city council decided on Thursday night to install parking meters in Mount Gambier. Voting was six to five.

A heading dated June 16 reads ''Parking meter meeting called for next week''. I shall not refer any further to that article because it is self-explanatory. The heading of June 21 reads ''Traffic chairman will not attend''. That refers to the parking meter meeting.

Mr. Millhouse: Aren't these local matters?

Mr. HALL: Yes, but they are relevant to the by-law before the House. I am endeavouring to give members some background to the attempt by the Mount Gambier council to institute this by-law.

Mr. Dunstan: Why couldn't the people have made this an election issue at the next municipal elections?

Mr. HALL: Exactly, and they made their decision.

Mr. Clark: Did they sack them?

Mr. HALL: Yes, they certainly sacked them. They went as far as they could in Mount Gambier. After stating that the traffic chairman would not attend the meeting the article continued: ''Although a big attendance is expected tomorrow night at the city hall for the ratepayers' meeting to discuss the subject of parking meters, the Chairman of the Traffic Committee (Mr. S. R. Hazel) will not be among the audience.'' Mr. Hazel said that nothing more could be gained from his attending the meeting. There is a report of that meeting under the heading ''Ratepayers say no parking meters in city.'' That was a well attended meeting, as the member for Mount Gambier may know. I hope the member attended the meeting so that he could gauge the feeling of his constituents because the article states that 320 people attended even though it was not properly publicized.

Mr. Clark: He would not be properly concerning himself with the business of his constituents if he did not attend.

Mr. HALL: He would not, because there has been much public opinion for the repeal of the by-law. The member has not raised the matter in this House but he has had plenty of opportunity to do so. The article stated that 320 people attended that meeting and I understand that 95 per cent of the people present were against the installation of meters. Speakers opposed the installation of meters and none spoke in favour of them. Another article was headed ''Meter by-law confirmed'', and this was after the public meeting. This article continued ''Parking meters unanimously condemned by meeting of 320 ratepayers the previous night were further advanced in an almost rarified atmosphere at Thursday night's city council meeting in Mount Gambier. With only Councillor D. A. Downs recording a dissenting vote, the council passed a recommendation from the Traffic Committee that the by-law passed at last meeting in respect of parking meters be confirmed.'' That was in the face of public opposition.

A further heading in the *Border Watch* of June 28, 1960, reads: ''Are ratepayers being defied?'' I shall not elaborate on that heading because there are plenty more to tell the story. A heading in the newspaper dated July 19, 1960, reads ''Meter petition goes direct to Minister'', and one dated July 26, 1960, reads ''New protection for meter by-law.'' Apparently there was some controversy

as a motion was passed by the City Council that the parking meter by-law be not rescinded and the article describes this as "one of the most unusual motions" because the usual thing was not to rescind by-laws. I do not know whether that has any bearing on the point but it is a matter of interest.

The *Border Watch* of August 11, 1960, carries a heading credited to Mr. G. J. Ascione, which reads: "We could have secured nearly all ratepayers." Mr. Ascione said that he could have secured the signature of nearly every ratepayer in the district if he had had time to see each one. That should establish the fact that the Mount Gambier City Council proceeded in the face of great public opposition. I have more recent newspapers which bring the matter closer to the present time. The *Border Watch* dated June 27, 1961, bears the heading "Council case for meter by-law", and the article continues to outline the case given to the Joint Committee on Subordinate Legislation by the mayor of Mount Gambier (Mr. Elliott) and the chairman of the Traffic Committee (Councillor S. R. Hazel). This article states:

> Five advantages of parking meters, summarized in the evidence, were stated to be:—
>
> Equitable rationing of the available kerbside parking space.
>
> Overcome the hazards created by double ranking.
>
> Increased turnover will reduce traffic congestion by avoiding the tiresome necessity to drive about the streets looking for parking space.
>
> Provide revenue, from that section of the public who will directly benefit (the motorist), for the provision of off-street parking facilities and traffic improvement.

Mr. Millhouse: That is specifically laid down in the Act.

Mr. HALL: I do not agree that meters should be installed for the purpose of directly raising finance. If finance is raised from meters which are solving a traffic problem well and good, but I shall have a little more to say about the application of that finance. It should not be used as an initial reason for installing parking meters.

Mr. Clark: Parliament thought so.

Mr. HALL: I am not thinking so right now.

Mr. Millhouse: What comment have you on what the Premier said yesterday?

Mr. HALL: Unfortunately I was not in the House during question time yesterday, but I have information on that matter that I shall quote later. That statement creates in my mind a grave doubt on the necessity of meters in Mount Gambier. It does not say what they are doing with the finance but says that it is for the purpose of raising finance.

The *Border Watch* of June 29, 1961 quotes two letters, one from Councillor S. R. Hazel and one from Mr. S. C. Davis. Portion of Mr. Hazel's letter reads:

> Council is fortunate to have the expert advice of the newly formed Road Traffic Board to call upon. It has agreed that a traffic census be taken in Mount Gambier in co-operation with the Board. This will include a survey of parking requirements. This should be done in the next financial year. Council will be largely guided by this as to when and where the by-law is applied.

This is a councillor in favour of the by-law stating whether it will be applied. I suggest that when they decide that they are going to apply it is the time to try to institute it—not get it just in case it is going to be needed. The article continues:

> That will mean that if meters are to be installed a future council, possibly the one taking office in July, 1962, will have to vote on whether they are going to be installed or not.

This is indecision. The article continues:

> So much then for the talk that a meter installation will be rushed through the Mount Gambier City Council.

Here is an extract from a speech by a gentleman opposing this by-law (Mr. Davis), who said:

> Payment is planned by the acceptance of a hire-purchase contract (at no doubt the usual exorbitant hiring rates) and all proceeds remitted to the hiring company.

The committee has looked at that and it must consider that it is all right.

Mr. Millhouse: Can you point to any mention of hire-purchase in the by-law?

Mr. HALL: No. I am quoting extracts showing the feeling at Mount Gambier so far. Mr. Davis goes on to say that Mount Gambier has always enjoyed good municipal government and it hopes that that will go on in the future. I, too, trust that it will.

In the *Border Watch* of July 29 of this year there appeared a heading "Still hopes meter by-law will be withdrawn". The article says:

> In view of the overwhelming declaration of the public's wishes regarding the proposed parking meter by-law for Mount Gambier at the recent council elections, the Chamber of Commerce could not but feel that it would at some early date be withdrawn, said the Chamber's president (Mr. D. A. Downs) in his report this week to the annual meeting.

Going back to July 15, there is a heading "Parking meter by-law in House". Under a subheading "Could disallow", the article reads:

If there is anything in the by-law which the committee considered unduly restrictive, they could disallow it, giving their reasons for doing so. In this case, no more was heard of it.

I take it that that is put only as a loose description of the fate of this by-law. I say it is loose because the committee could recommend that it be disallowed but could not disallow it. I reiterate the fact that that committee recommends to this House, because I have heard a highly placed civil servant give the view that this House was powerless with regard to the regulation. On one occasion I had it put to me forcefully by this gentleman that once a regulation had been laid on the table of this House everything was all right. For that gentleman's education, I am happy to say that that regulation was disallowed.

Mr. Millhouse: On the recommendation, I think, of the Subordinate Legislation Committee?

Mr. HALL: Yes, I am pleased to say, in that case. That gentleman should now be a little more knowledgeable about the powers of that committee, the powers of this Parliament, and the way it may act independently, or on the recommendation, of that committee. Coming to more recent times, I now quote an extract dated August 12. It is headed "By-law Move on Tuesday" and reads:

The move in the House of Assembly by Mr. Hall (L.C.P. Gouger) for the disallowance of Mount Gambier's parking meter by-law will be made next Tuesday, Mr. R. F. Ralston, M.P., said this yesterday.

He also said (referring to me):

The Committee for Subordinate Legislation has been most embarrassed by his action because, after examining the legislation at length and hearing two deputations, they have been unable to find any grounds for its disallowance.

I trust that they are not too embarrassed; I cannot see any great embarrassment about me. The article continues:

"He has seen fit to trespass on another member's territory and this step is politically unusual," said Mr. Ralston.

I am sorry it had to be unusual but I am concerned that the people of Mount Gambier should not be denied the opportunity to express their views in this House, because this is the view held by the vast majority of people in Mount Gambier. The honourable member for that area can say what he likes, but I ask him to get up and deny that.

Mr. Ralston: Just carry on with these good arguments that you are putting forward!

Mr. HALL: I am dealing with the background to this by-law, the opposition to it, and the way evidence has been submitted to the Subordinate Legislation Committee. We all know that that committee has not disallowed the by-law and I have moved to do so. A matter pertaining to all parking meter installations is the disposal or use of revenue earned from their operation. I am of the opinion that the Act needs amending and I understand the Premier has intimated that the Government at present is considering whether some amendment is necessary.

Mr. Millhouse: You ought to introduce a private Bill.

Mr. HALL: There is no need for that. It is a fact that meters have been operating in the City of Adelaide to raise revenue and we have not seen any tangible evidence of extra parking facilities provided by that money. I do not say that that is the fault of the Adelaide City Council because I know that it has passed a resolution whereby it is religiously applying the money it earns for the benefit—

The DEPUTY SPEAKER (Mr. Dunnage): Order! The honourable member is out of order. We are dealing with the Mount Gambier by-law, not the City of Adelaide by-law.

Mr. HALL: Mr. Deputy Speaker, I am concerned with the possible use that will be made of revenues earned by the Mount Gambier City Council if it installs parking meters. Would I be in order if I pointed out what use was proposed to be made of such revenue by other councils?

The DEPUTY SPEAKER: Yes, you would be in order.

Mr. HALL: Thank you, Sir. I take the view that this revenue should be applied to assist in solving the parking problem in that area and to build new roadworks, but it should not be used on maintenance of already built roads. That should come from normal revenue sources. This should be something extra going to the motoring public because, after all, it is paying extra tax and should see something for it. It is obvious that, when parking meters were installed in this city, the public expected some extra parking facilities.

Mr. Millhouse: I doubt whether what is happening in Adelaide is bound to happen in Mount Gambier.

Mr. HALL: I am not saying it will happen there or that what happened here is anyone's fault at present, because, when this legislation was passed, no-one thought greatly about the profits that would accrue from them.

Mr. Millhouse: I don't know.

Mr. HALL: I read the debate and the general tone was that the meters would cost much money and it would be a long time before any profits accrued. That seemed to be the general trend of the debate. The time has now arrived when we have to think of the application of those profits.

Mr. Millhouse: You have thought about section 475 (g) of the Local Government Act?

Mr. HALL: No, but I shall quote from a letter I received from the Royal Automobile Association of South Australia dealing with the application of revenues derived from parking meters. It begins by saying that the association is interested to learn of the notice of motion, and so on. The letter states:

Firstly, the Association Council does not oppose parking meters in principle because of their proven capacity to ration available kerb space equitably and effectively. In practice, however, we qualify our approval with reservations which may be succinctly stated as:

(*a*) The streets to be metered must be so congested during business hours as to warrant this method of rationing the available parking space.

(*b*) Both charges and time restrictions must be realistic and reasonable and not calculated to drive short-term parkers away.

(*c*) The profits or residue of the fees should be earmarked by statute for traffic purposes only, *i.e.*, traffic lights, street markings and off-street parking facilities.

Unfortunately we have been unable to persuade the Government as to the virtues of statutory earmarking of the profits despite the pertinent fact that Western Australia, Queensland, Tasmania and New South Wales have so legislated. The benefits flowing from this enlightened legislation are already manifest in the multi-storey parking stations erected and in course of erection in Sydney and Brisbane. The Government in rejecting our 1956 representations, gave as its reasons that the principal function of local government centres on roads and streets, and that any money councils might receive from meters would benefit road users.

Here in South Australia we faced up to this setback by direct approach to the Adelaide City Council and had so little difficulty in impressing the council with the merit of our case for a special meter fund, that a resolution in specific terms was unanimously passed; a copy is attached. Since then we have been assured by both the Port Adelaide and Mount Gambier Councils that action in similar or like terms would be favourably considered. That, of course, does not mean that future councils would not vary that resolution. It is not statutory backing, but merely a passing resolution of the council which does not bind the council for any length of time. The letter continues:

In 1961 we made further urgent representations to the Government. We now have two highly significant developments in relation to this revenue (profit) matter. These are:

(*a*) The discovery of Adelaide City Council that the fund has accumulated and will do so, hence their request for statutory authority to so accumulate the money specifically for off-street parking stations.

(*b*) Signs and portents particularly from the foreshore district that meter revenue potential could be exploited for such non-motoring purposes as foreshore repairs and improvements. (This was actually advocated by the Henley and Grange Council as a concerted move by all foreshore councils).

It is a simple step from foreshore works to parks and gardens, boat havens and so on, even garbage collection! Clearly the absence of some statutory restraint on parking meter use through control of the profits as distinct from the general enabling by-law could ultimately result in their installation for revenue-raising purposes not even remotely concerned or connected with motoring or motorists. This is not mere supposition, as in fact such illegitimate use has occurred in New Zealand and the United States. This is precisely what we feared when we vainly asked for protection against such exploitation. We remark the 1961 Henley and Grange move, and its implications compared with the 1956 view of the Government (referred to above) that such a thing could not happen to parking meter use and revenue!

Mr. Millhouse: They will probably elect you to the council of the R.A.A.

Mr. HALL: That letter confirms my fears that we have no statutory control over the application of the revenue. Quite apart from the issue of whether Mount Gambier is different from Adelaide in its social habits, I do not believe we should have any more parking meter installations until we have statutory control over the revenue from parking meters. Such moneys should be applied to benefit motorists. I will have the opportunity to sum up later. I have outlined why I oppose this by-law. I do not like parking meters in the country because we have a different social habit.

Mr. Millhouse: That is absolute nonsense!

Mr. HALL: It is not. We have people who live outside a town and who come in for normal purposes, and we have visitors from other States who are passing through. Are parking meters to be installed in country

towns before the time is opportune? There is so much indecision within the council about whether the by-law will be used if it is allowed and so much opposition locally that I have taken this step, realizing that it is not my district and that the people of Mount Gambier have not had their opinion voiced in this House. I will listen intently and with interest to other speakers.

Mr. HEASLIP (Rocky River): I second the motion.

Mr. MILLHOUSE (Mitcham): I have a high regard for my young friend from Gouger. He is undoubtedly an able member of this House, but, unfortunately, on this occasion I am in total disagreement with the motion he propounded this afternoon. I speak for myself, although I am a member of the Joint Committee on Subordinate Legislation. The view I take is that once the committee has decided not to make a recommendation the committee is *functus officio* and it is up to each member to speak for himself on such a matter. This by-law was considered at length by the Subordinate Legislation Committee which concluded, after taking evidence and considering the by-law in detail, that no recommendation should be made either here or in another place. Undoubtedly there is much opposition to this by-law.

Mr. Hall: That is an understatement!

Mr. MILLHOUSE: All right. The member for Gouger covered the field about as well as he could on that point. There is undoubtedly tremendous opposition to this by-law at Mount Gambier, but we, as members of the committee, concluded that that opposition was entirely irrelevant to our particular deliberations because (and this is the main point I make) this matter is peculiarly within the sphere of local government, and that being so the opposition which was voiced to us by two witnesses, Messrs. Davis and Marks, was perhaps well-founded but irrelevant so far as consideration of either the disallowance or the allowance of this by-law was concerned. Yesterday, I laid on the table evidence amounting to 34 pages. Mr. Hall did not deal with the evidence. There are only two paragraphs that I want to read for the benefit of honourable members and they appear on page 11. Mr. Davis and Mr. Marks were the first witnesses to be called and each came to oppose the confirmation of this by-law. I said to them, "You have no complaints about the actual contents of the by-law itself?", and Mr. Marks replied, "I have not seen it." Mr. Davis replied, "I read it. I do not think there is anything that we could object to. It is practically fashioned on the Adelaide one." I then asked, "There is nothing about the contents of the by-law with which you complain. It is the principle behind it?" Mr. Marks said, "Yes, and looking ahead". In other words, none of the evidence we received in opposition to the by-law was directed to the contents of the by-law itself. As is our usual custom, members of the committee scrutinized the by-law for themselves.

Mr. Shannon: In a technical capacity.

Mr. MILLHOUSE: We are not technical men. When we sit in the committee we sit as members of Parliament delegated to this duty by members of this House and of another place, and look at matters from a commonsense point of view. When we looked at the by-law there was nothing at all we could find wrong with it. I shall voice only one small point, which is perhaps a matter we could refer to as unhappy drafting. In paragraph (5) it got a little mixed, but that is neither here nor there. Perhaps it is a matter on which the draftsman could have taken a little more care. As to the contents of the by-law itself, there was nothing in it that we could fault. As I have already said, I believe that this is a matter peculiarly within the sphere of local government, and I reiterate that.

As perhaps Mr. Hall is aware, although it was before he came into this House, the power which the Mount Gambier Corporation had exercised under this by-law was the very power that was deliberately given by members of this House in 1956. Any member, and I invite Mr. Hall to do this, may look at Act No. 1 of 1957, and he will find that it is an Act to amend the Local Government Act and that it inserts Part XXIIIA—parking meters and parking stations in municipalities. Section 475a begins:

> Subject to the provisions of this Act, any municipal council may, in addition to making by-laws under any other provision of this Act, make by-laws for all or any of the following purposes—

It then enumerates the purposes and provides that any council, not only those in the metropolitan area, and the Adelaide City Council, but any municipality in the State is deliberately given this power.

Mr. Hall: So, you did not concern yourself about the principle involved?

Mr. MILLHOUSE: Perhaps I could refer the honourable member to the speech of the

Minister of Education, who explained the Bill in this House. This is what he said:

The legislation has been asked for by the Adelaide City Council, which is of opinion that the parking meter system will materially assist in the parking problem in the city streets.

Mr. Lawn: It has, too.

Mr. MILLHOUSE: Fair enough. The Minister went on to say:

The Bill, however, proposes to confer the powers in question upon all municipal councils.

And then the Minister went on to explain the position. So, there was no doubt in the minds of any member of this House when the Bill was introduced that it was meant to cover all municipal councils in the State. I suggest that if Mr. Hall or any other honourable member likes to look, he will find that the second reading was carried without a division. The House was unanimous in its approval of the Bill. It became an Act and Mount Gambier is only doing now, four years after we deliberately gave the power, what we invited any municipal council to do in 1957. As I interjected when Mr. Hall was speaking, if he does not like this—and of course we did not at that time have the benefit of his presence in this place—and is afraid of parking meters in country areas, then he has an obvious remedy: to move to have the Local Government Act amended to strike this power out. That is the proper course for him or any other honourable member who may object to this matter to take.

Disallowing this by-law will not do anything to help him in his fear of these parking meters. Bearing all those things in mind, because the Subordinate Legislation Committee did bear them in mind, we came to the conclusion that, apart from matters of opposition voiced at Mount Gambier, it would be a real affront to local government if we were to move for the disallowance of this by-law. Speaking for myself, I am a very strong upholder of the position of local government in South Australia. I believe it has a real function to fulfil and that, subject to over-all control by Parliament, it should be independent within that sphere. I believe that view is widely shared in this House. Mr. Coumbe, my valued colleague, was until recently active in local government and he said, "Hear hear!" a while ago. I know that he shares the view I am submitting that local government should be allowed to run its own affairs. This is a matter peculiarly within the sphere of local government.

Mr. Hall: Why does the by-law come before the House?

Mr. MILLHOUSE: Because one should have a chance to look at a by-law.

Mr. Hall: Exactly!

Mr. MILLHOUSE: I am glad that the honourable member has raised this matter. Perhaps I could refer him to the Joint Standing Orders under which the Subordinate Legislation Committee has been set up. I think it is sufficient for my purposes simply to refer him to the four heads which we, as members of that committee, must have regard to. I am not saying that the members of this Parliament are guided by those four heads, but I think that they should be considered when a by-law or regulation is laid before the House. These are the four matters with which we have to concern ourselves:

(*a*) whether the regulations are in accord with the general objects of the Act, pursuant to which they are made.

In this case, there is no doubt at all that it is simply an exercise of the power deliberately given. The second head states:

(*b*) whether the regulations unduly trespass on rights previously established by law.

In view of the terms of the Act, that cannot possibly apply in this case. The third states:

(*c*) whether the regulations unduly make rights dependent upon administrative and not upon judicial decisions.

We ourselves have looked at the contents of the by-law. Those who oppose the principle of parking meters say there is nothing wrong with it. In fact, the by-law does not make rights unduly dependent upon administrative decisions. The fourth head is:

(*d*) whether the regulations contain matter which, in the opinion of the committee, should properly be dealt with in an Act of Parliament.

In fact, this matter was dealt with by Parliament only four years ago, so the committee had no hesitation in saying that the by-law did not fall under any of the four heads.

Mr. Lawn: You have said enough to convince the member for Gouger that he should withdraw his motion.

Mr. MILLHOUSE: I do not know about that, but I should like to say a little more. Perhaps I should say in parenthesis that members often say in this House that the Subordinate Legislation Committee enjoys moving for the disallowance of by-laws; but that is not so. Yesterday I gave notice that I would move for the disallowance of four by-laws. When members consider that the committee has had 125 papers before it this session and has found it necessary to recommend the disallowance of only six (less than 5 per cent) they will see that it exercises its

powers of recommendation sparingly indeed, and only when it feels there is good reason in the individual case. I have covered the evidence given in opposition to this by-law. Had any evidence been given along other lines the committee would have considered it and the case would have been different, but no evidence was given except that of Messrs. Davis and Marks. Although there are five members for the district in this House and in another place, no member representing the district gave evidence.

Mr. Ralston: The member for Gouger had the right to come before the committee.

Mr. MILLHOUSE: That is so, but none of the five members for the district came before the committee to give evidence.

Mr. Shannon: Were they all informed?

Mr. MILLHOUSE: They all knew about it. The member for Mount Gambier introduced both the opponents and the proponents of this by-law, and his courtesy and impartiality were beyond question.

Mr. Clark: That is his usual form.

Mr. MILLHOUSE: I shall not stretch my neck too widely, but in this case he acted with utter impartiality. I do not know now his personal views, but he was present when evidence was given both in support of and against the by-law. However, we did not have evidence at any time from any members for the district. Although the matters raised in opposition to the by-law were strictly irrevelant, the committee, because it knew that a local government election was to be held on the first Saturday in July and it was told that this was to be an issue at the election—and in its opinion that is the right place for an issue to be decided—deliberately delayed coming to a decision for some time after the election was held. I believe that three sitting councillors lost their seats.

Mr. Ralston: That is correct.

Mr. MILLHOUSE: The committee delayed deciding for some time in case the newly constituted council desired to make representations on the matter, but it heard nothing from the council, so on August 1 it concluded that no recommendation should be made to either House.

Mr. Bywaters: A clear month, in other words.

Mr. MILLHOUSE: Almost a month. I sum up my opposition to the motion by saying, first, that this by-law was made in the deliberate exercise of a power deliberately given by Parliament only four years ago. I am a strong upholder of local government, which I believe should be allowed to conduct its own business and come to its own decisions without interference from Parliament unless there is some manifest injustice, such as will be caught under then four headings set out in our Standing Orders. I believe that is not the case here: therefore, much as I regret having to oppose my good friend, the member for Gouger, I must do so on this occasion.

Mr. RALSTON (Mount Gambier): I draw the attention of this House to some points raised by the member for Gouger in moving this motion. I agree that any member has the right to move for the disallowance of a by-law or regulation. I believe that is essential to the working of a democratic Parliament, but before any member exercises that right he should consider what is involved. The member for Gouger set himself up as a knight in shining armour to voice the opinions of the people of Mount Gambier on the by-law.

Mr. Clark: He had a blunt lance, though.

Mr. RALSTON: I thought the whole effort on his part was blunt. Nevertheless, he decided to do that. It was clear from his speech that he did not have the faintest knowledge of the Local Government Act. I doubt whether he has ever read it or been in a council chamber. I am sure that he has never served in a council; if he had, he would not have made such an inane approach to a responsible matter. I served some years in the Mount Gambier City Council and am aware of the needs of local government. I am fully informed about the provisions of the Local Government Act.

Mr. Loveday: You were a good member.

Mr. RALSTON: I came from the council to Parliament, so they must have thought something of me. If anyone wishes to discuss the provisions of an Act he should first read it fully. The honourable member does not seem to understand that Parliament in its wisdom has seen fit to delegate many powers to local government, which it did after much careful consideration. That delegated power is, of course, subject to Parliamentary supervision; it is not given completely, but must be within the provisions of the Act. The member for Gouger does not seem to realize that the whole of this by-law completely complies with the provisions of the Act. The council members who voted on this by-law had equal powers to repeal it if they considered repeal necessary. There is no doubt in my mind that the whole of this devolves upon local government representatives and ratepayers. They made the decision in the first place and they will make the final

decision. Parliament is not called upon to interfere with an authority that is completely within the powers delegated to the council.

If the member for Gouger knew that I had made it my business to introduce both deputations, make the appropriate arrangements, make introductions, and be present while the evidence of both council representatives and representatives of the Chamber of Commerce and such other bodies as they claimed to represent was given, he would not have made such inane remarks about my not being concerned. I was present when the deputation from the Chamber of Commerce said it could find no objection to the provisions of the by-law.

The member for Gouger tries to uphold a story in the newspapers without having read the evidence, without knowing anything about the conditions at Mount Gambier and without knowing the people whose views he claims to uphold. He tells Parliament that he is fully conversant with the conditions at Mount Gambier and believes that the by-law should be disallowed. I doubt whether members have heard such a pack of rubbish previously. I very much suspect the motives of the honourable member in this matter. He obviously knows nothing about the Local Government Act and the City Council of Mount Gambier's having the full right to repeal a by-law if it so desires. He plays a political part in putting up a story in the hope that it will embarrass the member for Mount Gambier and wonders whether that member will support the council or the ratepayers who oppose the by-law, but he will have to get up much earlier in the morning if he wants to catch this old bird from Mount Gambier. The member for Gouger expressed concern about the installation of parking meters in a municipal area, but he does not have one municipal area in his electorate. It could not have parking meters, because there is no provision for them in the Act.

He has put on quite a turn. One of his friends in Mount Gambier who helped him to establish the Young Liberal Branch in Gouger told me what a laugh it was and how the member for Gouger was playing Party politics standing on the end of a limb. Some of his Liberal friends in Mount Gambier are laughing at him over this matter. Besides myself, four members of Parliament represent Mount Gambier. They are the Honourable Mr. Jude (Minister of Local Government), the Honourable Mr. Hookings, the Honourable Mr. Giles and the Honourable Mr. Densley. Each had the same right as I did to appear before the committee, raise the matter in Parliament, or deal with it in any other way he saw fit. Of the five members I was the only one to take an active part in seeing that the committee had evidence placed before it, and I did it in the most impartial way possible. I saw that everyone who wished to present evidence had the full opportunity to do so. No-one was denied his right to go to the committee and submit evidence.

From the start it was clear to me that this was a matter between the council and the ratepayers, and I kept it on that level from the moment it was introduced in the City Council of Mount Gambier. The question arises as to what I shall do as a Mount Gambier ratepayer if at any time an attempt is made to implement the by-law. If there is a poll of ratepayers to decide the matter, as there must be in connection with finance, I shall exercise my right as a ratepayer and vote, and it will be as a ratepayer with the same right as any other ratepayer in the area of the City Council of Mount Gambier.

Members were interested in the various press reports that the member for Gouger read, particularly the last one, dated July 29, which was long after the council election had been held and the new council had been constituted. Mr. Hall read a statement by the president of the Mount Gambier Chamber of Commerce, and went to some lengths to explain that there was the hope that the by-law would be withdrawn, but he did not give the whole text of the statement. In addition to what Mr. Hall quoted from the president's statement, the president said:

It was regrettable that the views of the chamber and those of the corporation were so violently opposed in this matter and one thing which engaged the very earnest consideration of your council was the desirability of not allowing this single matter to create an irreparable rift with the corporation, because it is realized that co-operation between our two bodies will be most essential to the successful future development of our city. With this background a deputation from your chamber met the traffic committee of the corporation and stated that if the corporation was prepared to undertake to give the chamber six months notice of their intention to introduce parking meters into our city, the chamber would endeavour to progressively lessen its active opposition. The corporation were pleased to give the chamber this undertaking and it gives me pleasure to record our appreciation of the co-operation we have once again received from our mayor and his council. The position at the moment in relation to the parking meter by-law is still obscure but in view of the overwhelming declaration of the public's wishes in this matter at the recent

council elections the chamber cannot but feel that the by-law will at some early date be withdrawn.

The Chamber of Commerce has agreed that this is entirely a matter for the City Council of Mount Gambier and is prepared to leave it at that. It is happy with the undertaking that has been given that at least six months' notice will be given to it before there is any move to implement the by-law. The City Council of Mount Gambier has also given the assurance that it will not install parking meters in Mount Gambier until there has been a survey by the board constituted under the Road Traffic Act and until it has recommended to the city council whether parking meters are essential. I do not think that anyone could have been fairer to the people of Mount Gambier or to the Chamber of Commerce than the City Council of Mount Gambier. It has given every assurance possible and says that nothing will be done until the matter has been properly surveyed by an independent authority. It has also said that the by-law will not be implemented until six months' notice has been given to the Chamber of Commerce.

If the member for Gouger had known these things, or read the evidence, or talked to the City Council of Mount Gambier or to someone else in Mount Gambier, he may have understood the matter and not have been put into a foolish position here in moving for the disallowance of a by-law which applies to a district about which he knows nothing. He has not the faintest idea of the conditions. I am as concerned about traffic problems as he is, but I am not prepared to take away the authority of a properly constituted council. A local government authority is the basis of democracy and no-one should say to it, "You are not fit, much as you know local conditions, to deal with the matter." To make such a statement is plain political hypocrisy.

The honourable member has not dealt with the matter on the merits of the by-law. He knows nothing about the position and merely uses political motives in an attempt to score by embarrassing somebody. At present the only people he has embarrassed, as far as I can see, are the four Liberal members of the Council who were non-participants in this matter. He has certainly not embarrassed me. I am sure the matter can be quite safely left in the hands of the Corporation of the City of Mount Gambier. I oppose the motion.

Mr. JENNINGS (Enfield): I rise to briefly oppose the motion.

Mr. Clark: You are supporting the member for Mitcham!

Mr. JENNINGS: I always support the member for Mitcham when he is right, but this is the first occasion I have ever had to do so. I resist the obvious temptation to wonder why the member for Gouger has sought to intrude himself into this matter, and I will merely say that, after all, he has the right to do it if he so wishes; but we also have the right—and, indeed, the obligation—to conduct ourselves in a more responsible way than the honourable member has in this regard. I think it is true to say that what he does in this House is not our responsibility; indeed, what he does he does not seem to be responsible for at all. As I say, it is his prerogative to move this way if he so chooses.

I can tell the House that the statements made by the member for Mitcham in opposition to the motion are true. Those statements clearly show that the committee did not act in any indecent haste whatsoever. In fact, it went about the matter in such a way that everybody who wanted to give evidence was given the amplest opportunity to do so. It is also true that when it had to come to the decision it did not need to concern itself about the wisdom or otherwise of what the council was doing: all it had to concern itself about was whether this matter was one in which the council had the authority to act, and that, of course, is absolutely beyond dispute, because the power is given in an Act passed by this Parliament only recently. I think we are getting to an absurd position if we, by Act of Parliament, specifically delegate some authority to a council and then move to restrain it, unjustifiably, from exercising that authority.

The member for Gouger said that the committee had not gone into the principle of the matter, but that is the only thing it did go into, and it is on that principle that the committee decided that no action should be taken. The honourable member seemed to imply—and that is putting it rather midly, I think—that the member for Mount Gambier was not properly representing in this House certain ill feeling in Mount Gambier toward parking meters. What the honourable member did not point out to the House, but what is manifest to everybody who gives even the slightest consideration to the matter, is that in making that reflection he is grossly reflecting on four Liberal members of another place, including the Minister of Local Government himself, for none of those members has yet

indicated the slightest opposition to the attitude taken by the Subordinate Legislation Committee. So, Sir, I think it is clear that this matter is one for the Municipality of Mount Gambier, and that if we are going to move that such a by-law as this be rejected we are getting to the stage where the Subordinate Legislation Committee or some other committee will be running all local government affairs in this State. I do not think any of us want to see a position like that arise. I have much pleasure in opposing the motion.

Mr. KING secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL.

Mr. FRANK WALSH (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Electoral Act, 1929-1959. Read a first time.

Mr. FRANK WALSH: I move:

That this Bill be now read a second time.

In explaining the Bill, I thank the Government for permitting me to continue with the second reading without the Bill having been on members' files. I believe that they will appreciate the desirability of using some of the time provided for private members' business, and I feel confident that they will be prepared to debate not only this Bill but the one on which I have already spoken. The amendment which I seek to subsection (2) of section 73 of the principal Act is to strike out the words "six o'clock in the afternoon of the" as they appear in the proviso therein, and to insert in lieu thereof the words "five o'clock in the afternoon of the second". Instead of the present procedure of receiving postal voting applications up to 6 o'clock on the Friday evening prior to an election being held on the Saturday, applications for postal votes will only be accepted up to 5 p.m. on the Thursday. This will mean that the electoral officers mentioned, that is, the returning officer, deputy returning officer and assistant returning officer, will be given the opportunity of finalizing their preparatory duties prior to polling day.

It may be argued that the extended time does not cater for applications caused by some late emergency, but when comparing this with the additional time allowed to electoral officers to carry out their preparatory duties, as well as the subsequent validity of postal votes, it must be agreed that by making the provision for applications for postal votes to be received not later than 5 p.m. on the Thursday there is greater opportunity for these votes to be returned in sufficient time to be counted at the election. I have very good reason to believe that many of the ballot-papers that were posted out on Friday evening were returned in time to be counted, but I could cite one exception to this rule. However, I do not desire to elaborate on this subject at this stage and, in all seriousness, I commend this amendment in anticipation that it will be agreed to.

There are 39 South Australian electorates and if applications for postal votes are received by 6 p.m. on the day preceding polling day how can electors be expected to receive their ballot-papers and post them back by the close of the poll. In the metropolitan area the returning officers are normally engaged in some other industry and they and their staff are engaged for the election. Edwardstown has about 15 polling places and the returning officer has to cross the name of the elector off the roll, post the ballot-paper out and then, on the return of the envelope, check the signatures. He should also mark the rolls for each polling booth and I do not see how the officers can be expected to do all that is required of them in the present restricted time.

Mr. Quirke: What does the officer do if he cannot read the signatures?

Mr. FRANK WALSH: If the postal ballot-paper is received before 8 p.m. on Saturday no dispute should arise but the ballot-paper may be delivered at any polling booth or it may be posted.

Mr. Jenkins: Under the amendment a number could still be outstanding.

Mr. FRANK WALSH: If a postal vote ballot-paper is sent to a presiding officer and does not bear a postmark to indicate that it was posted before 8 o'clock on Saturday night, the presiding officer would have to exclude it. I do not interfere with postal votes coming from another State or from far-distant country places because they will still have seven days to reach their destination.

If the amendment to section 73 of the principal Act is agreed upon, there would be consequential amendments to section 75(1) and (1a) by striking out the words "six o'clock in the afternoon of the" therein and inserting in lieu thereof, the words "five o'clock in the afternoon of the second".

Excluding consequential amendments, there are only two amendments proposed under this Bill, and the second deals with section 86 of the principal Act. I propose to read section 86, excluding paragraphs (*c*), (*d*) and (*e*), and repeat the matter contained in lines 4,

5 and 6 of paragraph (*b*) of section 86 as follows:

At the scrutiny the returning officer shall produce all applications for postal vote certificates and postal ballot-papers, and shall produce unopened all envelopes containing postal votes received by him up to the end of seven days immediately succeeding the close of the poll or received up to the close of the poll by any other returning officer or any assistant returning officer or presiding officer in pursuance of subsection (2) of section 81, and shall—

(*a*) compare the signature of the elector on each postal vote certificate with the signature of the same elector on the application for the certificate, and allow the scrutineers to inspect both signatures:

(*b*) if satisfied that the signature on the certificate is that of the elector who signed the application for the certificate, and that the signature purports to be witnessed by an authorized witness, and that the envelope bearing the certificate was posted or delivered prior to the close of the poll, accept the ballot-paper for further scrutiny, but, if not so satisfied, disallow the ballot-paper without opening the envelope in which it is contained:

The particular point I wish to clarify is that appearing in lines 4, 5 and 6 of section 86 (b), which reads:

and that the envelope bearing the certificate was posted or delivered prior to the close of the poll.

My Bill inserts at the end of section 86 the following passage:

For the purposes of paragraph (*b*) of this section, the time and date appearing on the postmark on the envelope bearing the certificate shall be conclusive evidence of the time and date upon which the envelope was posted.

I make no reference to 8 p.m. because, even though we know that both Commonwealth and State polls close at 8 p.m., this need not always be the case. I believe that there are valid reasons for reducing the hours on polling day, but I do not intend to proceed in that direction on this occasion. I believe the amendment will really assist returning officers or such other officers as may be appointed to conduct a poll, because they will have the protection of Parliament's intention concerning this important section of the Act.

Again, I emphasize that I do not intend to introduce matters that caused much concern in a recent by-election: suffice to say that that will never happen again. I ask the House to accept both these amendments as drawn up by the Parliamentary Draftsman at my request in the interests of all concerned.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

ADJOURNMENT.

At 5.46 p.m. the House adjourned until Thursday, August 17, at 2 p.m.