HOUSE OF ASSEMBLY.

Wednesday, August 30, 1961.

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

QUESTIONS.

WEEK-END WORK.

Mr. FRANK WALSH: My question relates to the practice of working on Saturdays. This practice is growing, particularly in Housing Trust work. During the debate on the Loan Estimates I said that some Housing Trust contractors had had to reduce staff because their allocation of money had been spent. In order to protect the standard of working conditions established in this State and throughout Australia (namely, the 40-hour week), I ask that the practice of permitting people to work on Housing Trust constructions at week-ends be discontinued. I know that the men are not receiving the penalty rates provided in industrial awards and that an inspector has to be paid, not by the Housing Trust but by the contractor or some other persons, for his supervision on Saturdays. In view of the principles involved, will the Premier take up this matter with the trust and insist that this practice be discontinued, particularly on Saturdays?

The Hon. Sir THOMAS PLAYFORD: The Housing Trust has all its houses built under contract, and it is for the contractor to decide what hours will be worked. If he works outside certain hours he has to pay the appropriate award wages. Any employee has the right to complain, and I assure the Leader that the Department of Labour and Industry would quickly take up this matter if the wages prescribed by the arbitration tribunal were not paid for the work. Neither the Government nor the trust has any power to prohibit work on Saturday afternoons if some person desires to do it.

Mr. FRANK WALSH: I did not wish to reflect on the contractors in the metropolitan area who, I know, have observed all award conditions. I had in mind what is taking place in the Port Noarlunga district where certain contractors are erecting houses in the vicinity of the oil refinery site.

The Hon. Sir THOMAS PLAYFORD: I shall inquire into that matter.

MURRAY BRIDGE ROAD BRIDGE.

Mr BYWATERS: Has the Minister of Works obtained a reply to my recent question regarding the painting of the road bridge at Murray Bridge?

The Hon. G. G. PEARSON: I have received the following report from my colleague, the Minister of Roads:

The Commissioner of Highways advises that tenders for painting the bridge are being examined. It is not possible at this stage to indicate who will be the successful tenderer, as investigations are still being carried out into the number of different types of paint and the multiplicity of methods of treatment offered in the tenders. It is expected that a contract will be let towards the middle of September.

MACCLESFIELD-STRATHALBYN ROAD.

Mr. JENKINS: Last year I referred to the narrow and winding road between Macclesfield and Strathalbyn. The road from Adelaide through the hills to Aldgate is good, and the one from Aldgate to Macclesfield is not bad, but the road from Macclesfield to Strathalbyn is bad. Will the Minister of Works inquire from his colleague, the Minister of Roads, whether he has anything in mind concerning the reconstruction or re-siting of that road?

The Hon. G. G. PEARSON: Yes.

STATE BANK REPORT.

The SPEAKER laid on the table the annual report of the State Bank for the year ended June 30, 1961, together with profit and loss account and balance-sheet.

Ordered that report be printed.

CAMPBELLTOWN BY-LAW: TRAFFIC.

Mr. MILLHOUSE (Mitcham): I move:

That by-law No. 39 of the Corporation of the City of Campbelltown, in respect of traffic, made on October 12, 1960, and laid on the table of this House on June 20, 1961, be disallowed.

I think I can explain this motion shortly. This is a by-law, as its title indicates, in respect of traffic, and it does only two things: firstly, it lays down that no vehicle shall be parked in a street or road within the municipality for more than four hours in any day and, secondly, it deals with the repair of motor vehicles in the street. The members of the Joint Committee on Subordinate Legislation considered that the provision relating to parking was far too severe. Representatives of the council told us in evidence—and, indeed, it was contained in their explanation which accompanied the by-law—that they were worried about the parking of semi-trailers in streets in Campbelltown overnight. But this provision is so wide that it would prevent any vehicle from being left in any street at any time for more than four hours continuously,

whether by day or night, and it was obvious to the committee that that was a very severe imposition indeed. In fact, the member for Enfield, who is a member of the committee, bearing in mind the width of the definition of "vehicle" which is also included in the by-law, asked:

It could cover a push-bike leaning against the front fence?

The members of the council—Mr. Morrissey (the acting Town Clerk) and Mr. Johnson—replied, "Yes." I then said:

Don't you think that is a severe prohibition?

Mr. Johnson replied:

We could probably modify it slightly to meet the position. We have had trouble with people doing repairs to their vehicles out in the street.

The committee did not take exception to the provision regarding repairs, but it seemed that it was far too harsh to prohibit people absolutely from leaving their cars in the street for more than four hours.

Mr. Coumbe: Does your motion apply to both parts of the by-law?

Mr. MILLHOUSE: Our disallowance must apply to both aspects, because both are contained in the same by-law. All we can do is to recommend the disallowance of the by-law as a whole.

Motion carried.

KENSINGTON AND NORWOOD BY-LAW: ZONING.

Mr. MILLHOUSE (Mitcham): I move:

That by-law No. 30 of the Corporation of the City of Kensington and Norwood in respect of zoning, made on October 3, 1960, and laid on the table of this House on June 20, 1961, be disallowed.

This by-law was not nearly such an easy one upon which to reach a decision, and I regret that I may have to take a few minutes of the House's time in explaining the reasons that eventually prompted the committee to recommend its disallowance. It is divided into three parts. Part I defines buildings of the residential, business and industrial classes and also the corresponding zones—residential, business and industrial. The definition of the zones runs for two pages. It is a fearfully complicated matter. Yesterday afternoon, by the aid of the definitions in Part I of the by-law, I marked a map of the area, and I now ask leave to display that map, because it it relevant to the matter under discussion.

Leave granted.

Mr. MILLHOUSE: That is Part I of the by-law. Part II sets out what buildings may be erected, etc., in the various zones. I draw attention to paragraph 4, Part II, of the by-law, which provides for already existing businesses in the various zones, but has in its two parts this proviso:

Provided that any such building when rebuilt shall come within one of the descriptions enumerated in sub-paragraph (ii) of paragraph 2 of this Part of this by-law—

and this is the important part—

and shall not exceed the total area occupied by such building on the said date.

In other words, while there is provision for already existing buildings in the various zones if they are not in an appropriate zone—for example, an industrial building in a residential zone—then in the future it can never occupy a total area greater than that which it occupies at the moment.

Mr. Coumbe: It can never expand.

Mr. MILLHOUSE: In other words, it can never expand; the honourable member has given me the right word there. That is one point to which I draw attention. I also draw attention to paragraph 6 of this by-law, which is a dispensation paragraph in the usual form.

Part III of the by-law simply repeals the present zoning by-law that has operated since October 22, 1942—for nearly 20 years. That is an outline of the by-law. The committee had objection from property owners in one area only—the area of Kent Town—and principally, but not solely (I emphasize that), from two gentlemen named Moulds and Tippett. The committee, therefore, assumes that there is no objection to the zoning of the other parts of the City of Kensington and Norwood. Were it not for the difficulties that have arisen in this area at Kent Town (that is the area I have marked on the plan), no recommendation for disallowance would be made.

I refer now to the plan which you, Sir, so kindly allowed me to exhibit on the blackboard. Honourable members will see that it is marked in three colours. The parts marked red are residential areas under the proposed by-law; those marked in pencil are zoned as business; and those marked blue are the industrial areas. The area to which our notice was directed is the triangle marked red on the plan, which is bounded by Kent Terrace on the east and by Little Grenfell Street and College Road. It is a small segment—probably about five acres in extent. Honourable members who consult the map will see that that triangle is bounded on two sides by industrial areas—the sides bounded by Little Grenfell Street and College

Road; across those two roads the area is industrial and it is only across Kent Terrace to the east that there is a residential area, and that block itself is bounded by industrial areas on the north and east. To the immediate south of the triangle is a business area. That is a description of the area with which the committee was occupied (but not principally occupied) at Kent Town. The important point is that under the existing by-law, which has been in force since October, 1942, that triangle is zoned as an industrial area. In fact, it is an industrial area at present.

The members of the committee inspected this particular area. Honourable members will have seen in this morning's newspaper a photograph of one of the properties involved. It is owned by Mr. Moulds and is on the wedge of land between College Road and Kent Terrace. That is an old property; it is still rather pleasing, but probably the photograph this morning is a little flattering to the property itself. The other properties fronting Kent Terrace to the north are in fair condition (it seemed to the committee on inspection), but those making up the rest of the triangle (probably 20 to 25 in number) seemed to be very small. They are all old and, I should think from looking at them from the outside, they are probably sub-standard. That is the area that the council wants to revert, to change from an industrial area, after nearly 20 years as such, back to a residential area. The evidence presented by council members who appeared before the committee shows that the council realizes that the present buildings in that triangle are substandard, but that it believes that the area is ideal for flat development. In its submission the council said:

The council believes that the area which is within a mile and a half of the centre of Adelaide and well served with public transport is admirably situated for the erection of multi-storeyed flat buildings.

Alderman F. W. N. White who is, I understand, a person of some influence in Norwood, said:

There are several lanes at the back of those premises which would serve well for multi-storey flats. There are lanes running down and across and they would be wonderful for big flats where you have deliveries. In the main it would be in the interests of the many to have it as a residential area. In this instance we only have the two people involved. Somebody has to get their fingers burnt, but it would not be Mr. Moulds, because he had the premises at a reasonable price even on the present market with its present recession.

I am in real estate and have given this much consideration because it is my business. I am also in flats and have built them myself. I think these blocks put into the right type of flats would bring as much as any industrial site because of their size.

The council obviously thought that flat development would be appropriate in this area. To check that opinion the committee invited Mr. Cartledge (Chairman of the Housing Trust) to give his opinion. He considered the matter out loud, as it were, for a few minutes, and in his usual inimitable style said:

As a flat proposition it would not be tenable, really. You probably have anything up to 15 or 20 owners, and to buy them all out would make it virtually an impossible job, without being bled white.

He then instanced an experience the trust had had and then the Hon. R. R. Wilson asked, "The triangle marked on the plan—Little Dew Street—represents land that is owned by two people. Would you comment on that?" He was referring to the land owned by Moulds and Tippett, and Mr. Cartledge replied:

That could be a proposition, but there would only be about two acres and it would not be much good for a big block of flats; the shape is wrong.

The evidence from the Housing Trust was, in effect, that this area is not really a practical proposition for flat development. According to this morning's press the council is now considering acquiring one of the properties for a community hospital, but that is the first I have heard of it and it certainly was not mentioned in evidence. That deals with the area itself, and I think I can summarize what I have said in three points: this has been an industrial area for 20 years; the buildings on it are, in the main, substandard; and it is substantially surrounded by industrial areas.

Mr. Moulds, who gave evidence, bought his property in 1953 as an industrial area and established the business of an antique dealer there. He intended, as he said in evidence, to resell the property as an industrial site and for that purpose he applied to the council in 1957 for subdivision of part of it as an industrial site. That application was refused by the council, but subsequently allowed on appeal to the Town Planner. Having won the appeal he advertised the property for sale as an industrial site. He said this in evidence:

By August, 1960, it became apparent (while no notification of altered classification of the area had been given to us) that intending purchasers were being debarred from purchasing and actually refused permission to build

due to the council's statements of altering or intending to alter the zoning. At that stage we were obviously within an industrial area but on our application we were, I will not say fobbed off, but at any rate deferred. That has now been approved, and there is a contract we had with Mr. Eichler in which we were refused permission to build on the ground that it was intended to proclaim the area residential. A request for a statement from the council on August 4, 1960, to define and clarify the position received a reply that the property concerned was residential, which it was not at that time.

Eichler and another party were interested in buying this property as an industrial site, but on each occasion when an inquiry was made they were fobbed off, to use that term, and told that the area was to be residential. The crux of it so far as Mr. Moulds was concerned was evidence of the value of the property as industrial and as residential. We were handed a copy of a valuation made by a licensed valuer, and the following appeared in the evidence:

I submit this statement of valuations. As residential, it has been valued at about £10,500; against the loss of sale . . . £21,000; the industrial value is £18,000.

One person was prepared to offer £21,000 for the property. In other words as residential property it is worth £10,500, as industrial £18,000, and an offer of £21,000 was made for it. Some people may suggest that Mr. Moulds is only out to make a profit. In fact, the council did say that. That point was brought out well by the Hon. A. J. Shard, a member of the committee from the Legislative Council. One of the council witnesses said:

From Mr. Moulds's point of view his thoughts are entirely mercenary and he has no civic pride at all.

Mr. Shard asked whether that would not be true of everybody and the reply was, "Not in every case". Mr. Shard then asked, "In 99 per cent of the cases?" and the reply was, "Yes". I can see no reason why Mr. Moulds should not have done what he has done—to buy the property as an industrial area in the hope of selling it subsequently. Mr. Tippett's case can be summarized fairly quickly. In a submission made by his solicitor, who accompanied him when he gave evidence before the committee, the following appears:

Mr. and Mrs. Tippett in March 1958 purchased a property at 43 Kent Terrace, Kent Town, within the area now proposed to be rezoned as a residential area, such land being allotments 211, 212 and part 213 of the area included in exception (*a*) of paragraph 1 of the by-law defining "industrial areas". The purchase price was £3,950 and approximately £700 has been expended since purchase on repairs, improvements, clearing and surveys.

Prior to entering on the purchase Mr. Tippett by letter dated September 6, 1957, sought confirmation from the corporation that the property was located in an industrial area and that it consequently could be used for such building as a warehouse or for manufacturing trading and commercial activities. He sought this information because without such confirmation he and his wife would not have purchased the property as it was their intention to transfer it to Plastex Ltd. as a factory site. The council replied through the clerk to him on September 27, 1957, in the following terms:

> "I have been directed to acknowledge receipt of your letter of the 6th instant regarding the property situated at 43 Kent Terrace, Kent Town. In reply I have to advise that the council would raise no objection to the use of the land for any type of building used in connection with your particular trade."

The land was in fact transferred to Plastex Ltd. in June 1959.

The whole of our client's available assets were committed to purchase of the property on the council's assurance regarding the use to which the land could be put and a mortgage was raised in July 1959 on the valuation of the property given by Mr. Taplin.

In pursuance of its objective in purchasing the property in the first place the company applied to the corporation through its architects for permission to erect a factory building on the land. The corporation on the receipt of the application asked that the eastern boundary of the proposed building should not project beyond an agreed point as a result of which the plans were redrawn to comply with the corporation's wishes, and a building permit dated September 20, 1960, was issued. It was only recently ascertained by our clients that on October 3, 1960, some few days afterwards, the corporation made the subject by-law, but no notification was given of this.

That is the position. He bought after having checked that it was an industrial area, applied for permission less than 12 months ago to build a factory on that site, yet at the same time the council re-zoned the area as residential—and that within a month of refusing Mr. Moulds, the owner of the adjoining property, permission to resell it as an industrial site. The council defined its attitude through its representatives when they gave evidence; this is what was said:

The Chairman: They proposed to erect one? (That is, a factory)?—That has been proposed for a long time. (Mr. White): They will have to hurry up. It has been proposed for a long time.

What do you mean by that?—If they didn't commence it within the 12 months laid down by the Act we would refuse it.

Didn't the council tell him in 1957?—(Mr. Applebee) I think it was before that we told him it was not an industrial area. We told him it was not an industrial area then, but he did nothing.

Later, the following question and answer appeared:

The Chairman: You cannot bind the council because you are not the full council, but your present view is that the council would not renew that permission if he did not commence by September this year?—(Mr. White) Yes.

In other words, although he has been given that permission to build a factory, if he does not build it by the end of next month (and how could he be expected to do it with this by-law hanging over his head?) that permission will not be renewed. Even if he did build at present he would never be permitted to expand the factory because of paragraph (4) of Part II to which I referred earlier. In other words, he could build his factory there if he started immediately but he would be blocked forever from expanding unless he got the permission of the council, and it is obvious from the evidence that that would not be forthcoming.

Those are the two principal people involved, but I shall now put two other matters. One concerns another part of the zone marked on the map where the business of Barrett Bros., maltsters, is situated. That company did not give evidence, but it was suggested in the evidence given on behalf of Moulds and Tippett that it had been zoned in a business area although it was obviously an industrial concern and that that was inappropriate. I asked the council when it came along whether that was so, and I was assured that in fact Barrett Bros. had been zoned in an industrial area under the previously existing by-law as well as under this by-law. I asked in what area the maltsters would be zoned, and Mr. Applebee said, "That is in an industrial area. That is not altered." As I had not checked myself the various zones on the map, I accepted what he said and did not take it any further, but yesterday, as I have already said, with the aid of one of the clerks of the committee—

Mr. Fred Walsh: That was there before the council was formed.

Mr. MILLHOUSE: It was; I believe it has been there for 88 years. Yesterday, with the aid of one of the clerks, I carefully plotted the zones on the map now on the notice board and found that, unless I had made a mistake in plotting the zones, it was in a business area. I should be grateful if the member for Norwood would check this, as I am diffident about contradicting the council. The council said it was in an industrial area, but on the area I plotted on the map with great care, but without having Barrett Bros. in mind at all, I found that that firm had been zoned in a business area, although it is an industrial concern.

Mr. Fred Walsh: It cannot be called an offensive industry.

Mr. MILLHOUSE: No, but it is an industry that should be in an industrial zone, and the council told us that it was in an industrial zone. However, unless I am wrong (and I invite any member to check the plotting I have done on the map) it has been zoned in a business area, which means that in future it will be at the caprice of the council if any alterations or additions are required. That is a serious matter, if I am correct on that. The only other matter I wish to mention is that I have received a letter from Messrs. Geoffrey Harry, Callaghan and Co., solicitors, on behalf of New Neonlite Ltd., of 130 Kent Terrace, Norwood, as follows:

We are instructed by New Neonlite Ltd. to record with the committee a protest against the re-zoning as a business area of the southern end of Kent Terrace where its fluorescent lighting factory is situated in view of the fact that:

(1) For nearly 20 years the subject area, which is in Kent Terrace near Kensington Road, has been a combined business and industrial area. It is situated an appreciable distance from the proposed industrial area to the north of it.

(2) The company purchased the site and a modern factory building on it after establishing that this was an industrial area.

(3) It has this year with the permission of the council effected improvements and extensions to the building which are still in progress.

(4) It had no notice of the proposed re-zoning at any material time.

(5) The re-zoning will gravely prejudice the value of the business and its business activities.

That is the fourth business organization that may well be affected by this by-law through being in an inappropriate zone, and there may be others, although I do not know about them. I think that is all I need say in explaining the motion. In fairness to the council, I point out that we invited Mr. Hart (Town Planner) to give evidence on this matter, and he said:

This is probably one of the most difficult areas to determine how it is going to grow in the metropolitan area, because of the mixed nature of the development. I think that the council is correct in re-zoning the area for residential purposes.

Later, he said:

I am looking at it from the point of view of benefit to the council's area and the community's benefit and not the benefit of two individuals. In this re-zoning the council is probably not going far enough.

I mention that in fairness to the council, as Mr. Hart supported it. To sum up, the Joint Committee on Subordinate Legislation felt that it was just not fair that two people who had bought on the faith that this was an industrial area, having checked it with the council, and in one case having been given permission to build a factory, should arbitrarily have their rights taken away and see their values almost halved, and if Tippett exercised the permission he had been given he would never be able to expand his factory. It just is not fair, and I believe that Parliament should be concerned with the rights of individuals as well as with the rights of the community. That is our prerogative in this place, and that is why this recommendation was made.

All members probably have heard the Premier's story of his own experience during the First World War when he went to the House of Commons, being in those days a serious-minded young man, no doubt. While there he heard a debate on the war held up while the Commons debated the case of some poor unfortunate girl who had been arrested, apparently unlawfully or in questionable circumstances. That is a superb illustration of the fact that Parliament should be concerned with the rights of individuals as well as the rights of the community. That is the most important aspect of the matter. I also mention the position of Barrett Bros. and New Neonlite Ltd., and there may be others.

The Hon. Sir THOMAS PLAYFORD: I move:

That this debate be now adjourned.

Mr. DUNSTAN (Norwood): Why? I was on my feet, Mr. Speaker, before the Premier rose, and I should like to know why the debate is being adjourned.

The SPEAKER: The motion is that the debate be now adjourned. Is the motion seconded?

Mr. SHANNON: Yes.

Mr. DUNSTAN: I was due to speak, and I want to go on with this matter.

Motion carried; debate adjourned.

SALISBURY BY-LAW: ZONING.

Mr. MILLHOUSE (Mitcham): I move:

That by-law No. 40 of the District Council of Salisbury in respect of zoning, made on July 13, 1959, and the amendment of by-law No. 40 of the District Council of Salisbury in respect of zoning, made on December 15, 1959, and both laid on the table of this House on June 20, 1961, be disallowed.

This matter concerns two Salisbury District Council by-laws. The earlier one, made on July 13, 1959, provided, in essence, a minimum area of 950 sq. ft. for dwellings at Elizabeth. Before it was laid on the table it was incorporated in the subsequent by-law made on December 15, 1959. That latter by-law provided for the same minimum area at Elizabeth and also for the re-zoning of the whole of the Salisbury council district. To disallow one of those by-laws obviously means to disallow both of them, and that is why both by-laws have been included in this motion. I shall refer only to the second by-law which swallowed up the first. This is not an entire by-law: it is one that amends the existing one. New clause 11 in the by-law lays down the uses to which the various zones may be put. There were therefore two matters, and the Subordinate Legislation Committee received evidence on both of them. Firstly, there was the question of the minimum size of buildings being restricted to 950 sq. ft. at Elizabeth, and, secondly, the question of the various zones. The first representation which the committee had on this matter was from the Lord Bishop of Adelaide by letter dated June 23, 1961. That letter states:

The Leigh Trust, a body incorporated by Act of Parliament in 1929 to manage certain property of the Church of England and to apply the same for or towards the maintenance and support and endowment of Clergymen of the Church of England, the building and erection of churches and church buildings, collegiate or other schools, and such religious, philanthropic, education or charitable organizations or societies in the State of South Australia as in the opinion of the trustees are substantially Church of England organizations is the owner of sections 3015, 3016, 3017 and 3018 situated in the Hundred of Yatala, comprising 320 acres.

The trust has been recently advised that the district council of Salisbury has tabled an amendment to its by-law XL to provide that the land in question shall be declared an industrial area in which home building is to be prohibited. The members of the trust desire to lodge a strong objection to this proposal and set out hereunder their reasons for the objection, viz:

1. The trust has held the view for some time past that the proceeds of sale of this land should be used to meet the financial needs of a very extensive programme of church development within this State, which has now become an urgent necessity by reason of the large increase in population in recent years.

2. The trustees have in recent months been approached by several prospective buyers who require the land for subdivision for housing purposes. Negotiations with these prospective

buyers have reached a critical stage, but would be brought to an end if the by-law is passed.

3. If the land is zoned for industrial purposes no large amount of finance would be forthcoming from the sale of the land in the immediate future; it would most likely be many years before industry in this State would be in a position to absorb such a large area of land. In the meantime the trust would be involved in a very heavy outlay for rates and taxes which at the moment have compelled the present lessee, who is using the land for farming and grazing purposes, to advise the trust that he desires to be released from his liability under his lease at the earliest opportunity, as the recent increase in rates and taxes has made it impossible for him to work the land profitably.

4. The trustees also have in mind the possible use of portion of this land for:

(*a*) a theological college, and

(*b*) a church secondary school.

These two projects would absorb approximately 45 acres, and would of necessity have to be abandoned if the land were proclaimed an industrial area.

5. The area of land at present reserved for industrial purposes within the district council of Salisbury is already extensive and is surely sufficient to meet the needs of industry for many years to come—*vide* 1st, 2nd and 3rd Schedule to by-law XL, *Government Gazette* 2nd December, 1958, page 1584. With the addition of the land now proposed to be reserved for industrial purposes the total area so reserved within the district council of Salisbury would be grossly excessive.

6. The land is subject to a height restriction so far as portion of the area is concerned, being in close proximity to the Parafield aerodrome. The limitation in height would render some of the land quite unfit for industrial purposes, and the fact that low-flying aircraft are likely to pass over the land may seriously hinder its development for industrial purposes on account of vibration and possible interference with electronic devices with which industrial concerns are being increasingly equipped.

For the reasons outlined above the trustees feel that the proposed zoning is unnecessary and in the circumstances unsuitable and would seriously hamper the necessary development of the church in the immediate future, and they hope that the Salisbury district council's proposals will not be allowed to take effect.

I apologize to the House for reading that letter, but it contains the substance of all the objections made to us on this by-law and, in fact, no oral evidence was taken from the Leigh trustees because that evidence coincided very closely with the evidence subsequently given by Mr. Cartledge on behalf of the Housing Trust. Mr. Cartledge gave evidence in the same inimitable fashion for which he is well-known before all committees. He pointed out that in fact the zones as laid down in the by-law were exclusive in as much as in an industrial zone a person can place only an industry: he cannot put a house there at all. It is not like the normal type of zoning by-law, under which in an industrial zone a person can build a house if he wants to but he can also build a factory. They are, in fact, exclusive zones. Mr. Cartledge said:

Their amendment has turned it right around and it is provided that in these areas you can only build industrial buildings: you cannot build dwelling houses unless the council uses its dispensing power.

This was borne out subsequently by the evidence of Mr. Bormann (District Clerk), who said:

Included in the zoning by-law is a provision that houses shall not be built in industrial areas unless the council so permits.

That is the first point. It is a most drastic by-law because the zones (and certainly the industrial zones) are exclusive: one cannot build anything else there even if one wants to take the risk of a factory next door. To continue with what Mr. Cartledge said:

Theoretically that could be said to be good planning, although there are some unfortunate landowners who have a different opinion about it. There is another point in the by-law—

Then he goes on to talk about another matter with which I will deal in a moment. He then says that 3,200 acres has been set aside as industrial under this by-law, and adds:

That is a fantastic amount of land to provide for industry alone and I suggest it is an unreasonable amount of land for one council to set aside for industry.

Further on he says:

To say there will be 3,000 acres for industries only seems to me to be overstepping the mark where planning is concerned.

He goes on to point out that the Housing Trust is not bound by the council zones but it likes to abide by the zones in all cases, even though it has no legal obligation to do so.

Mr. Clark: It has not done too much of it out there.

Mr. MILLHOUSE: I do not know. I am now reporting to the House what Mr. Cartledge said. He then refers specifically to the Church land owned by the Leigh trustees:

Then there is the Church land. The land at Parafield Aerodrome is subject to height restrictions. They will probably let us make an offer for that land and we shall conceivably buy it if we are freed from the by-law restrictions, but it is no good to us as industrial land.

This is the land owned by the Church and of which the Church is complaining. The evidence continues:

That brings me to the next leg of my submissions. Potentially, the land there is worth far more as subdividable land for ordinary dwellinghouse purposes than as industrial land.

He goes on a few sentences later:

You would have to wait until the end of time before you could possibly sell the land.

He means as industrial.

Mr. Clark: What does he mean by "the end of time"?

Mr. MILLHOUSE: He does not say, but he means a long time.

Mr. Clark: I should think that a lot of his evidence is like that.

Mr. MILLHOUSE: Maybe. He goes on to say:

We can look after ourselves but having such a large area of industrial land there depresses the value substantially to the ordinary landowner.

Finally, he says:

As land for ordinary subdivision purposes, this land by the aerodrome will undoubtedly be built up within the next few years.

In other words, the burden of his evidence is that it is good land for residential subdivision but as industrial land it is subject to the height restriction. He says that in any case the council has zoned far too much land as industrial. He then went on to deal with the 950 sq. ft. restriction in force at Elizabeth, and said:

That is just the whole township of Elizabeth. That would mean that, if the trust attempted to comply with the by-law, half our buildings would be chopped out. The greater number of our rental houses are less than 950 sq. ft. in area. That is achieved by eliminating passages so that there is virtually no waste space. One or two of our houses of sale designs would be under that because, under the Act, the area of the house is the area within the walls.

He later says:

All our flats are well under the 950 sq. ft., so I think that what they are after is to prevent other people building in Elizabeth from going under 950 sq. ft. I do not think it is a fair limitation.

A little further down he continues:

It seems to me that this is so unrealistic. Furthermore, the trust does not want a by-law here that cannot be conformed to—because legally we are not obliged to conform; but it is the proper thing for the trust to conform with by-laws when it can.

That seems to be his evidence. We subsequently received evidence from the representatives of the Salisbury District Council. I asked them whether they were aware that many of the Housing Trust houses in Elizabeth were under 950 sq. ft., because they had said this:

The very nice township has resulted from the activities of the Housing Trust. It was felt that an absolute minimum of 850 sq. ft. was a little low.

I said:

You realize that half the Housing Trust houses in Elizabeth would be below the minimum?

Mr. Gilchrist replied:

Those figures were not given to us.

Another witness, Mr. Milton, went on to say later:

The council is proud of the standard of housing at Elizabeth and is anxious to restrict the erection of buildings that may tend to lower the standard.

In other words, they were not aware at that time that many of the Housing Trust houses were under the limit laid down in this by-law. Their avowed object is to prevent private builders building below that, even if the Housing Trust does so. Members of the committee agreed with the opinion of Mr. Cartledge that it just was not fair to have such a limit, especially when it was laid down in ignorance of the fact that many Housing Trust houses were under that limit. Regarding zoning, the council said:

We believe that we must over-estimate for industrial purposes. That will be the best way of preserving flexibility. We believe there will always be demands on us to decrease the area set aside for industrial purposes and to increase the area set aside for residential purposes. We believe that applications for subdivisions on the perimeters of our zones for residential and factory purposes may make it desirable to vary the area slightly. To do this it is necessary to have our basic plan rather more flexible.

In other words, the council has deliberately zoned a greater area than it believes will be required as industrial land, so that it will have the flexibility to give in to demands, dispense with the by-law, and allow the re-zoning of certain areas. Unfortunately, however, it is not prepared, it says, to do that with regard to the church land, because this is what its representatives said on that point. It had just been mentioned that they had given way to the Housing Trust and I asked:

You are not prepared to meet the Church of England as you met the Housing Trust?

The answer was:

No. The council's opinion is that proper planning for the future does hurt individuals or organizations, so far as a financial gain from their land is concerned. The council considered that fairly, but it also considered that for the future industrial purposes, which will be of benefit to the residents of the district, it is necessary to retain land for industrialization.

The committee felt that it was wrong for the council to afford itself the luxury of over-budgeting on industrial land at the expense of the owners of that land. We had clear evidence that it would depress the value of the land zoned as exclusively industrial and we felt that that was not fair on the individual owners, especially when the council acknowledged that it was over-budgeting on industrial land in the expectation that it would be forced to give way in some cases. I agree with Mr. Cartledge's evidence on this. In answer to Mr. Jennings (member for Enfield), who asked:

Just zoning a certain amount as industrial areas will not produce factories on it?

he said:

No. . . . They have overdone it and I think they realize that. They ought to take it away, rub it out and start again.

I do not quite put it in those words but I think the council should reconsider the zones it has laid down as industrial because, if it does not and this by-law is allowed to go through, it will undoubtedly cause much hardship not only to the Leigh trustees but also to the other landowners. I suggest to the House that that is not fair.

Mr. CLARK secured the adjournment of the debate.

COUNTRY ELECTRICITY TARIFFS.

Mr. FRANK WALSH (Leader of the Opposition): I move:

That in the opinion of this House, the Government should take steps to assist the decentralization of industry and help retain population in country areas by insisting that the Electricity Trust of South Australia institute a system whereby all country tariffs are reduced to the same as those now operating in the metropolitan area.

The matter of differential electricity tariffs is closely related to that of decentralization of industry and population. My motion provides an opportunity for the Government to assist in the problem of decentralization. During the last 20 years, there has become established an alarming concentration of population in the metropolitan area. I examined the population figures for the immediate pre-war year 1939, and during a 20-year period since then the rate of increase in the metropolitan population has been approximately two-and-a-half times that of the country areas, and at present 61 per cent of the State's population lives in the metropolitan area and 39 per cent in the country areas. There has been a substantial aggregation of population in the metropolitan area over this 20-year period, and if the trend continues, within the next 30 years only 25 per cent of our population will remain in our country areas and we will be faced with the two-fold problem of decayed country areas as well as insufficient people engaged in primary pursuits to maintain the colossal population centred around the metropolitan area.

I also examined the enrolment figures for the House of Assembly for approximately the same period, and they reflect substantially the same trend as that which is conveyed by the population figures I have just given. The following table sets out metropolitan and country enrolments for the years 1938 and 1959:

	1938.	1959.	Increase.	Per cent. increase.
Total enrolment	364,884	497,456	132,572	36
Metropolitan enrolment ..	211,963	312,712	100,749	48
Country enrolment	152,921	184,744	31,823	21
Average metropolitan enrolment	16,300	24,100	7,800	48
Average country enrolment	5,900	7,100	1,200	21

Members will see that the percentage increases for both the metropolitan and the average metropolitan enrolment are the same, namely, 48 per cent; furthermore the percentage increase in both the country enrolment and the average country enrolment are the same, namely, 21 per cent. I believe that there is a relationship between the electoral system, which is portrayed so aptly by these figures, and the concentration of population and industry in the metropolitan area.

Employment in both primary and secondary industries must be provided in the country regardless of Party-political interests, which must be disregarded if we are to give effect to a sound policy for the future and the permanent welfare of South Australia. The obvious type of employment would be that afforded by industries allied to the appropriate primary industries already established in the country. Other industries, not so allied, must also be

encouraged to establish themselves by the provision of such services as would give them a reasonable chance of becoming self-supporting.

All sound political thought is against the continued increase in metropolitan population and the concentration of industries in the metropolitan area. Members, of course, are familiar with the figures given in the Loan Estimates recently showing the tremendous increase in the cost of school buildings, hospitals and other amenities rendered necessary in the metropolitan area as a result of the growth of its population, and so it becomes difficult to provide necessary services in the country because of the haphazard and costly metropolitan development. Another point to which I wish to refer briefly is the position of the population in the event of war. I certainly hope we will never have to face another war, but if we do it will be an atomic war, and it will be impossible to defend the huge population in the metropolitan area.

It is the Government's duty to give the lead in a programme which deflects industrial development and all increases of population to the smaller centres. The damaging effects of centralization on the life of the nation are in themselves sufficient to warrant the strongest action by governments to put a limit on the size of the major industrial cities and to take all the necessary measures to make that limit effective. Practically the only factor making naturally for centralization in most of the Australian States is the scarcity of good harbours. Almost every other factor which has led to centralization is man-made—the direction of rail and road systems, freight rates, the expenditure of a great part of the public revenues on public works and amenities attached to the cities and so on. These man-made factors are by no means inevitable, and it is possible to substitute for them measures of a quite different kind.

One major factor whereby the Government should assist in decentralization is by ensuring that country people only pay the same for their electricity tariffs as do the people in the metropolitan area. I am sure that the member for Gouger will give his whole-hearted support to my resolution because recent statements made by him are in accord with my resolution today. Examples of his recent statements in regard to electricity tariffs are:

There is no justification for having a different price for country and city consumers.

At present there are about 65,000 country residential users and 162,000 city residential users. The ratio of country industrial users to city industrial users would not be near as great, because of the concentration of industry in the city. When I first investigated the matter of tariffs I expected the cost of an equalization programme of tariff charges would be far more adverse. I contend it is feasible for the trust to immediately implement a policy of justice in electricity charges.

From what he said, it would appear that the member for Gouger is well acquainted with the steady increase in the metropolitan population. I agree with his remarks about electricity charges, and, as I said, these statements by the member for Gouger show he is in complete agreement with my resolution and I confidently look forward to his support of my proposal, which I also recommend for the favourable consideration of members on both sides of the House. I submit this resolution in fairness to those people who may be encouraged to assist decentralization, particularly as provided in the resolution, and I trust the measure will be carried.

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

REGISTRATION OF DOGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 23. Page 529.)

Mr. TAPPING (Semaphore): I support the Bill. As I listened to other members last week extolling the virtues of dogs, I felt we were about to found a tail-waggers' club. I believe this is a serious matter and commands deep consideration by members on both sides. The people of South Australia receive only meagre details in the press and over the radio of what a Bill contains, and the condensed form often gives the wrong impression. Because of the brief reports about this debate, I think all members received letters, telephone calls and personal approaches from people objecting to the harshness they believed was embodied in the Bill. When I have had the opportunity to tell some of these people just what it contains, most have changed their opinions and agreed that it is a progressive measure.

For instance, the details people have gathered from the press have led them to believe that under the measure a dog must be continuously leashed or in an enclosure, but that impression is entirely wrong. Only about two per cent of the dogs in private enclosures would be affected by this Bill, because people are generally dog-lovers and educate their dogs. In many cases dogs become docile and appreciate the visit of somebody to the backyard. On the other hand, the two per cent to

which I have referred must be considered, as there have been instances where men with *bona fide* reasons have had occasion to go to back doors and have been attacked. This applies to postmen.

Whether the Bill is adopted in its present form or amended, something should be done to protect tradesmen who must go to back doors to get orders or to vend their goods. The Bill provides for a penalty of only £2, with a limitation of £5, and this would be a deterrent to people with vicious dogs. If they did not keep them enclosed they would have to educate them, and that is all the Bill refers to. I was pleased to see in last Saturday's *Advertiser* a letter from Mr. Colley (secretary of the Royal Society for the Prevention of Cruelty to Animals, an august body that has done and will continue to do noble work for the benefit of our canine friends). I shall not read the whole letter, but shall mention two aspects that relate to the Bill. Mr. Colley said:

> It will be noted that the Bill does not say that the owner must keep the dog leashed or confined. The owner is still free to leave his dog unleashed or unconfined, but if under those conditions it rushes at or attacks a person lawfully on the owner's premises, the dog owner becomes liable.

That is the point that has confused the public, as people feel dogs must be continuously confined on the leash; however, Mr. Colley does not suggest that the Bill means that. He also said:

> Under the new Bill, however, the owner of the dog which rushes at or attacks any person lawfully on premises occupied by the owner becomes liable to a penalty, regardless of whether or not the dog's rushing or attacking endangers life or limb. Plenty of dogs will rush at a visitor with friendly intentions, and yet, as the Bill has been drawn, the owner can be liable to a penalty.

I realize that I would not be in order in endeavouring to forecast any amendments that might be moved in Committee, so I appeal to members (particularly those on the Government side) who have spoken in opposition to the measure to make it possible for the second reading to pass so that they can co-operate to pass a Bill that will suit everyone in the circumstances.

Mr. Bywaters: There are amendments on members' files now.

Mr. TAPPING: Yes, but if I endeavoured to pursue those I think I should be ruled out of order. The R.S.P.C.A. has made suggestions in that letter, and I think I can refer to them. Those suggestions could be the means of obtaining what the Bill desires to afford—protection to those who may be attacked—and generally resolve a matter that is giving some difficulty. Unless we do something, reaction could occur. The Leader of the Opposition said that this Bill had been brought in chiefly because the Amalgamated Postal Workers' Union had asked the Australian Labor Party to do something to protect its members and that it had adduced evidence of some members having been molested by dogs. So it could well be—and I have no desire to make any threats during this debate—that if Parliament fails to face up to its responsibilities the Postmaster-General's Department, in the event of a future attack by a dog, might itself say that the owners of that dog must call for their mail at a post office rather than receive a service from the postal officer. I am sure that we do not wish to see that occur and I ask that members consider those points before voting on the second reading.

As I said earlier, the fine prescribed is meagre—a minimum of £2 and a maximum of £5—but we believe that that penalty would make people realize that they have some obligation and some responsibilities to those who call at the door for legitimate reasons. I am willing to concede that the question of lawfully being on the premises is one that could be debated at length, and I suppose that if we carried it to its final conclusion we would admit that every person who entered private property could be deemed to have some lawful excuse. If any person was there for ulterior purposes he could say he called to find out where Mrs. — lived, and that, I believe, could be deemed a lawful purpose.

All those things could be sifted out in Committee if the Government were willing to pass the second reading and let us get together to do something about it. I remember vividly that when the member for Onkaparinga (Mr. Shannon) spoke last week he admitted that this was a problem. As he agreed that this was a problem, I consider it to be his responsibility and that of all other members of Parliament to discuss the matter to see how we may solve the problem. In explaining the Bill the Leader was not adamant that that was how it must be accepted by Parliament: this was the nucleus of a debate, and he considered that in Committee we could seek means of arriving at a successful conclusion and having a Bill that was worthwhile. I appeal to all members of this House to support the second reading and, if no compromise can be reached, then it can be voted out later.

Mr. HUGHES (Wallaroo): I, too, support the Bill, and I sincerely hope the House will allow it to reach Committee where opportunity can be taken to satisfy any reasonable objection to it. Although this Bill in its present form appears to some members opposite to be drastic in parts I am confident that if the House carries the second reading these objections can be attended to in Committee. I think that after it has passed the Committee stages people will keep better control over their dogs that they now do. Members of the Opposition have often supported the Government in legislation introduced for the welfare and safety of the general public, yet when something is introduced from this side of the House in an endeavour to protect people from harm, what happens? Nothing but ridicule from members opposite. It is amazing how certain members change their colour, depending on which side of the House the legislation originates. When speaking on similar legislation in 1948, the then member for Frome (Mr. O'Halloran) said:

> I feel strongly about owners who do not keep their dogs under proper control at night. Often a person says that because his dog is home when he goes to bed and is there when he gets up in the morning he can guarantee that it has been at home all night. That is by no means conclusive. It is improper to provide in such legislation as this that dogs should be kept on the chain from sunset to sunrise.

At that stage a member interjected, "That is the law in Victoria." I take it that that interjection meant that that member did not object to dogs being chained, yet when the same member was speaking on this debate only last week he tried to ridicule the Leader by saying that what was being introduced was clumsy legislation. It just goes to show how people can change their colour, depending on where the Bill originates.

The Hon. D. N. Brookman: Isn't that a wild assumption?

Mr. HUGHES: I do not think so, in view of what I have just said. For the benefit of the Minister, I point out that this is not the first time this session that members opposite have tried to ridicule the Leader. Only recently the Premier charged the Leader with being "ignorant" of the proceedings of the Premiers' Conference and the Loan Council. That was an insult to the Opposition. In the throes of debate and in reply to interjections members may from time to time make such remarks, but for the Premier to address the Leader in such terms is, in my opinion, hitting below the belt.

Mr. Jenkins: He was correct.

Mr. HUGHES: For the benefit of the member for Stirling, I maintain that what I said is perfectly true. Members opposite can continue with their little game if they wish to, but all the cheap ridicule in the world will not shake the confidence members on this side of the House have in their Leader. I can only assume from the Government's attitude—and I think I am hitting the nail on the head—that it is now beginning to feel the impact of good leadership from this side of the House.

I understand that several people, while carrying out their lawful business, have been attacked by dogs, and for that reason the Leader was asked to introduce this legislation to safeguard those people. After careful investigation he realized the need for such a measure, and he conscientiously submitted it to the House with one aim in view: the protection of human life. That is how I should like members to regard this matter. The Bill has not been introduced merely to put the Opposition in the limelight, as perhaps some members opposite think. In fact, I think it will result in the Opposition's becoming unpopular with many owners of dogs. The Leader is well aware of that fact, but that did not make him swerve from his line of duty in an attempt to prevent what could well turn out to be shocking injuries to a child. Every day of the week hundreds of children enter properties on lawful business. I have been connected with a child who was badly bitten by a dog, and that is why I refer to children this afternoon.

One of my boys, when he was about four years old, went down the street on legitimate business; he went into a home and immediately my lad entered the gate he was attacked by a kangaroo dog; he was grabbed by the hip. I think all honourable members know that, if a kangaroo dog grabs a child, he takes a pretty fair snap. It was not the ordinary little corgi that some honourable members opposite have been speaking about: this was a kangaroo dog. It grabbed by son on the hip and, had it not been that the owner was present on that occasion, I hate to think what could have happened to my child. As it was, he had to be rushed to hospital and receive medical attention from the doctor. I bring that case before the House this afternoon and hope that the House, in its wisdom, will consider this matter as it should be considered.

I have read section 24 of the principal Act, which provides a penalty for owners of dogs that attack persons or animals on any premises other than those occupied by the owner. I have known savage dogs to be let out into the street for their daily exercise, as no doubt other honourable members have; a person could pass such a dog and it would not look at him even sideways. But, if one enters the premises whilst that dog is at home in its back yard, the difference is noticeable. I have had experience and know that such dogs will rush at one and, unless the owner is nearby, one will be in trouble. I do not think for one minute that a dog should be entitled to one bite to prove whether or not it is vicious.

Recently (three weeks ago last Friday, I think) I was requested to call on a lady on some business. When I arrived and put my hand on the gate, I saw a kelpie dog inside. Its hair was standing up on its back and it seemed to me as though it was really wild. I have had much experience with dogs over the years and was not afraid of the dog even though it looked as if it would attack me on my entering the gate. Nevertheless, I went inside and, as I moved in, so the dog moved away. I knocked on the front door of the house and received no answer, but it appeared to me that someone was at home because of the attitude of the dog. Then I realized that the lady of the house was sitting in one of the side rooms and had full control over that dog through the sieve door. I use that as an illustration to show that dogs can be trained to do all sorts of things.

Only this morning I happened to be speaking with the honourable member for Adelaide (Mr. Lawn) who had an interview with the police constable who controls the police dogs. It was really amazing to learn of the control he had over those dogs. I do not know whether the honourable member for Adelaide has spoken in this debate or whether he intends to, but I feel confident that, if he does, it will do the House good to listen to some of the things he told me this morning about the good training of dogs. We should not adopt the attitude that dogs cannot be controlled. It is not often the fault of the dog; it is the lack of interest that the owners themselves display in the training of their dogs.

The honourable Leader in his amending Bill is going a step further than section 24 of the Act by encouraging owners of dogs to take preventive measures to protect persons entering their premises, by building a suitable enclosure for the dog. The Premier only last week in answer to an interjection said that he did not know how a dog would know whether a person had a lawful excuse for being on premises. I thought that was a pretty weak argument to use against this Bill. The very same principle applied when amending section 24 of the Act in 1948, yet I cannot find any objection in the debate; nor on any occasion was the Minister ridiculed for introducing that Bill.

Mr. Lawn: What is a legal right? This Government has a legal, but not a moral, right to occupy the Treasury benches.

Mr. HUGHES: I agree with the honourable member only too well, but the only point raised in the whole of the amendments in 1948 was the registration fee for a female dog. (We know that she is called other things, but that is the expression I will use this afternoon.) My mind goes back to the time when I was on the farm and we went down to round up our sheep in the paddock one morning only to find, to our amazement, that the sheep were scattered all over the place. We had some property that ran right down to the coast. Some of the sheep were on the rocks near the water. They were badly torn about. In all, we found that 23 sheep had been badly mauled by a dog or dogs. We were not sure of that when we found the sheep. No sheep were killed, but it would have been better if the dog had done the full job and killed them all, because of the badly mauled condition of each one. My uncle and I had then to put them out of their misery. Then, as today, sheep were of some value to us, and we lost 23. So we investigated and, much to our amazement, right in the middle of a scrub of about 100 acres that we had, we found a kangaroo female dog with nine pups. She had had the pups there and was endeavouring, I suppose, to find food for them; she had not found food but had badly mauled 23 of our best sheep. That illustrates the neglect of some owners. We discovered the identity of the owner subsequently because the dog was recognized. That owner, knowing the dog's condition, should have exercised more care and control. Had he done so he would have been one female dog and nine pups better off and we would have been 23 sheep better off.

Mr. Lawn: Cannot you shoot a dog if it attacks your sheep?

Mr. HUGHES: I do not know whether that was lawful at that time. We took the risk and shot the dog and her pups, and I think we were justified in view of the shocking injuries

inflicted on the sheep. The present law provides for that position. The member for Semaphore, Mr. Tapping, was instrumental in having amendments inserted in the parent Act in 1948. Through his efforts the following subsections were inserted in section 21a:

(2) If the life or limbs of any person have been endangered by reason of a dog rushing at or attacking that person, that person or, if he is an infant, the parent or guardian thereof, may take proceedings in any court of summary jurisdiction for the destruction of the dog.

(3) Any such proceedings shall be instituted by a complaint laid by the owner or occupier aforesaid or, as the case may be, the person, parent or guardian aforesaid, against the owner of the dog and the Justices Act, 1921-1943, shall apply to any such proceedings.

(4) Upon the hearing of the complaint, if the court is satisfied that any cattle, sheep, horse, or poultry confined as aforesaid has or have been worried, killed or injured by the dog or, as the case may be, that the life or limbs of the person aforesaid have been endangered as aforesaid by the dog, and that an order should be made, the court may order that the dog shall be destroyed.

Prior to 1948 an anomaly existed in the Act, which provided that where a dog attacked poultry or animals it could be destroyed, but not if it attacked a person. Mr. Tapping is a great dog lover. He is modest and perhaps will not appreciate my informing the House that on several occasions he has exhibited some really good dogs. In 1948 he was concerned about a number of attacks made by dogs on people in his district. He considered that if a dog could be destroyed for attacking stock or poultry a court should have jurisdiction to order its destruction for attacking a person. In principle this Bill is similar to the 1948 amendments. Mr. Tapping, because of his feelings for his fellow men and his great affection for children, introduced his amendments, having in mind that should he be successful a number of dog-owners would exercise a stricter control over their dogs and not let them roam the streets to become a menace to society.

That is exactly what this Bill attempts to do and I am confident that if it is passed much improved conditions will be brought about by dog-owners. I realize that one clause requires attention, but action has been taken to remedy it. I have no doubt it will receive the attention it warrants in Committee and it will meet the objection raised by the member for Onkaparinga. Above all, it will comply with the requirements of the Royal Society for the Prevention of Cruelty to Animals. I trust that the House, in its wisdom, will pass the second reading so that any anomalies can be corrected in Committee. I have much pleasure in supporting the Bill.

Mr. JENNINGS (Enfield): I am glad to support the Bill, which has been well debated so far, and I do not intend to make much noise about it. I was rather amazed that the Premier bothered to make such absurd statements as he did in opposing it. I cannot understand why he opposed it when that with which he found fault is already in the parent Act, which, of course, was passed by his Government. We are often told by the Premier, when he takes us to task about something, that we have not done our homework. He had obviously not done his homework on this occasion and he had not related the amending Bill with the parent Act. He frequently tells us, when we introduce legislation, that it is a clumsy piece of legislation with many loopholes. However, if anyone dares challenge the legislation he introduces on any of those grounds, he says, "But this was drafted by Sir Edgar Bean", "This was drafted by Dr. Wynes", or "This was drafted by one of the most accomplished draftsmen in Australia." He realizes, as do we all, that when we introduce Bills they are drafted by Sir Edgar Bean or Dr. Wynes. That is only one of the means by which the Premier makes an excuse for opposing any legislation introduced by the Opposition. I think some of the reasons given by the Government relating to cruelty to dogs were peculiar indeed. They certainly do not conform with what the R.S.P.C.A. expects of us in legislation dealing with cruelty to animals, and it is peculiar that this Government, which opposed this Bill principally because of cruelty to animals, should have introduced the Artificial Breeding Bill the previous day.

The member for Mitcham (that heart once pregnant with celestial fire) took up the cudgels on behalf of dogs. In the course of an interesting speech, he said that he had once been bitten by a dog. I can understand this from both points of view; first, I can understand any public-spirited dog's biting the honourable member, and, secondly, I can understand any sensitive dog's biting him only once. I, too, have had a little experience with dogs, but I assure the House that I have never been bitten by a dog in the electorate of Enfield; the dogs there know how well represented they are. However, sometimes in the course of my Party activities I have had to go to electorates where I am not so well-known,

and during the Wallaroo by-election campaign I had the unfortunate experience of being bitten three times. I assure the House that they were all mean, mangy Liberal and Country League dogs too!

I agree with the member for Mitcham, however, that it is often amazing how the lady of the house is just telling someone that the dog will not bite, or using a saying such as "His bark is worse than his bite", when at that very moment the dog is getting his fangs into that person's flesh; I hasten to add that it is not amusing. The member for Mitcham, in talking about his pet dog Susie, said—and I think we should draw attention to this again—that she was the most intelligent member of his household. I should not go as far as saying that; I believe the honourable member is reflecting unfairly on other members of his household. However, I think perhaps he could have put it more truthfully by saying that he himself was the least intelligent member of his household.

Mr. Lawn: He spoke about himself only.

Mr. JENNINGS: He could have spoken only for himself. Although the incidents at the Wallaroo by-election were painful, because of the excellent results that were accomplished I have no regrets, and I would gladly go through them again to achieve the same result. I must say that my experience in the Mount Gambier by-election campaign, at least as far as dogs were concerned, was much more pleasant; I wish it had been much more pleasant in other ways. I think it was so cold that all the dogs were in hibernation, but, at any rate, I did not see one anywhere.

I think the real points of this Bill have been completely missed by most of the correspondents to the daily press. That is reasonably understandable, as they have not had access to the Bill. However, if a person intends to write to the paper about any matter he should satisfy his mind about what it really contains. It was rather more astonishing that the points in the Bill were completely missed by members, who had the Bills on their files. Although the Bill provides that dogs should be kept in confined or enclosed spaces, it does not mention the size or that they should be kennels, as it has been interpreted to mean. I shall now tell members about an experience I had with my own dog. It is not named Susie or, like the dog owned by the member for Onkaparinga, Stalin—

Mr. Clark: It was "Smuts".

Mr. JENNINGS: I knew it was some eminent statesman. Before my family moved into a new house (made necessary because we needed more accommodation) my three boys came to me and said that somebody down the street had said that he had a dog that had had some puppies and that they wanted to get one to keep as a pet. I am not particularly keen on keeping dogs in the metropolitan area, but, like most fathers, I was worn down in the end and agreed to have the dog if it were brought home only after we had changed our address. We moved to the new house in one day, with all the attendant inconvenience, after hiring a removalist who advertises frequently over the air how careful he is. When he attempted to drive in the front lane, he nearly knocked the house over. Then we had the difficulty of not knowing where to put anything; anything I considered redundant I advised my wife to put in the bathroom, where it would cause the least inconvenience to me. While all this confusion was going on, my boys asked me if they could get the dog then. I did not expect for one moment that they would have expected to get it the day we moved, but children have a different attitude towards time from ours. They went to get the pup, which by this time was about 4ft. high. I realized that this presented us with a dilemma and so arranged things that the whole of the backyard could be completely enclosed. The dog is now in that enclosed place; it has the whole run of the backyard, and it is still covered by the provisions of this Bill.

Mr. Clark: That saves gardening too.

Mr. JENNINGS: Yes, it does. I realize that the R.S.P.C.A's. attitude on this matter was awaited with considerable interest and I am sure all members were agreeably surprised that the official statement of that body completely exonerated the Leader of the Opposition from any suggestion, such as was made in this House, of cruelty associated with the Bill. Further, the R.S.P.C.A. has sent me (I have the correspondence here and am prepared to show it to any member) amendments it had drawn up by its legal officer, which the secretary thought could be properly inserted in the Bill after it had passed the second reading, as they would perhaps clear up some of the ambiguities it now contains. Well, Sir, these amendments suggested by the R.S.P.C.A. are completely covered by the amendments on the file to be moved by the member for Whyalla (Mr. Loveday). I think those amendments will enable us to make this Bill very efficient

and achieve the purpose for which it was designed. On that note, I appeal to members to carry the second reading so that we may move these amendments in Committee and come to the third reading stage with a very efficient Bill.

Mr. Shannon: In other words, you do not like the Bill as it stands?

Mr. JENNINGS: We would not have the amendments if the Bill were voted out now; that should be obvious even to the member for Onkaparinga. Often when we have appealed to the House to carry the second reading of a Bill to enable it to be knocked into shape in Committee we have been told, "If you want to do that it is your responsibility to provide your own amendments to it." On this occasion we have recognized that, and the amendments are on the file for everyone to see. I am willing to let members see how those amendments work out when compared with those drawn up by the R.S.P.C.A. I have much pleasure in supporting the second reading and hope that it will be carried.

Mr. KING secured the adjournment of the debate.

MOUNT GAMBIER BY-LAW: PARKING METERS.

Adjourned debate on the motion of Mr. Hall:

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.

(Continued from August 23. Page 532.)

Mr. BYWATERS (Murray): Prior to last week I did not intend to speak on this matter, but when I heard the Premier speak I sought the adjournment because I thought the matter needed some thought. I oppose the motion. It was rather interesing to see what happened on the day the member for Gouger (Mr. Hall) moved the motion. He was followed by the member for Mitcham, who is the chairman of the Joint Committee on Subordinate Legislation. The member for Mitcham, in a comprehensive speech, explained to the House why the committee accepted the by-law. I think all members who were in the House were convinced by his arguments. In his usual concise manner he put the case forcefully and clearly, and at that stage the member for Gouger seemed to be out on a limb, alone, a voice crying in the wilderness. The only other speakers on that occasion were the member for Mount Gambier (who was greatly interested) and the member for Enfield (Mr. Jennings), who is a member of the Subordinate Legislation Committee and who supported the member for Mitcham.

It appeared at that stage that a vote would be taken. In fact, when the member for Enfield sat down it appeared that the Speaker was about to ask for the vote and the member for Gouger stood up in his place prepared to speak in reply, which would have closed the debate. I thought the member for Chaffey sought the adjournment merely because of the lateness of the hour and because, it being a private members' day, he wanted to give the Leader the opportunity to go on with other business. It was therefore with surprise that last Wednesday we found that instead of the member for Chaffey speaking on the motion, the Premier spoke.

It appeared to me that the Premier took advantage of a motion that affects only the Mount Gambier Corporation in order to debate a contentious matter between the Adelaide City Council and himself. Apparently, from the press report the following day the only significance the press placed on the Premier's statement was that it was an argument not with the Mount Gambier Corporation but between the Adelaide City Council (or some of its members) and the Premier. I think that was the purpose of the Premier's intervention in the debate.

The main points have been put forward by the member for Mitcham, the member for Mount Gambier and, in support, by the member for Enfield. I am convinced that this matter concerns only the Mount Gambier Corporation. Parliament has given the Adelaide City Council and the Port Adelaide City Council the power to make this by-law. It has been said that such a by-law as this might create a precedent. This House has already given power to the Adelaide City Council to bring parking meters into operation, and subsequently the Port Adelaide City Council has been able to install them. I do not think that any precedent has been created. I oppose the motion, believing that it is the Mount Gambier Corporation's right to take this step. The by-law has passed the scrutiny of the Crown Solicitor and the Subordinate Legislation Committee, so I feel that it is not our prerogative to interfere. I oppose the motion.

Mr. LAWN (Adelaide): I oppose the motion. I did not intend to speak in this debate, and only do so now because of the attacks made by the Premier during his remarks. I was astounded by those remarks in view of my experience in this House over

the past 12 sessions. My mind goes back to my first session when I moved for the disallowance of a by-law. The Premier, instead of addressing himself to the motion before the Chair on this occasion, which was the motion for the disallowance of this particular by-law, took the opportunity to attack the Adelaide City Council and the Mayor of Mount Gambier. In addition, he advocated free parking in Mount Gambier and in Adelaide for primary producers. He also succeeded in inflating the already inflated ego of the member for Gouger. Like the member for Murray, I had thought that the debate was about to close when the Premier decided to speak on this matter. In 1950 I moved for the disallowance of an Adelaide City Council by-law dealing with zoning. I did so because the by-law permitted a residential area only around the four terraces and facing the city squares with the exception of Victoria Square. The then Minister of Local Government (the late Sir Malcolm McIntosh), who spoke on behalf of the Government, based his entire address on the Adelaide Town Clerk's reply to my comments which had been submitted to him. I will read this passage from page 906 of the 1950 volume of *Hansard*. It is as follows:

Without going into great detail I remind members that the City of Adelaide is a local government body with a charter that goes back for 100 years.

Here, I should like to point out that the Mount Gambier District Council was formed on June 4, 1863—nearly 100 years ago. It became a municipality on May 25, 1876, and a city on December 9, 1954; so, if the Government in 1950 felt that the Adelaide City Council, being 100 years old, was a responsible council, then I submit from the information I have just given the House that the same considerations can be applied to Mount Gambier.

Mr. Fred Walsh: Isn't the Adelaide City Council a non-Party body?

Mr. LAWN: In 1950 the Minister said that the membership of the Adelaide City Council consisted of representatives of all political Parties, but that is not correct. No member of the Adelaide City Council is a member of the Australian Labor Party and none is a member of the Communist Party. The only political Parties that could be represented are either the Liberal Party or the Dummy Liberal Party—and I do not think that there is a member of the D.L.P. on it. I do not think the members reflect all political Parties. The only political Party that could be represented would be the Liberal Party, yet the Minister said that the council represented all political Parties. I suggest that the Minister's remark on that occasion can be looked at with reference to this instance. I do not know what are the political affiliations of members of the Mount Gambier Corporation.

Mr. Ralston: None at all.

Mr. LAWN: I have the honourable member's assurance that the members of the Mount Gambier Corporation are non-political, so this is not a political matter. The Minister continued:

It has within its ranks members of all Parties—

this is the point raised by the member for West Torrens (Mr. Fred Walsh)—

and opinions and it would be contrary to the spirit of local government if we arbitrarily rejected a by-law made by such an authority.

All I want to add is this: If he were here today, the then Minister would be saying that this non-political body, the Mount Gambier Corporation, made this by-law and it would be contrary to the spirit of local government if we arbitrarily rejected its by-law. That would have been the attitude of the Government in 1950. The Minister continued:

If we did we would be putting back the clock.

As the Minister said then, so do I suggest that the Government today is putting back the clock. The Minister continued:

When I look around this Chamber I can see members who have long been associated with local government.

The same applies today: we see members who have been connected with local government. Then:

If we believe that a council has done wrong, or has not lived up to expectations, should we continue the discussion here without having all the relative facts before us and reject something which, in the opinion of people who have been chosen to govern, is a proper way to govern?

There is a council set up by Statute to govern on the matter for which the by-law was introduced. That by-law has been examined by the Subordinate Legislation Committee, which did not recommend that it was bad in law or bad for any other reason. The Minister then pointed out:

Before the committee considers a by-law it obtains a certificate from the Crown Solicitor that the by-law is good in law.

That applies equally today. At page 909, when the Minister was speaking, the member for West Torrens (Mr. Fred Walsh) interjected:

That committee has no say as to the justification for any by-law.

He was referring to the Subordinate Legislation Committee. The Minister replied, "Of course it has."

It suits the Government, apparently, to adopt any sort of attitude that it considers expedient at a particular time. In 1950 the Government held the view that the committee had the say as to justification for any by-law. If the committee in 1950 had the power to say whether or not a by-law was justified, then today the committee, in effect, by not suggesting that the by-law be disallowed, has said the by-law is justified. I do not entirely agree with what the Minister said and I do not think the member for West Torrens agreed then, but the point is that that was the argument on behalf of the Government in 1950. The Premier told us recently that he had been worn down by "Big Chief Puff-Puff", but I could not understand that. I think he has allowed himself to be worn down by Big Chief Puff-Puff only because it suited the Premier's opinion. His opinion was in accordance with the one he gave us, which was attributed to "Big Chief".

I want now to refer briefly to what the honourable member for Mitcham, the chairman of the Subordinate Legislation Committee, said when, replying to the member for Gouger (Mr. Hall), he made what I think was a valuable point. He said:

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 of 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.

The persons mentioned there—Mr. Davis and Mr. Marks—were at a public meeting appointed together with Mr. Ascione (chairman of the local Chamber of Manufactures) to obtain a petition in opposition to the parking meters by-law. Mr. Ascione has forgotten about the whole matter ever since that public meeting and has taken no further action in drawing up the petition or obtaining signatures; but the other two did act. They came before the committee. One said that he had not seen the by-law but had come to oppose it. The other said he had read it and could find nothing in it to object to; it was fashioned similarly to the Adelaide by-law. He agreed with the chairman of the committee that he was looking ahead. I do not know what that means, but the committee obviously could not have made any other finding on the evidence before it than what it did. On the question of petitions, in his evidence to the committee, the Mayor said:

Petitions were presented and in one ward 232 names were submitted out of 1,645 voters on the roll and a number on this petition were not voters. In the other three wards the numbers were less than 100 in spite of the original ambition in a statement by Mr. Davis that 1,500 was their target.

I point out that Mount Gambier has a population of about 15,000. How can anyone justify support for this motion? The Premier took the opportunity to attack the Adelaide City Council (and I shall refer to this presently) and to make a personal attack on the Mayor of Mount Gambier. Members should not forget that the Governor was at Mount Gambier recently for the opening of the hospital, and the Government slighted the Mayor—

The SPEAKER: Order! That is not relevant to this debate.

Mr. LAWN: The Government did not invite him to the ceremony.

The SPEAKER: Order!

Mr. Jennings: I think it is relevant myself.

Mr. LAWN: I thought it was. It cannot be denied that the Premier attacked the Mayor of Mount Gambier, but I take the opportunity to defend the Mayor. The Premier said more than once that primary producers should be able to come into the city and park their cars without having to put a coin in a parking meter. Apart from those three points, the Premier had no justification for supporting the motion. The mover did not justify it and had a division been called after he spoke, the member for Gouger would have been on one side of the House on his own.

Mr. Clark: Just where he should be!

Mr. LAWN: Exactly. The Premier commenced his remarks by saying:

I rise to say a few things about this matter that I feel are of some consequence to the House—probably of more consequence in the overall position than to the disallowance or allowance of this by-law.

He admitted that he was not speaking to the motion, but was discussing the overall question. He then discussed whether or not councils should have the right, as they have at present, to issue a by-law covering the whole

of their territory for the installation of parking meters. He said that the by-law should limit the area where parking meters were to be installed. The member for Mitcham pointed out that the Government had inserted the provisions in the Act.

Mr. Ralston: Four years ago, and the Premier did not oppose them.

Mr. LAWN: I should not have been surprised if the Premier introduced them.

Mr. Clark: The Minister of Education did.

Mr. LAWN: Yes, on behalf of the Government.

Mr. Ralston: Do you think the Premier is carrying out a vendetta?

Mr. LAWN: He took the opportunity to attack the Adelaide City Council and the Mayor of Mount Gambier. I was not able to develop my discussion on the Mayor because I was ruled out of order, but one is forced to conclude that the Premier is conducting a vendetta against those I have mentioned. The Premier also said:

Arguments have been put forward that Parliament, having given regulation-making powers to councils, should automatically accept their decisions regarding the by-laws they make.

I did not put that argument forward, and do not rely upon it in opposing the motion. Later, the Premier, refering to the Subordinate Legislation Committee, said:

That committee was set up as a result of an amendment that I moved many years ago, when I was a back-bench member, to meet a position that arose at that time and of which members were only too conscious: that when Parliament met, a whole mass of subordinate legislation was dumped upon the table and, in my opinion, no regard was given to whether it was properly scrutinized or not.

I was not a member of the House then, but my information is that it was done for an entirely different reason. I will leave discussion of that to one of my colleagues who was a member then. The Premier continued:

The legislation dealing with parking meters was a drastic alteration. It was approved by the Government, so the Government must take the responsibility.

Surely that is an inconsistency! He supports a motion for the disallowance of a by-law, yet a Minister of his Government four years ago introduced a provision to give councils powers to make by-laws. He suggests that it is the Government's responsibility to legislate for parking meters. I might support legislation that prescribed a specified area for parking meters and not the whole of a municipality. Such legislation might be unanimously supported. However, that is not the present position. The Premier said:

When a parking meter regulation is promulgated it does not say in which streets the meters are to be installed, and it covers the whole area. The Mount Gambier by-law is of that type. If the by-law is accepted the council will be able to put meters anywhere and everywhere, whether necessary or not.

Later he said:

Is it desirable to have a general power to make a parking meter regulation apply to the whole area or only to a part of that area where there is traffic congestion? I propose to take the matter to Cabinet. In the Adelaide City Council area parking meters have been installed in many places where there is not the slightest justification for them.

Immediately following that was an interjection by the member for Burra that I do not think was recorded correctly. I heard him make the interjection, and I think he said:

You have half of King William Road empty because of the presence of parking meters.

However, it is reported in *Hansard* that he said "King William Street", but there are no parking meters in King William Street; I make that explanation on his behalf. The Premier said that he intended to take this matter to Cabinet, and that is what should be done. This House should not disagree with the decision of the Subordinate Legislation Committee merely because it agrees or disagrees with certain legislation. As I have already pointed out, it is the responsibility of the Government, and the Premier said he intended to take the matter to Cabinet. That is the proper place to take it, and in the meantime I suggest that the motion should be defeated and the by-law upheld. The Premier also said:

If the Government gave councils the power to install parking meters, the regulations should specify where the meters are to go.

That is a matter that I think will be considered by the Government. He also said:

The views of the Mount Gambier people were expressed strongly against parking meters and an election was held as a result.

I think I have indicated (and this is the evidence before the committee) that the figures I gave were in statements made to the committee by the mayor and two other persons as to the result of the petition, so I do not think the Premier was correct in saying that the people of Mount Gambier expressed strong views on parking meters if he meant that they expressed those views against the council. The Premier criticized the Mayor of Mount Gambier, and read from a copy of the *Border Watch* of August 19. He said he had not

seen the statement corrected since then, and I pointed out by way of interjection that there had not been an issue of that paper since August 19. However, I now have a copy of the *Border Watch* of August 26, on the front page of which appears the following:

Mayor's retort on meters.—By-law is now South Australian Premier's guinea pig.—"I think the Premier is using the Mount Gambier parking meter by-law in his fight against the Adelaide City Council," said the Mayor (Mr. S. H. Elliott) yesterday. He was commenting on a statement in the House of Assembly this week by Sir Thomas Playford, who supported a move for the disallowance of the by-law. "The way the Premier has suddenly made an outburst against the Adelaide City Council, it appears to me that he must have got a parking sticker in a back street," said his Worship.

The Mayor also sent the Premier a letter dated August 24. I shall not read it, but in it he first points out that any remarks the Premier makes get wide publicity (and they did on this occasion). We notice that he gets the headlines irrespective of what he is speaking on and whether it is correct or not. He made incorrect statements about the Mayor but, as the Mayor pointed out in his letter, the Premier gets wide publicity. He asked the Premier to acknowledge that he incorrectly informed this House as to the action of the Mayor, and to admit that the Mayor's action was right so that that statement could receive equal publicity. The Premier referred to the attitude of the Mayor and said he was wrong in declaring the motion lost when the vote was five all. He also referred to section 147v of the Local Government Act; he correctly quoted the section, but for the record I shall read it again. Section 147v provides:

The mayor shall vote only in case of an equality of votes, when he shall have a casting vote only and any other member presiding at a meeting of a municipal council shall have a deliberative vote, and, in case of equality of votes, a casting vote also.

Section 214 (2) provides:

No such differential rate shall be declared unless at least three-quarters in number of the whole of the members of the council vote in favour of the declaring of the rate: Provided that for the purpose of deciding what is the number of the whole of the members of a municipal council the mayor shall not be included as one of those members.

That is the Act. There are model by-laws that councils use for carrying out their work which conclude with these few lines:

Given under my hand and the public seal of South Australia, at Adelaide, this sixteenth day of July, 1936. By command, George Ritchie, Chief Secretary. God Save the King!

Although that was not issued by the Playford Government, it was issued by the Butler Government, which was a Liberal Party Government. That Government issued this booklet to councils for their guidance, and on page 15 is the following:

64. No motion to rescind any motion which has been passed by the council shall be carried unless at least two-thirds of the members of the council are present and a majority of those present vote in favour of the motion to rescind.

The matter before the council, which the Premier referred to so heatedly, according to the *Border Watch*, was a move to rescind a motion previously carried by the council to install parking meters. What was the position? There were 10 members of the council apart from the Mayor so there were at least two-thirds of the members, but the vote was five all and the Mayor said it was not carried. It was lost, because the model by-law said it could not be carried unless passed by a majority of those present. There must be two-thirds present and there must be a majority of those present voting in favour of the motion to rescind. The motion the Premier was talking about had to have a majority of those present before it could be carried.

Mr. Hall: We are not quarrelling with that.

Mr. LAWN: Never mind about the member for Gouger; the Premier attacked the Mayor and said his action was wrong.

Mr. Hall: So it was.

Mr. LAWN: It was not. The Mayor is excluded from casting a vote and in this instance the motion had to be carried by the councillors and aldermen present. As there was a dead-heat, the Mayor had no alternative but, in accordance with the model by-law, to say that it had not been carried. I hope that that clears up the position for the readers of *Hansard*. Unfortunately, the press will not, in fairness to the Mayor of Mount Gambier, quote what I have said, so I am still pressing the appeal sent to the Premier by the Mayor. I hope the Premier will make himself conversant with the procedure in local government and make a statement in this House so that it will be reported faithfully.

Mr. Clark: Can you imagine it?

Mr. LAWN: I make statements in this House and plead for many things that I cannot imagine the Government doing. One is electoral reform. The Government is wrongly installed on the benches opposite, and as much as I plead and ask it to alter the electoral

system I know I am pleading in vain. Seeing that this is a personal matter between the Premier and the Mayor of Mount Gambier, I hope the Premier, in fairness to the Mayor, will make the position clear and admit that he has made a mistake.

The Premier said that the Adelaide City Council had installed parking meters where they were not necessary. Whether or not that is entirely correct, I point out that had it not been for parking meters people would not be able to get parking space in North Terrace or indeed anywhere in the northern part of the city after 8 a.m. Since parking meters have been installed in the northern part of the city a person can park even in Rundle Street. He might have to go up and come back once or twice, but eventually he can get parking space. I have driven up Grenfell Street to get to the Royal Automobile Association offices, and I have had to go around the block two or three times before finding a parking space; but eventually, because of parking meters, I can park my car. A driver pays for half an hour or an hour and then is forced to move on, so there is a chance of a person's getting in where there are parking meters, but there is no hope otherwise.

If the Premier wants freedom of the city of Adelaide for the primary producers to come down and park free of charge, I can tell him now that those people will have to come into the city in the wee small hours of the morning, because all the space is gone by 8 a.m. This morning I travelled up Grote Street. In that street there is parking on both sides and in the centre, and between West Terrace and Brown Street—about a quarter of a mile—there was room for only three or four more cars: because there were no parking meters there, the rest of the space was occupied. A person cannot find a space anywhere in Sturt, Gilbert, Gilles or Halifax Streets at any time of the day. People who transact business in that area have to double rank because all the space is taken up by 8 a.m. That also applies to South Terrace, which is a residential area, and also through the south park lands. The same state of affairs previously existed in Frome Road. The council has not yet installed parking meters there, but it is issuing drivers with parking stickers. It was the same in King William Road until the council installed parking meters. If it were not for meters a person who came into the city at 9 a.m., 10 a.m., or 2 p.m. would have no hope of finding a place to park his car. Those people may now have to wait 10 minutes or so, but because of parking meters they have a chance.

Mr. Shannon: Do you think we should extend the use of parking meters?

Mr. LAWN: I am not advocating that: I am merely pointing out to the Premier that if he wishes primary producers to have the right to park without charge—and that is the tenor of his argument—he will have to tell them to get into the city in the wee small hours of the morning.

Mr. Shannon: Does the honourable member want more parking meters?

Mr. LAWN: Unless this House alters the Act, that is entirely a matter for the Adelaide City Council. If the Government introduces a Bill I shall consider it carefully. When I have passed a remark like the one just uttered by the member for Onkaparinga I have been told that such a question was hypothetical and that I was out of order. We will look at the matter when the time comes. It has been said that we could put the town of Owen into the sunken garden at the back of the Mount Gambier town hall, whereas the Premier and the member for Gouger seem to think that Mount Gambier is a place like Owen or Mallala. I do not advocate parking meters in all country towns.

Mr. Bywaters: Some would not need them, anyway.

Mr. LAWN: Of course not, but when a person goes to a place like Clare he finds it hard to get a parking space. Do members realize to whom most of the cars parked in those places belong?

Mr. Bywaters: The people who own the shops.

Mr. LAWN: Exactly. They bring their cars, sometimes for only a quarter of a mile, when they come to work in the morning and park them in front of their shops and people who want to do business cannot find parking space. If the Clare Corporation wished to introduce parking meters, under the present legislation, I would entirely agree with the idea, but I do not agree that all country towns should have them.

Mr. Jennings: Rocky River would not need them.

Mr. LAWN: Perhaps not. In case anyone thinks that Mount Gambier is a small tinpot place like some towns in the district of Gouger, let me remind the House of the figures contained in the *Quarterly Abstract of South Australian Statistics* issued in June, 1961. Those statistics include 1960 and are the latest available. According to those statistics the

City of Adelaide has a population of 28,100 and yearly retail sales of £93,116,000. Second place is occupied by the City of Port Adelaide, with a population of 41,500 and a retail sales value of £10,171,000. The City of Unley, with a population of 41,500 and a retail sales value of £9,086,000, is third. Fourth place is occupied by Woodville, with a population of 69,600 and a retail sales value of £8,310,000. The fifth place is occupied by Mount Gambier.

Mr. Ralston: It is a fair sort of a city.

Mr. LAWN: It must be. It has a population of 18,000 and a retail sales value of £6,819,000. I will quote one more city in order to emphasize the importance of Mount Gambier. The sixth position is occupied by Enfield, with a population of 68,600 and a retail sales value of £6,597,000. Mount Gambier is apparently a busier trading place than even the City of Enfield. We should not disallow this by-law just because we personally do not like the Mayor, or for some other personal reason. Actually, I am at a loss to understand why the member for Gouger moved for the disallowance of this by-law; he did not make himself all that clear to me.

I would not have spoken on this matter had it not been for the Premier's statements. I have taken the opportunity of replying to what the Premier said, and, without being an egotist, I think I have answered every point he made. When the Premier began his remarks, he said he was directing them not so much to the by-law but to the overall position, and there is no doubt he used the opportunity to make the attacks I have mentioned. He spoke about referring this matter to Cabinet. Let us support the action of the Subordinate Legislation Committee in this matter and the action of the Mount Gambier Corporation; let us look at what Cabinet does when it considers the matter and, if it brings it back before the House, we will give it every consideration then.

Mr. CORCORAN (Millicent): I do not want to let this matter pass without indicating to the House my attitude and reaction to the motion moved by the member for Gouger (Mr. Hall). I find it hard to understand why he should be so interested in the affairs of Mount Gambier and why he did not leave it to the member for Mount Gambier (Mr. Ralston).

Briefly, I oppose the motion. I heartily support the sentiments expressed by the honourable member for Mount Gambier and congratulate the honourable member for Adelaide (Mr. Lawn) on the care with which he prepared his remarks about the attitude of the Premier. He told us all about it and I agree with everything he said. The people to decide this matter are the members of the Corporation of Mount Gambier. I have not made it a practice to interfere with the affairs of councils. They are the people who should know about these things and at the moment nobody knows just what beneficial effect or otherwise this will have.

The people of Mount Gambier might be pleased to think that some such system was introduced, if it eventuated. They do not know; the council has the power to make and review by-laws. If the people of Mount Gambier oppose the installation of parking meters and discover that it is a disadvantage, then the remedy is in their hands at the next election. I strongly oppose the motion and repeat that I find it hard to understand why the member for Gouger should go down to Mount Gambier and butt in there.

Mr. LOVEDAY (Whyalla): I have no wish to cover the ground so ably covered by the members for Mount Gambier and Adelaide in rebutting most of the material advanced by the member for Gouger, but I shall say something about the apparent reasons for the member for Gouger's bringing up this matter. After searching through his speech, I feel that his remarks about the country having a different mode of living were perhaps the key to his reason for raising this matter. He said:

> 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.

Previously, he had said:

> We in the country have a different mode of living.

He went on to say 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.

This seems to me to be a completely artificial distinction. Whether parking meters should or should not be installed is purely a question of density of traffic and the requirements of a particular area—to be determined by the council, which is conversant with the local situation. This artificial distinction between country and city in this respect is beside the point.

The move to disallow this by-law I regard entirely as an interference with the legitimate and desirable powers of local government. I see considerable danger in this attitude because,

if it is extended, it will mean that this House will interfere more and more with local government in deciding matters that are much better influenced, or can be much better dealt with, by local government than by this House. For example, the Premier in his speech referred to the present law covering parking meters. He said that the law as it now stands gives the City Council the power to put parking meters wherever it feels they should go—over the whole area. He felt that in future this House should have the power to say in what streets parking meters should be installed. I regard that as an absolutely wrong approach to the whole matter. Why should this House interfere in a question that is best decided by those people who are most acquainted with it? If we were to decide in this House where parking meters should go in a particular street, we should all have to inspect the area and become acquainted with the habits and practices of the people in the area before we could say whether or not they should have parking meters there. Those are points with which a council is well acquainted; it is the body to decide.

Mr. Riches: The member for Gouger is more expert than the Mount Gambier Corporation!

Mr. LOVEDAY: It would seem so.

Mr. Hall: By that reasoning, you would not disagree with any disallowance of a council by-law.

Mr. LOVEDAY: The honourable member for Mitcham (Mr. Millhouse) has made clear the proper function of the Subordinate Legislation Committee. He has made it clear that it is not the policy of that committee to deal with local government policy, and I do not think it is necessary to debate that further. His speech on the matter was the essence of that point.

The member for Adelaide (Mr. Lawn) this afternoon drew attention to the fact that in some places throughout the country congestion in the streets is often caused by the people who own the premises. This is common throughout country towns, but surely the council is the best body to decide what is the best remedy for such situations. It has been said that there is a lack of interest in local government. I draw attention to the fact that in Great Britain, where local councils have far wider and stronger powers than councils have in this country, there is a far greater interest in local government affairs. But here there is a tendency to whittle down the powers of local government, so there will be less interest in local government affairs—a most undesirable tendency.

The Premier stated that there was not the slightest need for parking meters in our country towns, but that was merely the opinion of the Premier. I doubt whether he is in such a good position to express an opinion or judgment of that matter as are the councils. I am sure he is not. In fact, the time is fast approaching when in some country towns it is highly probable that parking meters will be required. Some municipalities are growing fast and, when they reach a certain size, the councils will be able to make proper and good decisions in their respective areas. They should not be hampered by Parliament's deciding what their policy should be for a particular area or street.

If these decisions are to be removed from local government, local government may as well close down and let someone from this House make the decision and collect the rates. I feel strongly on this point. I have had much experience with local government, and it is remarkable how difficult it is to get information that vitally affects an area. There is a tendency for certain organizations in this city and elsewhere to go over the head of a council and, in co-operation with the Government, to make decisions without proper reference to the council. It is time that tendency was checked and, therefore, I have pleasure in opposing this motion because I feel that the disallowance of this by-law would be a retrograde step.

Mr. JENKINS secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 23. Page 536.)

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): The Leader of the Opposition has sought to overcome some of the problems that arose in the recent Frome by-election concerning postal votes. I believe his desire would have the support of every member. It is important that our electoral laws are capable of easy administration, are fair, and provide the fullest opportunity for people to exercise their right to vote at elections. The Government has no objection, on principle, to the attempt to solve the problems, but does not believe that the methods proposed are necessarily the best.

In the first place, I believe that the first proposal would preclude from voting some

people who at present can vote and, therefore, it should not be accepted. Regarding the second proposal, I believe that it would be wise to apply the Commonwealth laws to our electoral system. They have operated satisfactorily for a long time, and although they may need modification, we should consider them. I suggest that the House pass the second reading so that the Bill can be further considered in Committee. I have handed to the Clerk an amendment dealing with the second provision, and I will not object if the Leader chooses to move it himself, although I am prepared to move it if the Opposition prefers me to. It may be that the Leader will not accept my suggestion.

We want a system of postal voting that enables all eligible persons to vote. Members can, if they choose, support the Bill as it stands, but I will not support it if it is not altered. It could adversely affect people in outback areas. Many outback people prepare their postal vote applications and, subsequently, have their vote duly certified, but they are unable to have it received in a post office until some time later, and if the Leader's amendment (which, I believe, provides that the postal mark shall be proof of the legality of a vote) is accepted, many people will be seriously jeopardized.

Mr. Shannon: Many will be disfranchised.

The Hon. Sir THOMAS PLAYFORD: Yes. I could not accept that as a means of dealing with the problem. The amendment I suggest is similar to the provisions applying under Commonwealth law. It may be that the period of seven days specified should be extended to enable outback people to have their votes accepted. However, that is a matter of detail and not principle. I support the second reading to enable the matter to be further considered in Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

SALE OF FURNITURE ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

HOSPITALS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

CHILDREN'S PROTECTION ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

APPRAISERS ACT AMENDMENT BILL.

Read a third time and passed.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL.

Read a third time and passed.

ADJOURNMENT.

At 5.14 p.m. the House adjourned until Thursday, August 31, at 2 p.m.