

LEGISLATIVE COUNCIL.

Tuesday, November 27, 1951.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

ILLNESS OF HIS MAJESTY THE KING.

The PRESIDENT—I have received the following message from His Excellency the Governor, addressed to the President and honourable members of the Legislative Council:—

At the direction of the Right Honourable the Secretary of State for Commonwealth Relations, I have it in command from His Majesty the King to convey to the Honourable the President and honourable members of the Legislative Council an expression of His Majesty's deep appreciation of the Joint Address of Loyalty and sympathy submitted by the Legislative Council and the House of Assembly in Parliament assembled.

HOUSING OF AGED PEOPLE.

The Hon. K. E. J. BARDOLPH (on notice)—

1. How many homes of two, three or more rooms have been built by the Housing Trust for aged married couples and married old age pensioner couples?
2. How many of these houses have been allocated?
3. In which areas have they been built?

The Hon. A. L. McEWIN—The replies are:—

1. The South Australian Housing Trust does not build houses specifically for occupation by aged married couples or old aged pensioners, but it builds small houses which are suitable for these categories of persons in addition to others. Approximately 3 per centum of the rental houses built are three room houses. A contract for 200 flats is in progress of which approximately one-half will be of three rooms. In addition, approximately 100 of the emergency dwellings will be of one bedroom with a living-room-kitchen.

2. It is not practicable to ascertain the number of these small houses allotted to aged couples and old age pensioners without an exhaustive search of the records.

3. The three room houses occur in all the rental groups in which the trust has built. Flats are now being built at South Plympton and Morphettville.

CATTLE COMPENSATION ACT AMENDMENT BILL (No. 2).

Read a third time and passed.

MINING ACT AMENDMENT BILL.

Read a third time and passed.

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

(Continued from November 22. Page 1416.)

Recommitted.

Clause 19—"Matters to be considered by court"—reconsidered.

The Hon. C. R. CUDMORE—I moved the recommitting of the Bill for the purpose of resubmitting an amendment relating to people who own business premises being able eventually to get possession of them. Last week we discussed Mr. Rowe's amendment, which was somewhat similar in nature, and then discussed at length Mr. Bice's amendment, which was carried. I moved to strike out "subsection" and insert "subsections" in subparagraph (1) of clause 19, which was carried, but the main point of my amendment was not carried, and I think there was some misunderstanding. I moved it, the Chief Secretary said a few words on it, Mr. Perry something against it, and Sir Wallace Sandford supported it; I thought it unnecessary to say more at that stage as I felt it would be carried. I believe, however, there was some misunderstanding about the purport of the amendment and that is why I am submitting it again. Business premises came into this legislation only, as it were, as an afterthought and almost by accident. The right of individuals to their property and to make agreements amongst themselves is one of those things which the British race has established after 600 years of battle and now, in an emergency—because, during the war, we were afraid that people would be turned out of their houses and would be unable to get other accommodation—we introduced this landlord and tenant legislation, but, at the start, only for dwellinghouses. It was not considered necessary to have it for business premises until the National Security Act was declared invalid and then, for some reason, late in the proceedings—after the war in fact—business premises were included. I trust that other members feel as I do that we want to get rid of these controls and get back to normal principles. To that end last year we provided that any person who had owned a dwellinghouse for five years and wanted it for his own use—plus other safeguards—on giving 12 months' notice could get possession of his own property without the hardship provisions of the Act being taken into account.

All I am suggesting by my amendment is that we do the same for business premises. I emphasize the fact that business premises came into this legislation only as an afterthought, and if we can do something to work them out gradually on a fair basis, so that people will have time to consider the position, surely we should do it. I am not at all sure that the Committee realized that that was the only purport of my amendment. I can see no valid objection to it. Hard cases make bad law, and obviously there is the opportunity to produce the odd hard case in this, as in other instances, but there are innumerable hard cases inflicted on people by the legislation itself. Mr. Perry said that one of the reasons against it was, perhaps, because of the preference being given to dwellinghouses it was not possible to build so many business houses, but we all know that shops are being built all over the place, particularly in new areas. By a provision last year we allowed business people to make agreements between themselves, and we have gone a bit further in that way than we have with dwellinghouses. This amendment is supported by the Real Estate Institute which feels that it is workable and desirable. Accordingly I move:—

After new subsection (7) insert the following new subsection:—

(8) If in any such proceedings where application is made on the ground that any premises (not being a dwellinghouse) are reasonably needed by the lessor for occupation by the lessor proof is given to the satisfaction of the court—

- (a) that the lessor has been the owner of the premises for at least five years before the giving of the notice to quit; and
- (b) that the lessor is a British subject or is a body corporate incorporated or registered in accordance with any law of the State; and
- (c) that the lessor has since the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1951, given notice to quit to the lessee for a period of not less than twelve months,

then the court shall not take into consideration any of the matters mentioned in subsection (1) of this section.

Nothing in this subsection shall limit any right of the lessor under any other provisions of this Act.

The Governor may make regulations prescribing a form of notice to quit which may be given by any lessor in pursuance of this subsection and, without limitation of the right of a lessor to give notice to quit in any other form, any notice to quit in the form prescribed by regulation shall be deemed to be sufficient

notice of all the matters referred to in paragraphs (a) to (d) inclusive of this subsection.

In this subsection "owner" includes a life tenant and the survivor of two or more joint tenants or tenants in common.

The Hon. A. L. McEWIN (Chief Secretary)—I do not think the honourable member was entitled to say that the previous Committee, because the hour was getting late, did not know what it was voting on. I admit I did not speak at length because I informed the Committee that I had submitted similar arguments previously and did not want to take up further time, but others spoke and the case was put. Although I agree with the honourable member about the freedom we have obtained in 600 years of battle, that freedom was the right of self government, the freedom to decide things on their merits, and we are carrying that out in essence today. It is the privilege of this Committee to decide whether it desires to move in a direction contrary to the opinion expressed in a previous Committee or to confirm its previous view. Mr. Perry's arguments, I think, are those which affect this amendment. Business premises came in, not as an afterthought but of necessity; not through some wild suggestion that it was desirable to extend the tentacles of this legislation, but at the request of the business community itself, for the weight of the building industry was being directed into the provision of homes for the people. I know that where communities are built up shops have to be provided to serve the people, but that is practically the limit; it has to be an extremely urgent and good case before a permit is given to build new business premises. The real answer is that it would be possible to evict from premises a tenant of very long standing. I ask the Committee to give the matter full consideration before it reverses its previous decision.

The Hon. F. T. PERRY—I think every member is desirous of having controls removed as early as possible. Mr. Cudmore said that we had applied a similar provision to people obtaining possession of dwellings. It is a reasonable and liberal provision, and I have had no complaint that it has acted harshly. There must be ownership for five years, and 12 months' notice to quit given. Business premises raise a different matter in my mind. The Chief Secretary said that many houses were being built in the metropolitan area, but his remark does not apply to business premises. Location means something. I raised that point on the last occasion when the Bill was in

Committee and thought Mr. Cudmore would have effectively replied to it, but he failed to do so and a vote was taken, perhaps with a little indecision. Since then I have received no objection to the fact that the provision was to be recommitted, nor have I received any complaints about its not being included. Having considered the provision very carefully from an unbiased point of view it seems that ownership for five years and the giving of 12 months' notice to quit is a restriction on landlords that is perhaps onerous.

The Hon. E. Anthoney—Do you think that ownership should be shorter?

The Hon. F. T. PERRY—Three-year leases are common; likewise 12 months' notice to quit. If a person obtains possession of a house it must be for his own occupation; it is limited.

The Hon. C. R. Cudmore—It must be reasonably needed by the lessor for occupation.

The Hon. F. T. PERRY—That considerably narrows down the possibilities of eviction. On second thoughts and after carefully considering the matter and without any suggestion from an owner or tenant I am prepared to reverse my vote. Ownership means something and owners should be able to obtain possession on reasonable grounds. I feel that with the three safeguards in the clause members would not be doing an injustice if they agreed to it.

The Hon. E. ANTHONY—I am strongly of opinion that every opportunity should be given to people to obtain possession of their property provided that no injustice is done to anybody. We should strive to get back to the days of liberty and freedom and here is an opportunity to do so without harming any section of the people. No foreigner can be a lessor. If a person is a good tenant he will not be dispossessed. Every time we can strike a blow for freedom we should do so, and this is an opportunity. We are doing nobody any harm. We have established a precedent regarding dwellinghouses which should be applied to business premises. The lessor must own the premises for five years and the tenant must be given 12 months' notice to quit. I support the amendment.

The Hon. N. L. JUDE—After listening to the Chief Secretary I cannot help feeling that it would be a most remarkable thing if we did not accept the amendment. We were forced to put this legislation into our statutes and if we can break it down we should do so. A few people may be affected but we must

give some protection to the man who owns premises and who has some rights. I have pleasure in supporting the amendment.

The Hon. C. R. CUDMORE—This clause is an amendment to section 26u of the principal Act. That section refers to what the court must consider when an application is made for possession of premises. This amendment is only an authority from Parliament to the court as to what it is to do in certain circumstances. It reads:—

If in any such proceedings where application is made on the ground that any premises not being a dwellinghouse are reasonably needed by the lessor for occupation by the lessor proof is given to the satisfaction of the court—

- (a) that the lessor has been the owner of the premises for at least five years before the giving of notice to quit; and
- (b) that the lessor is a British subject or is a body corporate incorporated or registered in accordance with any law of the State; and
- (c) that the lessor has since the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1951, given notice to quit to the lessor for a period of not less than 12 months;

then the court shall not take into consideration any of the matters mentioned in subsection (1) of this section. Nothing in this subsection shall limit any right of the lessor under any provision of this Act.

Then there is a regulation-making provision and a provision that in subsection (c) "owner" includes a life tenant and the survivor of two or more joint tenants or tenants in common. If a lessor applies for possession of premises and the court decides he reasonably needs them for his own purposes the court does not have to consider the respective hardships of the lessor and lessee.

The Hon. A. L. McEWIN—The situation of a dwelling is not of the same importance as the situation of a business. Say that for 25 years I have operated a business in a favourable locality, have built up a good-will and the locality is of importance to me. The premises comprise part of a deceased estate but I am unable to purchase them. Someone else does and after the prescribed period expires I can be served with notice to quit. To be put out of business would be a definite hardship. Mr. Cudmore would extend the rights of the landlord in such a case, regardless of what has been done in building up the business. This amendment is sudden death, as the lessor not only gets the premises but acquires the business.

The Committee divided on the Hon. C. R. Cudmore's amendment—

Ayes (8).—The Hons. E. Anthony, J. L. S. Bice, C. R. Cudmore (teller), L. H. Densley, N. L. Jude, A. J. Melrose, F. T. Perry, and Sir Wallace Sandford.

Noes (11).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, J. L. Cowan, E. H. Edmonds, A. A. Hoare, A. L. McEwin (teller), W. W. Robinson, C. D. Rowe, R. J. Rudall, and R. R. Wilson.

Majority of 3 for the Noes.

Amendment thus negatived.

Bill reported without further amendment and Committee's report adopted. Read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 22. Page 1401.)

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—The Local Government Act is a very comprehensive one, consisting of nearly 1,000 sections, which illustrates how complicated it is. I regret that certain provisions have been introduced in this Bill which I consider should have been dealt with in another. At the request of the Local Government Advisory Committee Parliament is asked to make certain amendments to the Act. Clause 2 deals with petitions for severance, and it provides that ratepayers are to be notified by the council of what is intended so that they may exercise their right to submit counter-petitions if they desire. Clause 5 is a special provision dealing with the right of an alderman or councillor to contest other office in the council. Under the present law, if a councillor desires to contest another position, it is necessary to deposit a sum of £25 and to resign his position. The election probably would not be held for three weeks or a month, and in that event the ratepayers would be denied representation for that period. This clause provides that a councillor who resigns his office in order to contest another office shall be deemed to continue in his office until his successor is elected.

Clause 6 deals with the making of assessments, and enables a council rating under annual values to adopt the waterworks assessment instead of making its own. At one time a ratepayer could appeal to the Court of Revision, but under this legislation he will have to appeal direct to a Local Court. I remember on more than one occasion having to sit

until 3 a.m. to deal with appeals by ratepayers when the council sat as a Court of Revision. Clause 11 introduces a very important proposal. We all know that during the past few years councils have found it necessary to increase rates in order to meet rising costs. Moreover, the heavy contributions they are called upon to make, to the Fire Brigades Board in particular, as well as other public undertakings, renders it essential that they should be given some consideration. Under this Bill councils rating on annual values may increase the rate by 1s. in the pound, or from a maximum of 4s. to a maximum of 5s. In district councils the maximum is raised from 3s. to 4s., and those rating on land values may increase the rate from 1s. 4d. to 1s. 8d. Clause 12 deals with expenditure by councils for charitable, social, or other purposes. For example, we will be honoured shortly by a visit from members of the Royal Family, and towns they visit will have to go to considerable expense. This Bill enables them to meet such commitments. Clause 13 empowers a council to provide a salary or subsidy for a dentist practising in the district.

The Hon. E. Anthony—Is that a good thing?

The Hon. F. J. CONDON—I realize that councils are doing a good job and I am prepared to give them certain powers. Their members sacrifice a great deal of time and experience a good deal of inconvenience merely to act as good citizens, and we are under some obligation to these men who render such valuable service to the community. There may be insufficient business in a district to attract a dentist, and this will enable the council to assist the ratepayers to have this very important service. Clause 14 deals with payments for the construction of roads. In the past many ratepayers have been called upon to meet heavy bills for the construction of roads and footpaths because they have been compelled by circumstances to buy cheap land on which to build their homes, in areas not served by roads and paths. At present councils may collect 5s. a foot to meet the cost of road construction, and this clause empowers them to increase the amount to 7s. I remind members once again of the unfair way in which seaport towns in particular are treated. On the advice of a Royal Commission prior to 1917 the Port Adelaide wharves were acquired by the Government. Neither State nor Federal Government property is ratable for council purposes, and for this reason some consideration should be given to councils, because the

ratepayers have to make up any deficiency. Since the acquisition of the wharves the Port Adelaide City Council has lost £414,000 in rates. Had Government property been ratable the council would have collected £25,530 last year, and this is a very big sum for a population of about 35,000 to 40,000 people.

The Hon. F. T. Perry—Does not the council get some form of subsidy?

The Hon. F. J. CONDON—Probably about £4,000. If ratable, Commonwealth property last year would have returned a revenue of £1,616, State property £7,631, Harbors Board £4,872, Tramways Trust £1,383, and religious bodies £1,500. I know we cannot do anything under this measure, but I am referring to the matter, not only on behalf of the Port Adelaide Council, but on behalf of other seaport towns which are suffering loss of revenue in the same manner, though to a lesser degree.

The Auditor-General, in his annual report, has drawn attention to the auditing of accounts of local governing authorities, and I think this should be brought under the notice of members. He said:—

The audit of books and accounts of local governing authorities is carried out by persons holding auditors' certificates issued pursuant to section 83 of the Local Government Act, 1934-1949. Under section 295 of that Act the accounts of every district council shall be inspected from time to time by the Auditor-General or an officer of his department. The accounts of country municipalities are inspected pursuant to section 41 of the Audit Act, 1921-1949.

I draw members' attention to these matters as the Government advances fairly large sums to assist councils. During 1950-51 the books and accounts of 10 district and two country municipal councils were inspected. The inspection disclosed certain breaches of the Local Government Act, together with other irregularities and omissions, the most important of which, according to the Auditor-General's report, are:—

Assessments.—Section 178 of the Local Government Act provides that a new assessment shall be made within seven years after the making of the last new assessment. One council had not observed this provision.

Assets.—Several councils had inadequate records of machinery, plant, tools, furniture, and assets.

Bankings.—Section 286 of the Local Government Act provides that all moneys received by an officer of the council on behalf of the council shall be banked forthwith. Some councils have not observed this section of the Act.

Books of Accounts.—In several cases the cash books and other books had not been kept written up-to-date, and were some months in arrear when inspected.

Donations.—Two councils had made donations to organizations or associations contrary to section 287 of the Local Government Act.

Electric Light Undertakings.—One council had made arrangements for a temporary bank overdraft in order to purchase generating plant for its electricity undertaking. This arrangement contravenes section 449aa of the Local Government Act, which authorizes temporary bank overdrafts only for working expenses or maintenance works.

Fines.—In two councils fines for late, or non-payment of, rates had not been added, contrary to section 259 of the Act. In one council the dates of receipts were incorrectly shown in order to avoid adding fines.

Outstanding Rates.—In several councils the arrears of rates were unduly high and insufficient efforts had been made to collect outstandings.

Late Publication of Annual Accounts.—The annual accounts of a number of councils had not been audited and published in the *Government Gazette* before the 1st day of November, as required by section 296 of the Local Government Act, 1934-1949.

Clause 23, which opens up the question of our licensing laws, seeks to include a new section as follows:—

For prohibiting the consumption of any liquor (within the meaning of the Licensing Act, 1932-1949) on any footpath within a distance of 300yds. of any premises licensed under the Licensing Act, 1932-1949.

Such a provision as that should be inserted in our Licensing or Police Acts. If something is happening that should not be allowed action could be taken under the law as it stands. In the Port Adelaide district three hotels were closed recently and it is proposed to close another two. This means that people will be driven into places which cannot accommodate them. If a shop is acquired by the Government there is nothing to prevent a person from opening business elsewhere, but there is very little opportunity for licensed victuallers to open hotels. With the "swill" that takes place today in hotels between 5 and 6 p.m. it is time Parliament took notice of these matters. As far as hotels are concerned everything seems to be shovelled into one corner, which is not in the best interests of the people. I support the second reading.

The Hon. E. ANTHONY (Central No. 2)
—Any amendment of the Local Government Act is a most fruitful field for discussion, particularly amongst those who have served in councils. I endorse Mr. Condon's remarks that all members of councils throughout the State do particularly fine work. It is an

unpaid job, entailing long hours and a lot of hard work. Some of the Bill's provisions will go a long way towards making the Act more workable. Doubtless some of them have emanated from the Municipal Councils' Association. I refer to one unusual clause—that relating to subsidies to be paid to dentists. It is a new provision to me.

The Hon. R. J. Rudall—The Act already provides that subsidies can be paid to doctors.

The Hon. E. ANTHONY—I do not recall its ever occurring before. Doubtless a subsidy is necessary in some of the most remote spots in the State, where dentists are few, their services greatly required, and their returns will not guarantee a reasonable living. Probably we could extend this provision to other professions; why stop at one? I was surprised to read in the Auditor-General's report that many councils have been lax in the administration of their duties. I do not know what kind of auditors the councils have, but they must be extremely careless; in fact, they show a complete disregard of their duties in some instances. I am surprised to notice the clause dealing with the consumption of liquor in public places. The time is over-ripe when this country should take a more sensible view of its liquor laws.

The Hon. E. H. Edmonds—Let people drink on the footpaths?

The Hon. E. ANTHONY—I do not say that, but there should be a greater disposition on the part of licensed victuallers to put their premises more into line with modern thought. People should not be called upon to rush their drinking. I am sure the Bill will improve the administration of local government affairs and support it.

The Hon. E. H. EDMONDS (Northern)—Amendments of the Local Government Act are becoming a hardy annual. Every year, almost without exception since I have been here, amendments have been submitted, and it is now our most voluminous statute. That is understandable because local government covers a wide field of activity. It is exactly what the words imply—administration of government by the people for the people. Councils are in charge of the districts over which they preside. The whole object of the Bill is to better conditions of the people. There are about 20 amendments and several consequential amendments in the Bill. The set-up behind these amendments is that throughout the State councils have formed themselves into local government associations. Delegates attend

annual conferences at which all matters affecting local government come forward for consideration and after discussion amendments to the Act are suggested. These recommendations go before the Local Government Advisory Committee, which has been constituted from people associated with local government, and eventually they are placed before the Minister of Local Government and, if considered necessary, they are placed before Parliament as amendments to the Act. I mention that because Mr. Anthony gave the impression that it was perhaps possible for an irresponsible person to propose an amendment to the Act. Therefore, I pay much respect to any amendments submitted, knowing that they have passed through such a screening. I do not wish to imply that we should therefore simply rubber-stamp any amendments forwarded by this organization. I have given much consideration to the amendments suggested in the Bill and checked them with the Act and I have no hesitation in commending them to members. When I was associated with council work I always considered that the ideal balance-sheet was one in which the council "broke even." The whole object of rating is to enable a council to collect sufficient revenue for it to pay for administration and provide the necessary services, and having done that it has discharged its responsibility. It is suggested in one amendment that the rating powers of councils should be increased. This is only in keeping with other activities under our economic organization. It must be appreciated that what was a fair rate to levy some years ago is insufficient to meet present-day commitments.

A review of council activities by the Auditor-General's Department is important, because the people charged with the responsibility of local government are handling, in the aggregate, considerable sums of public money and it is their responsibility to give a full account of their stewardship. Having had experience in council work, I should say that possibly many of the matters mentioned in the report are comparatively trivial. Where a junior officer is engaged there may be a tendency to carelessness, and such an officer might fail to carry out some of the minor duties. A similar state of affairs would, I think, be found in other organizations. Had there been any serious breach by councils I am sure there would have been more than a passing reference to it in the Auditor-General's report. Auditors with certain qualifications are appointed

by councils and they must hold a local government auditor's certificate. This duty requires that they should have a fair knowledge of the Local Government Act in addition to numerous Acts associated with council work. I have lost count of how many of these Acts there are, but at one time 23 came under the administration of councils. Consequently, council officials must make themselves fully acquainted with all the provisions in order to discharge their multitudinous duties. I pay a tribute to those district clerks and other officers with whom I have been associated in council work and support the tributes paid to members of councils and corporations. They give their services gratuitously in their desire to do their bit in helping their districts. Reference has been made to the proposal to subsidize dentists. The Attorney-General, by interjection, said that councils already subsidize doctors. The two positions are analogous to a large extent. It is one of the responsibilities of councils to care for the well-being of their people. They already have power to subsidize hospitals and doctors and it is just as important that they should have authority to subsidize dentists. I have pleasure in supporting the second reading.

The Hon. L. H. DENSLEY (Southern)—There has been considerable agitation amongst some councils and corporations, particularly in the South-East, to enlarge their areas, but the present procedure is difficult and tortuous. It is proposed under clause 3 to amend section 27 to provide that councils can come to an agreement if they first notify their ratepayers. I think this provision will particularly suit several councils in the South-East where townships have grown beyond the township borders. Clause 4 provides for an increase in the membership of councils under certain conditions. Generally a council of 10 is considered big enough, but where fresh areas are being developed or intense settlement is taking place on areas which were previously sparsely settled, there is need for greater representation. No ward in a council likes giving up part of its representation, and consequently it is desirable to give councils the opportunity to elect one or two more councillors. Between the Tatiara and Peake district council areas there is a large area which has no council representation, and it is time that much of this country was brought under a council. The amendment will provide the opportunity for this. Tremendous development is being undertaken by the A.M.P.

Society in country which is almost entirely outside any council area. The people who will eventually live there will require to be represented on some council, and this clause will give them the opportunity.

Clause 6 gives councils authority to adopt the waterworks assessment for land values; this is a good innovation. I always felt that it was desirable that assessments generally throughout the whole State should be made by one authority. From time to time assessors go into a district and contract to make an assessment for a certain figure, and the less trouble they are involved in in making assessments and the cheaper the work can be done, the more money they can make. That is undesirable. A man should not be permitted to make an assessment just by an inspection of council books and a casual drive around the country. If one authority were appointed to make assessments throughout the State it would be in the best interests of municipal and district councils. Clauses 10 and 11 provide for alterations in minimum and maximum council rates. I am not quite so enthusiastic about these clauses as some members. Land values have risen tremendously and if district councils had carried out their duties properly in making fresh assessments from time to time the increased cost of labour could have been taken care of because of the increased value placed on land. Land values have risen by 200 per cent in many instances, and that should have enabled councils to collect extra revenue. At Mount Gambier, where a new assessment has been made, the figure is roughly 200 per cent above the assessment under which the council previously operated and as a consequence the corporation has been able to reduce by 50 per cent the rate charged in recent years. The maximum rate of 3s. in district councils and 4s. in municipalities should have been adequate to meet requirements. I have been acquainted with district councils for many years and know that they are anxious to raise as much money as possible. In my own district one councillor stressed the desirability of increasing to the maximum rate so that something could be put aside for bad times. That is not the function of district councils. Their aim should be to break square and not to assess with a view to collecting as much revenue as possible. Clause 12 provides an extension of the avenues of council expenditure. There is security when a council is limited in the manner in which it can expend revenue. The demands upon councils are so tremendous

that it is often a relief for them to be able to quote the Local Government Act as their reason for being unable to assist. Councils should only be permitted to expend money in matters associated with the welfare of their areas.

Clause 14 clarifies a matter which has caused concern. Provided some work is done in front of a man's house he should be called upon to pay a moiety. If a ratepayer is within a council area and demands a good road, he has to pay 7s. a foot, and his property increases in value. Throughout soldier settlement areas there has been agitation from councils, because when land has been purchased by the Government for development it is no longer rateable. Most South-East district councils have complained of their inability to collect rates. The Highways Department provides funds from time to time to maintain roads through the forestry areas in the South-East and the Government provides finances for building roads in newly established soldier settlement areas, but councils are feeling the pinch. The Lucindale District Council complained to the Minister of Local Government and in a letter the district clerk stated:—

At the last meeting of council, whilst discussing the question of the fixing of the rates for this financial year, mention was made of the amount of land at present under the control of the Government for development for soldier settlement. Members were surprised to learn, at an earlier meeting, that an amount of over £500 has to be written off as uncollectable for last financial year, this amount representing rates on land held as mentioned above. The council finally fixed the rate at 3s. in the pound which will yield a rate revenue of £8,695 16s., and finds that the assessment of the land held by the Government totals £4,069, thereby depriving council of an additional rate revenue of £610 7s. It may be of interest to know that had the council been able to add the figure of £4,069 to the adopted assessment, the rate of 3s. in the pound would have produced a revenue of £9,306 3s., or at a rate of 2s. 10d. in the pound would have produced £8,789 2s. 10d., approximately £100 more than the adopted rate and assessment.

Although their rate would have been 2d. lower had the land purchased by the Government remained assessable, they would have collected £100 more. The letter illustrates the difficulties facing councils where land has been purchased by the Government and is no longer assessable. I support the second reading, but would like members to consider the desirability of increasing the capacity of councils to rate an additional 1s. in the pound.

The Hon. J. L. COWAN (Southern)—In supporting the Bill I pay tribute to the hundreds of people throughout the State who give freely of their time and ability whilst serving as members of the 143 district councils and corporations. They are to be commended for the valuable services they render, without fee and reward, and in many cases at great sacrifice to their own interests. Their services are often not appreciated. South Australia was the first Australian State to originate local government in 1840 by passing the first Australian Municipal Act. We have every reason to be proud of the achievements of local government in the intervening years. It can rightly be claimed that it is an extremely important factor in the domestic and social life of the community and, being close to the people, is probably democracy's truest form of expression.

The Bill, with the exception of several amendments added in another place, has received the approval of the Local Government Advisory Committee whose duty it is to investigate and report on all proposed local government legislation. This committee was appointed by the Government and consists of representatives from the Local Government Association of South Australia, the Municipal Association, and the Local Government Officers' Association, with Mr. Cartledge as chairman. Having had experience on this committee I have no hesitation in saying that all amendments approved by the committee would be in the best interests of local government. Clause 3 is intended to facilitate the alteration of boundaries between two councils. This has been rendered necessary to deal with cases where the residential area of a town has extended into the adjoining council area. The logical move would be to extend the boundary to include the further residential area, and this clause enables that to be done. The Bill further provides for councils to increase the maximum number of members to 10. A case in point is the Loxton irrigation area where a new ward will be created, thus increasing the number of members but leaving the present balance of wards and members intact. This procedure may be necessary in other parts of the State where development and closer settlement has taken place. It will be of considerable advantage for councils rating on annual values to be permitted to adopt the waterworks assessment as provided in the Bill. Of recent years councils have found the making of new assessments to be a considerable drain on their finances. Assessments cost many hundreds of pounds, but if

councils had power to adopt the waterworks assessment it would save them a great deal of money. Councils which assess under land values are at present permitted to adopt the State land tax assessment and this extends a similar privilege to those who rate on annual values.

The most important clauses are those which increase the maximum rate which may be levied by councils and corporations. This is a sign of the times and is in keeping with much of the legislation dealt with this session. Many councils have found themselves in difficulties through not being able to carry out important and essential work because of lack of finance. By increasing the maximum rate it will enable them to increase their revenue. I hope that it will not be necessary for many of the councils to go to the extreme limit provided in the Bill because it would become burdensome on the ratepayers. All other amendments will prove of advantage to councils generally. The Auditor-General mentioned in his annual report that some councils had contravened the Act by contributing to various organizations and bodies within their boundaries. Many councils would have liked to assist organizations in their districts, but because they knew it to be illegal they did not do so. The Bill will permit them to contribute to organizations established in their areas for the development and well-being of the community. I support the Bill.

The Hon. A. J. MELROSE (Midland)—I rise to speak on this Bill almost entirely for the purpose of making a further protest—though I fear, like most of those I have made in the last 20 years, it will be futile—against the introduction in the last few hours of this session of a Bill such as this which, above all Bills which come before us, is in the nature of a Committee Bill. The question of local government is an extremely important one to a democratic people and, because of its very nature, it is never static; it is constantly finding new avenues and directions in which it wants to expand, and the need to adjust the boundaries by which it is circumscribed. Therefore, practically every session we have Bills dealing with amendments of the Act. I understand that the Bill before us came through the Local Government Association, and therefore I am prepared to accept the assurance that every part of it has considerable support. From my knowledge of local government and a perusal of the Bill I am confident that all of the amendments will do good and no harm to the Act, in that they are the result of a demand for their inclusion. I know very

well, however, that there are scores of other ways in which the Act could be adjusted and I think it a shame that we should have it presented to us so late in the session when such an examination is out of the question. If the idea of its late introduction is to curtail and stifle discussion, I should hate to put that forward in any public place as my opinion because, to use a hackneyed phrase, that is a denial of the democratic rights of a free people.

Local government is one of the most important functions that we, as a free people, exercise and I fear that, not only does this Bill not include a lot of matters which should certainly be worthy of discussion, but that in the time at our disposal those matters which are included will not have the fullest discussion and deliberation they merit. It is all very well to say we are familiar with the problems of local government, that we have had the Bill before us sufficiently long to think it over and should not need to ask for an adjournment, but the point is that, having heard other speakers, I feel under something of a handicap in not having time to think over what they have said and, possibly, adjust my views in consequence thereof. Had the Bill been introduced earlier we would have had ample time to consider things and discuss the development of the arguments of the people more intimately connected with the origin of the Bill, and I am sure we would have evolved a better amendment to the Act. Superficially that may sound a bit unnecessary, but I have seen on more than one occasion the very best of intentions "gang" slightly "agley" and not produce the results confidently expected.

I do not propose to discuss the Bill in detail at this juncture for it is essentially a Committee measure, and beyond expressing broad approval or disapproval I do not think there is any call for more than perhaps an illustration of my point. I see in the Bill the much contested clause about the fencing of leased roads. It always seems to me that this Act is dealt with by people who imagine a leased road in a country area to be something like a lane off King William Street. The provision is that gates shall be provided across these roads in such a way that a vehicle may pass through them with reasonable ease, but I remind the Committee that councils consist of practical men who are familiar with the needs of their district, and when a road is leased it is usually unused by the public; frequently it is not usable. There are many

roads in hilly country which it is not possible to traverse on horseback let alone in a vehicle, for the plans were drawn in an office, with the use of a straight-edge, and the roads cut the district up into nice little sections without any consideration of the obstacles in the way. I am sufficiently familiar with the hilly areas of this State to know that roads run through them in all directions and frequently it is literally impossible to ride a horse along them and yet, whenever a fence crosses one of these leased roads theoretically a gate has to be put across it. I know that this is a sort of dead-letter of the law and that councils do not really worry about it, but it seems to be futile to make laws which we propose to wink at. It would be much simpler to include in this clause a discretionary power for a council, and instead of saying gates "shall" be erected to say that they "may" be. The strength of that argument lies in the fact that members of councils are resident in the district and, not only know its needs, but are susceptible to public pressure, and if they closed a road people wanted to use, or allowed it to be fenced across where a gate was demanded, the matter would soon solve itself. I am confident that if discretionary power were reposed in councils it would be to the good of the administration of the Act and would do no-one any harm. I will not say I support the second reading, for I do not; if it were possible to toss the Bill out I would do so because I believe it to be wrong to deal with the matter in this way. We are cutting the ground from under our own feet by introducing Bills which require discussion when we are within a few hours of adjourning Parliament.

The Hon. C. R. CUDMORE (Central No. 2) —I have great pleasure in supporting the remarks of the last speaker. This Bill was introduced on Thursday last leaving us two days in which to discuss it. It had a short discussion in another place and I quite agree that, if we are to pass legislation of importance—as this undoubtedly is—in a reasonable and proper manner, the usual procedure should be adopted. That is to say, it should be before another place for a sufficient time to allow people to find out what it is all about and, possibly, get some information about it in order to be able to discuss it intelligently. I agree also with Mr. Melrose that it is of the greatest importance that we should have time to reflect upon what other members have said, check up on it and, perhaps, get more infor-

mation upon it. Only in that way can we intelligently and properly come to a decision. Some Bills go through another place in a day and no-one has time to get further information upon them. It may be said that we had this Bill since last Thursday, but things have been said even this afternoon about which I should like to get further information. It is wrong to deal with these things in this way.

I appreciate the fact that the Minister of Works is besieged all the year round with applications from the 143 councils in the State which want alterations, and that these requests are sifted and sorted out in the way Mr. Edmonds and others have explained and that eventually some of them are recommended by the Advisory Committee on local government; even after that they are again sifted and sorted by the Minister and Cabinet and eventually a small percentage reach Parliament. I agree that when a matter has been recommended by the Advisory Committee we should give it real consideration here, for I know that one member has an amendment, which, although I understand it has the unanimous support of the Advisory Committee, was not included in the Bill. I hope we will insert it while we have the opportunity in this Chamber. There are several matters in the Bill to which I will offer some objection in Committee, but it is essentially a Committee Bill and there is not much need to discuss it on the second reading.

However, I want to mention two matters at this stage. Firstly, I draw attention to an amendment I have on the files affecting section 106 of the principal Act regarding elections. The position is that since the 40-hour week was introduced most offices in Adelaide and other places are not open on Saturday mornings, and under the Act elections must be held on Saturdays. The Adelaide City Council particularly is desirous of holding elections on Fridays instead of Saturdays, and that is the whole purport of my amendment. I will give more detailed reasons in the Committee stages.

The Hon. C. D. Rowe—Do you limit that to the metropolitan councils for any reason?

The Hon. C. R. CUDMORE—That is the amendment, but I do not mind how wide it is. Clause 23 is the only other clause I shall mention now; it obviously was not a recommendation from the Advisory Committee and should never have been included in a Local Government Bill. It is passing the buck and should be a matter for the Government and the police, who have plenty of power to deal with

this question. The clause provides that the consumption of liquor may be prohibited on any footpath within 300yds. of any premises. That is futile. It would appear that if I arrive in a car and load it with drink I can consume it in the car and it would be all right, but I must not drink it on the footpath. The clause emphasizes once again—as is being continually emphasized, not only here, but everywhere—the necessity for a real look into our licensing laws. All the provision does is to dig a small hole out of our licensing set-up. A fortnight ago, when speaking on the Road Traffic Act Amendment Bill, I said it was time we ceased tinkering in this way with our licensing laws.

There has been considerable publicity on the question of drinking. It is a most serious question, especially when a committee such as the Standing Committee of the Church of England published an authoritative statement on the whole question of drinking in this country and said it should be looked into. The committee added that prohibition itself would not solve the problem and drew up an eight-point scheme for the overhauling of our licensing system. There were sub-leaders in both the *Advertiser* and the *News* commending the statement for consideration, particularly by the State Parliament, because our licensing laws come under it. It is our authority and responsibility to see that these laws are reasonable and sound. We should tackle this problem in a big way rather than ask councils to deal with it and the sooner it is done the better.

It is proposed that the provision shall be included under section 667 of the Act, which deals with regulation-making powers, but licensing laws have nothing to do with local government. These cover lighting and so on and have nothing to do with the Licensing Act or drinking. Members need only look at the licensing inquiry in Sydney to see how low the whole thing has sunk and the real necessity for something to be done in the matter. More sensible legislation prevails in Hobart, where people have got away from the swill and rush and the consequent drunkenness that ensues. The fact that an attempt is being made to insert this into the Local Government Act shows what a real necessity exists today in this State to deal with our licensing laws and calls for a real and proper review of them. It is time that Parliament took its life in its hands, so to speak, and said it was responsible and should do something about it.

The Hon. N. L. JUDE (Southern)—I support the Bill, in general, and desire to comment on one or two clauses. As one of my colleagues has emphasized, clauses 2 and 3 give councils (mainly corporations surrounded by councils which have reached mutual agreement) power to adjust their boundaries without holding a poll of ratepayers. It might be argued that it would be undemocratic to do away with polls, but if members had specific examples of a virtual deadlock they might realize the necessity to amend the Act. It will give ratepayers power to virtually veto, by poll, the action of a council rather than be forced into a poll in the first place. The Mount Gambier corporation and council and the Naracoorte corporation and council were the specific bodies which brought this matter before the Government's notice. Both towns are growing rapidly and spreading into the district council areas, with a considerable increase in population. In the Hynam district, where I live, instead of Hynam landholders dictating the policy in their neighbourhood, it can be dictated by a number of people who live along 300yds. or 400yds. of road in Naracoorte. The Naracoorte corporation cannot rate these Hynam people in the usual way, although it provides them with electric light and water and, we hope in the not far distant future, will provide them with sewerage facilities. These people will not tie themselves to putting their hands in their pockets any more than they need. The amendment is most desirable, but I do not think the clause goes far enough.

I view the increase in rating powers in a similar manner to my colleague, Mr. Densley. If an assessment is justly based it should not be necessary to increase the amount of rate. It is easy to spend the other fellow's money, particularly if one is able to collect it. I have some qualms about clause 12, about which the Minister gave a very brief explanation. It empowers councils to provide money for any visit of His Majesty or member of the Royal family and, in addition, that a council may subscribe to any local governing organization or any organization having as its object the development of any area within the council. The clause is most vague. Does it mean, for example, that the Tatiara district council can subsidize out of the general ratepayers' funds the activities of the Australian Mutual Provident Society? That society is developing country in which the council is interested, but I have doubts whether Parliament should authorize any council to spend

its rates on any other organization which is doing, or purports to do, a good job. This matter requires close consideration.

As regards clause 13 and the power of councils to subsidize dentists, I recall Mr. Cudmore on several occasions sarcastically asking why we did not include other professional people or have a special Act passed for them. I do not see anything wrong with dentists being subsidized, but how far are we to go? Are we to subsidize a chiropodist, a physiotherapist, or a tonsorial artist? Ratepayers might subsequently disapprove of the council subsidizing these people.

This is not a Bill to prohibit the consumption of liquor. The verbiage of clause 23 is unsatisfactory and I have no hesitation in opposing it. Mr. Densley referred to the fine and fair letter received from the Lucindale council about the loss of rates through the Government's purchase of land for soldier settlement, a project which the council does not oppose. The point the council wishes to stress is that although the Government will make good these losses during the course of years, as the country develops and roads are constructed, it is the lack of funds today to deal with present problems that causes difficulties. The council is losing a vital £600 a year at the moment and the fact that the Government might assist in the settlement and the development of roads at some time will not balance its budget today. As my colleague said, a council's duty is not to aim to balance its budget too far ahead. Members should carefully consider what might be done by making some counter provision when land is acquired by the Government. Otherwise I support the second reading.

Bill read a second time.

The Hon. Sir WALLACE SANDFORD moved:—

That it be an instruction to the Committee of the Whole Council that it have power to consider a new clause relating to the assessment of certain areas used for sporting purposes.

Motion carried.

The Hon. A. L. McEWIN moved:—

That it be an instruction to the Committee of the Whole Council that it have power to consider a new clause relating to the time when determinations made by the Local Government Officers' Classification Board come into effect.

Motion carried.

The Hon. C. R. CUDMORE moved:—

That it be an instruction to the Committee of the Whole Council that it have power to consider a new clause relating to election day.

Motion carried.

In Committee.

Clauses 1 to 5 passed.

New clause 5a—"Election day."

The Hon. C. R. CUDMORE—I move to insert the following new clause:—

5a. Section 106 of the principal Act is amended by adding at the end thereof the following subsection, preceding portion of the said section being read as subsection (1) thereof:—

(2) Any metropolitan council may by resolution declare that annual elections for that council shall be held upon the Friday preceding the first Saturday in July instead of upon the first Saturday in July, and may by resolution revoke any such resolution. Notice of any such resolution shall be published in the *Gazette*. Notwithstanding anything to the contrary in this Act, until such time as any such resolution is revoked by a subsequent resolution, every annual election for the council shall be held on the Friday preceding the first Saturday in July and, with respect to the council, all the provisions of this Act (including those relating to retirement of the mayor, aldermen, and councillors) shall be construed as if the words "the Friday preceding the first Saturday in July" were substituted for the words "the first Saturday in July."

The clause is designed to enable councils to hold their elections on a Friday instead of Saturday if they think it desirable. One member asked if this was limited to the metropolitan area. If any member desires to move that the word "metropolitan" be deleted I am quite happy. At present almost all work is entirely suspended in the metropolitan area on a Saturday. People do not come to town on a Saturday as they used to, but go to the races or elsewhere. The effect of this is shown by the number of absent votes recorded in the last two elections for the Adelaide City Council. In England municipal elections and Parliamentary elections are held on week days and I think municipal elections are held on week days in Victoria.

The Hon. K. E. J. Bardolph—Would you give workers time off to vote on Friday?

The Hon. C. R. CUDMORE—I do not think that would be necessary because the polls do not close that early. In Adelaide in 1943 the percentage of postal votes was 4.62. After the five-day week was introduced the percentage was 6.49 at the next election. In 1949 the

percentage increased to 13.77 and on July 1, 1950, it was 19.25 per cent. People who are interested can obtain a postal vote but many people who ought to vote do not take the trouble. They have gone away for the Saturday and are not interested in carrying out their duties and privileges as ratepayers. It is mandatory at present that if there are more than the necessary number of candidates nominated for any office the returning officer shall adjourn all further proceedings in respect of an election to that office to the first Saturday in July next ensuing. This clause gives councils an opportunity by resolution to hold an election on a Friday preceding the first Saturday in July. I would like to hear members' opinions on this amendment, which is very simple.

The Hon. A. L. McEWIN—Although Mr. Cudmore suggests this is a simple amendment I think there is a lot involved. He has complained about the introduction of the Bill so late in the session, but some Bills have to be introduced late. The recommendations in the Bill have been brought forward by the Local Government Advisory Committee and because of the nature of local government—there are about 143 councils—there are continual requests for amendments to meet problems. There is no subject upon which members should be more competent to speak than local government. Under the amendment Friday is suggested as being the most suitable date for the Adelaide City Council elections. That may or may not be so, but we should not have different dates for council elections. I appreciate that the idea is to obtain a greater poll. Much publicity is given in the press to the fact that council elections are taking place on certain Saturdays just as there is publicity given to pending Federal and State elections. If there are odd days for elections to suit various councils it is logical to assume that people will become confused, whereas the whole purpose of the amendment is to get greater interest and greater support for local government elections. That has been tried. We recently had a by-election on a Thursday in the metropolitan area which was, if I may use the term, fairly hotly contested, but the number of votes cast was below that of anything which had previously happened on a Saturday, so that is a bit of recent evidence at our disposal. I am not sufficiently informed to pursue this matter further, but I think it is something which needs a great deal of consideration and it should not

be inserted on the principle of "Give it a go and see what happens." If we wish to retain interest in local government and get the best support per medium of the ballot box it is essential that we should have one common voting day throughout the State, and any change should be a complete one.

The Hon. F. J. CONDON—The only way to create interest in municipal elections is to make voting compulsory. Moreover, to hold elections on a Friday may result in loss of production. If the amendment had the support of the Local Government Association we might agree to it, but apparently of all the councils in the State only the Adelaide City Council is asking for it. A few years ago we altered the month for holding municipal elections from December to July because, it was said, people would not be harvesting then. Why do we need to be tinkering about with it all the time? Must we hold Federal and State Parliamentary elections on a Friday simply because of the 40-hour week? If so, let us be consistent, make it universal and declare the day a holiday. I strongly opposed the introduction of postal voting. Today people, under a subterfuge, secure postal votes on the grounds that they will be absent from the district on the day of voting, but we know that a racket is going on. I oppose the amendment.

The Hon. L. H. DENSLEY—I, too, oppose the amendment, as I think it highly desirable to have uniformity in the date of all council elections. To say, however, that Commonwealth and State postal voting is a racket is, perhaps, not quite in accordance with fact. The differentiation between percentages on different election days is probably attributable to the fact that the supporters of candidates work harder on one occasion than on another.

The Hon. C. R. CUDMORE—It is pretty obvious that my amendment does not receive much support. It is not right to say that postal voting is a racket, for that is to accuse people of forgery and perjury. The amendment does not come straight from me as something new, as it was before the Advisory Committee on Local Government and, I understand, a majority favoured it. I therefore felt it was worthy of our consideration.

The Hon. E. ANTHONY—Without having a brief for saying so, I think the situation would be peculiar to the Adelaide City Council, largely owing to the fact that so many of its ratepayers live outside the metropolitan area and are not in it on voting day. The very poor return of votes for municipal elections is

notorious; it is bad everywhere, but it is increasing interest in municipal work that we want. This amendment is more or less sprung upon us and we do not know the opinions of the various councils or ratepayers. I should imagine that not all municipal bodies around the metropolitan area would want the polling day altered, as Saturday would suit them better than Friday.

Proposed new clause negatived.

New clause 5a—'Duration of determination.'

The Hon. A. L. McEWIN—I move to insert the following new clause 5a:—

Section 163dd of the principal Act is amended by adding at the end thereof the following words "Provided that if any salaries are fixed under a determination of the board or any variation thereof which is made for the purpose of giving effect to any variation of the living wage made pursuant to the Industrial Code, 1920-1951, the board may, in the determination or variation thereof, declare that the salaries fixed thereunder shall be payable as from any day not earlier than the day upon which the variation of the living wage takes effect."

This amendment deals with the salaries of classified local government officers who have their salaries fixed by the Local Government Officers Classification Board. Section 163dd of the Act provides that a determination of the board is to come into force 14 days after its publication in the *Gazette*. The Industrial Code, on the other hand, provides for the automatic adjustment of wages to give effect to a variation of the living wage, but the Industrial Code does not apply to the Local Government Officers Classification Board, and it is therefore necessary for that board to make a new determination after every variation of the living wage and, as already mentioned, that determination does not take effect until 14 days after it is gazetted. We recently amended the Public Service Act to enable salaries of public officers to be automatically adjusted following an alteration of the living wage, and I therefore think that the proposed amendment is reasonable.

New clause inserted.

New clause 5b—'Assessment of certain areas used for sporting purposes.'

The Hon. Sir WALLACE SANDFORD—I move to insert the following new clause 5b:—

Section 169 of the principal Act is amended by adding at the end thereof the following subsection:—

(3) Any land situated in an area in which Division III. of Part X. applies shall be assessed at one-half of the amount of the land value thereof if—

- (a) the land is occupied by an association or organization of persons the principal object of which is the playing of games on the land by the members thereof; and
- (b) the land is used for the playing of games by a substantial number of the members of the association or organization; and
- (c) the land is 10 acres or more in area, and
- (d) the constitution of the association or organization is such that the members thereof (other than honorary members) are required to pay subscriptions to the association or organization and no payment is made to the members from any of the receipts of the association or organization.

In 1950-51, the Corporation of West Torrens changed over from annual values to land values in order to enable it to obtain more revenue from land held for speculation, the value of which had been enhanced by the construction of roads, footpaths, and other public utilities. In that area are situated the Kooyonga and Glenelg Golf Clubs and the Birkalla Polo Club. These lands are playing fields only, and are not held for speculation or profit. As a result of the alteration in rating the Kooyonga Club which, under the old system, paid £138 a year, will now be called on to pay £1,790; the Glenelg Golf Club which paid £70 a year will be called upon to pay £690, and the rates on the Birkalla Polo Club ground will be raised from £40 to £700. The amendment seeks to reduce the rate to half the increased assessment. Subsection (1) of section 169 of the Act states:—

Such part of any land and buildings or land situated in any area as is used for the purpose of any school or academical institution at which fees are charged shall be assessed at one-quarter of the amount of the annual value or land value thereof, as the case may be.

Subsection (2) provides:—

Such part of any land and buildings or land as is used and occupied by or for the purpose of any agricultural, horticultural, or floricultural show society shall be assessed at one-half of the amount of the annual value.

I trust that the justness of the claim will commend itself to members and that the Minister will accept it. The increased cost of maintaining the three clubs has placed a heavy burden on its members and the new impost will add further to it, many of the old and valued members dropping out. None of the clubs involves the council in any cost, the clubs doing all the internal road maintenance themselves.

They have even provided their own water supply by means of bores and pumps. Earlier in the year I introduced a deputation representative of these interests, together with the Royal Adelaide and Henley and Grange Golf Clubs. The Local Government Advisory Committee subsequently unanimously recommended that the rates be reduced by half. Even half rate would involve the Kooyonga Club in about six times as much as it is paying now, the Glenelg Club about five times as much, and the Birkalla Club about eight times as much. The male members of one of the two golf clubs comprise about 7 per cent professional men, 10 per cent civil servants, 23 per cent employers, including business executives, 55 per cent employees, and 5 per cent retired. The total membership is over 700. They are not all playing members, membership includes associates. Probably the calls and subscriptions for women members are paid by their husbands or fathers. Of the women 80 per cent are engaged in home duties, 15 per cent are employees, and 5 per cent others. The male membership of that particular club is 739, including professional country and junior members. Full membership totals 386. Both golf clubs are situated within easy reach of the city and cater for more actual players than any other club owned by councils that pay no rates. In addition they cater for thousands of tourists, mostly interstate and overseas, who are a source of indirect revenue to the city. The Birkalla Polo Club has 65 acres, the Kooyonga Golf Club 145, and the Glenelg Golf Club 130. Half of the 65 acres of the polo club is fine sand, and developmental work is continually being carried on there. Prices were recently called for levelling 10 acres and only one was received—for £1,800. The Birkalla ground is used by other sporting bodies for games. The South Australian Hockey Association, with 54 teams, uses the grounds throughout the season; the association has 600 players. Seventy-five per cent of the polo players look after their own ponies, half of the 75 per cent being young men under 30. If the full rates have to be paid the land may possibly have to be sold.

The Hon. E. H. Edmonds—Do these outside clubs pay anything for use of the grounds?

The Hon. Sir WALLACE SANDFORD—A little. Services rendered by the council include lighting, scavenging, health and other amenities. The Government subsidizes councils in providing open spaces for playing fields, but no subsidy is paid to any of the three clubs

mentioned. The two golf clubs have converted areas of about 140 and 130 acres, respectively, from poor sandhill country into recreational fields in close proximity to the city and its chief seaside resort, providing open areas for the public benefit. Recently we have read of a suggestion for the construction in America of two large passenger liners for Pacific Ocean travel. It will be vitally necessary for Australia to be able to offer recreational attractions to visitors. Athletics play an important part in the lives of Australians. At present discussions are taking place on the holding of Olympic Games in Australia. It is impossible to calculate the value of exercise and games to our national life, and indeed to our very existence. Hardly anyone will deny that the inclination of the British people to the call of the sea led to the continued encouragement of yachting and sailing, and in one fateful hour in our recent history opportunities availed of in that direction made Dunkirk possible and undoubtedly saved our nation. I hope members will view the matter in the light in which I have endeavoured to submit it and support the amendment. Even the payment by the three clubs of half rates under the present assessment will increase the annual payment from £248 to no less than £1,590, and all that money has to be found by the club members. If the full amount is insisted upon it will amount to £3,180 a year. Even the payment of half would be a continuing heavy charge. It will necessitate self denial and call for careful financing, but it may save the clubs and may well help to save posterity.

The Hon. A. L. McEWIN—I wish to correct one remark of the honourable member because I know he would not wilfully mislead the Chamber. He said that the concession was recommended by the Local Government Advisory Committee. It was recommended, but in a different form—that the concession should be made if the public were admitted. Exemptions are made to hospitals and other institutions which provide free treatment for the public. The honourable member referred to subsection (2) of section 169 of the Act which provides that quarter rates shall be paid by organizations having schools or academic institutions at which fees are charged. That is provided because schools render a service to the community, and but for their establishment the full cost of education would fall on the State. Agricultural, horticultural and floricultural societies have always been classed as educational bodies. As recently as 1938, by

an amendment of the Act, all such organizations in the metropolitan area were excluded and they pay full rates. The principle has never been accepted under the Local Government Act that concessions are allowed except where the public have access. I consider the present system of rating is stupid, but it is the system which ratepayers themselves have decided upon.

The Hon. Sir Wallace Sandford—Very few members of the organizations I referred to live in the district.

The Hon. A. L. McEWIN—That does not help the argument. The honourable member is asking a local council to refrain from collecting rates on certain properties, and yet he expects it to provide amenities for those who come from other areas. Whether we agree with the present system of rating or not, the fact remains that the Act provides for it. The amendment goes beyond principles which have been accepted in local government and consequently I regret I am unable to accept it. I have been associated with some phase of sport all my life and have always contended that those engaged in sport should pay their own way and not expect others to pay it. If people want private clubs they must be prepared to pay for them.

The Hon. F. T. PERRY—The three clubs in question are deserving of some consideration. They established their grounds 30 or 40 years ago when council rates were much lower. Because of the alteration in the system of rating, the rates paid by the Kooyonga Golf Club are more than 10 times higher than they were originally. Three polls were held and it was not until the last that an alteration was made to the system of rating, the land values system being adopted. At its own expense the Adelaide City Council established a golf course in the parklands which is open to the public. The establishment of such grounds should be encouraged rather than discouraged. At least the clubs mentioned by Sir Wallace Sandford should have the opportunity to consider their future position before such a huge increase in rates is thrust upon them at such short notice. The flat rate of 7d. in the pound takes into account roadmaking and other works which a council has to do for ratepayers. I presume that this type of rating is designed to cut up large areas. It may have been thought that there were speculators in the area, but these three clubs cannot be considered in that category. Their grounds have been established from wastelands and they have increased

the value of theirs and adjoining land. If the clubs sold out, their members would be in a sound financial position. The clubs should be given some time in which to adjust their finances. Perhaps the West Torrens District Council will take over these areas at the value at which they have rated them for the purpose of establishing a public golf course.

The Hon. E. H. Edmonds—Didn't those clubs appeal against the assessment?

The Hon. F. T. PERRY—Yes, but probably there were dozens of appeals. I do not know the exact conditions of a court of appeal, but my experience is that the assessor's valuation is accepted. It may be that the land is worth what the assessor claims, because values have increased in the last few years. In the event of an appeal the council probably has no option but to accept the assessor's valuation.

The Hon. R. J. Rudall—A person can appeal to the local court.

The Hon. F. T. PERRY—Yes, but the court may still hold the land to be worth the assessor's valuation. The court cannot grant a rebate. The only authority to grant a rebate appears to be Parliament.

The Hon. K. E. J. Bardolph—The court can lower a valuation.

The Hon. F. T. PERRY—It cannot lower the rating if the land is worth that value and neither can the council. Parliament should favourably consider the position and give these clubs time in which to adjust their finances. If this high rate continues the clubs will have no alternative but to close down, thus preventing younger people from associating with them. I support the amendment.

The Hon. S. C. BEVAN—On the one hand we are asked to give councils the right to increase their incomes and on the other hand we are asked to grant concessions to three clubs whereby they will pay only 50 per cent of the total rate on their assessments.

The Hon. F. T. Perry—It will be six times what they paid last year.

The Hon. S. C. BEVAN—If we grant one body preferential treatment we should do so to all clubs. It does not seem consistent that if another club has a playing arena which is under 10 acres it should pay the full rates. We are told that there are approximately 1,000 members in these clubs and Sir Wallace said that the subscription is approximately £20 a year.

The Hon. Sir Wallace Sandford—They are not all full members; some are associates, paying half fees.

The Hon. S. C. BEVAN—We were told that there were approximately 1,000 members, and that the annual subscription was £20. I assumed from that that the annual revenue would be £20,000. I admit that some expenditure would be involved for upkeep, but provision should have been made to meet any additional rates levied. If any person is deserving of concessions it is the working class man who is attempting to buy a home. I cannot reconcile giving power to councils to increase their revenue and then saying we shall restrict them from getting the full benefit from certain clubs operating in their areas. The fact that there is a subscription of £20 per annum is a definite restriction on membership. The ordinary person cannot afford to pay that much. At a recent annual meeting which I attended there was considerable criticism of a suggestion to raise the membership fee from 5s. to £1 per annum.

The Hon. E. ANTHONY—If there is one criticism that can be levied against all Governments, past and present, it is their failure to acquire open spaces around the metropolitan area. There are too few at present. When we look at our growing city we can see that the time is not far distant when the opportunity of obtaining playing areas will disappear. We are in sympathy with councils who are struggling hard to keep their heads above water, but even the amendment increases the rates of the council. Under the Bill as it stands some clubs will be taxed out of existence. Wherever possible the Minister of Education is assiduously buying land contiguous to schools in order to keep open spaces around the institutions to provide playing areas not only for children but for other people. We commend him for that. When land was cheap in the early days of the State a good deal more of that could have been done. These clubs have not involved the municipal bodies in any expense, but have enhanced land values wherever they have been placed, and yet after they have been established for a number of years they are suddenly asked to meet this large commitment without much time to put their affairs in order. We have all engaged in some form of athletics and have all commended people who play games instead of watching them; these people are playing games and improving their physique and thereby the standing of the nation. It is a backward step to place such a heavy impost on these clubs, and perhaps force them out of existence.

The Hon. K. E. J. BARDOLPH—A special concession is being sought for these three clubs. Sport is a laudable thing in our midst, but why should these sporting clubs be given a special concession in contrast to the people who built up the municipal area by building their homes in the district? I am not denying people the right to have an area on which to play golf, but the ratepayers will be at a disadvantage if the amendment is carried. The land for these golf courses was purchased at a very cheap rate when it was practically waste land.

The Hon. N. L. JUDE—Today a thing of beauty and a joy forever!

The Hon. K. E. J. BARDOLPH—I am not questioning that, but their present value cannot be attributed solely to the efforts of the clubs. If it is right for ratepayers to pay rates, and the system was determined by the people themselves, it is right that the clubs should pay them. I have no alternative but to oppose the amendment.

The Hon. N. L. JUDE—I am wondering whether there would be much greater support for the amendment if this system of rating existed throughout the metropolitan area. I feel there would be a tremendous outcry if every area of this type in the metropolitan area were dealt with in the same fashion.

The Hon. A. L. McEwin—Would you delete that system of rating?

The Hon. N. L. JUDE—The Minister has raised the very point I was about to make. He said that he strongly disagreed with this system of rating. In other words, as a member of the Government sponsoring the Bill he is opposed to this system of rating. If the clause is passed, and this is a bad system of rating, there is all the more reason for supporting the amendment. I think the point was well made by Sir Wallace when he said that these clubs are not so restrictive as some imagine; when they were first laid out the land could not have been given away, whereas now these clubs are a great asset to the city; thousands of tourists and visitors use them and they are among the few of the attractions this city has to offer. However, a different position exists in respect of the polo grounds, for it is comparatively easy for the polo people to go 10 miles out to play, but the true position is that some 2,000 or 3,000 people use that ground; it is used to a far greater density per acre than, for example, the south parklands on the frontage of which Mr. Bardolph has the pleasure of residing and looking at the view.

I had the misfortune to be brought up in the city of Birmingham. In New Street—the King William Street of Birmingham—there is a school in which there are 3,000 pupils, and there are dozens of other schools in the city. It may interest members to know that every one of those students who wants to play a game of football or cricket has to go on the average 10 miles. Do we want to force these people to close these grounds. In the case of Birkalla nothing looks more likely. As regards Kooyonga, possibly the members will have to come up to scratch, although I know of nothing more expensive to play than golf, when a set of clubs costs £50 at present. If the amendment is not to be carried surely this Committee should give some consideration to the imposition of this rate on a graduated scale over a period of years. I think the suddenness of this incubus on the clubs is far too great and it will drive sport out of the environments of our town. I agree that sport should pay for itself, but the question is wider than that, namely, whether we are to build over the whole of our city areas? Are members giving only lip-service to their oft-repeated plea for more open spaces within the confines of the city? The closest consideration should be given to the amendment. Another important point is that not one of these clubs is making a profit. Will any member say they are not for the public good?

The Hon. A. L. McEwin—Neither do private hospitals.

The Hon. N. L. JUDE—I am not so sure. I think some are doing fairly well. Many schools are just as selective as our golf clubs, as they have huge waiting lists. I feel inclined to support the amendment.

[*Sitting suspended from 5.45 to 8 p.m.*]

The Hon. C. R. CUDMORE—It has been made perfectly obvious that one section of members here believes in land values assessment and the West Torrens Council's adoption of that system is a threat to the very few open spaces in its area. My argument is based on the preservation of some of our open spaces in our very over-populated area between Adelaide and the sea. We hear much about green belts and the preservation of our park lands, and it would be a tremendous loss to the community generally if the 145 acres at Kooyonga, 130 at Glenelg and 65 at Birkalla were mopped up and used for Housing Trust purposes in the same way as vineyards in the Marion district. We are attacking the thing in the wrong place, and if we do not like

land values assessments we should say so. We should look at the matter basically and not allow these open spaces to be wiped out in one hit by this terrific increase in assessments. If these clubs are forced further afield it will be a great detriment to people in the metropolitan area. We should preserve these necessary lungs for our people, therefore, I move to amend Sir Wallace Sandford's amendment by inserting:—

After "shall" in the second line of new subsection (3) "during the first five financial years during which the said Division so applies."

The Kooyonga club built its clubhouse by voluntary labour at week-ends and it is tough and most undesirable that it should be forced out of the metropolitan area and have to find land elsewhere. In order that we can have further time to look into the matter and so that the clubs can investigate their finances we should allow them half rates for five years. Any council in the metropolitan area could adopt the land values assessment system and other people would find themselves in the same position as the three bodies mentioned. I would have approved the amendment as it stood but it would be doubly justified if it provided a limited period thus enabling Parliament to examine it again.

The Hon. F. J. CONDON—I thought there was some merit in Sir Wallace Sandford's new clause, but after consideration I have decided it would not be a fair thing. With the right hand councils are being granted a right to increase revenue but with the left hand we are taking it away.

The Hon. C. R. Cudmore—You cannot take away something they have not had.

The Hon. F. J. CONDON—You are talking about taking land away and I did not hear that mentioned during the Minister's second reading speech. This is something new—a red herring drawn into the debate to mislead us. I did not hear members objecting to open spaces being acquired by the Harbors Board when they required land. When that was discussed last session it was pointed out that a number of people would lose homes which had been recently completed. There was no objection raised when the Grange golf course was affected by the Harbors Board. There has been talk of removing people's rights but nothing was said about taking away people's homes. It illustrates, once more, the inconsistency of members.

The Hon. A. L. McEWIN—Mr. Cudmore has moved a new amendment in spite of the

fact that he hates to consider important questions in the dying hours of the session. Mr. Cudmore referred to open spaces but did not go into detail. The purpose of this system of rating is to prevent endless open spaces which react against district councils and against the development of a city. Applying the same principle as he, is everybody who owns a vacant block of land which provides breathing space to have the benefit of half rates? I am attempting to apply some logical principle.

Does the retention of any one of these clubs—and I do not say this disparagingly—relieve the council of any responsibility to provide parks and space for the public? If it does, my opposition goes overboard. No-one has made any such claim: it has only been inferred. Councils will provide green belts and open spaces within the spirit of the Local Government Act where all concessions in rating are made. There is an appeal to the court against an assessment, but if the court grants a reduction and Parliament also grants a reduction we do not know how the matter will end. Every member who has spoken has referred to what wonderful organizations councils are, the value of the work they are performing voluntarily, and the responsible way in which they carry out their duties, but immediately a council carries out something in accordance with the vote of its ratepayers in accordance with an Act of Parliament it is desired to exercise some restraint on it—not on the basis of the public interest, but on the basis of private sporting clubs. If this amendment is carried I shall move a further amendment as follows:—

After "organization" in the last line insert "and (e) Members of the public are except upon special occasions generally permitted by the association or organization to enter and remain upon the land."

That will keep it in line with all the exemptions which have been provided in the Act.

The Hon. A. J. MELROSE—I have listened to the various arguments that have been enunciated in this debate and I strongly agree that green spaces should be provided. In the last few years the city of Adelaide, which was surrounded with open spaces and paddocks, has been gradually built over so that except for the original green belt around the square mile we have lost sight of what is known as "Light's Vision." The trend of this clause seems to be appallingly short-sighted. It is the function of Parliament, and perhaps this Council, to take a longer view on these questions instead of one of immediate expediency.

Mr. Cudmore's amendment has the effect of giving everyone the chance of a second thought. In the natural course of events it won't be long before this area is built over. When that happens it will be too late, whereas if we give a reasonable amount of breathing time perhaps the council or the Government can acquire these areas for the general public. The argument advanced by the Chief Secretary was pertinent when he inquired whether councils should be asked to assume the responsibility of providing green belts for the whole State and the greater city of Adelaide. I remind him that under the Local Government Act it is the practice of the department to assist various district councils by making special grants for them on account of specific disabilities, so if the Minister considers that the councils involved are suffering real hardship by maintaining this concession to public opinion it is quite within the ordinary practice of the Government to make a grant-in-aid to this council. I support the amendment as proposed to be amended.

The Committee divided on Mr. Cudmore's amendment to Sir Wallace Sandford's proposed new clause.

Ayes (11).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, C. R. Cudmore (teller), L. H. Densley, N. L. Jude, A. J. Melrose, F. T. Perry, C. D. Rowe, Sir Wallace Sandford, and R. R. Wilson.

Noes (8).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, A. A. Hoare, A. L. McEwin (teller), W. W. Robinson, and R. J. Rudall.

Majority of 3 for the Ayes.

Amendment thus carried.

The Hon. A. L. McEWIN—I still oppose the proposed new clause, but in order to avoid the necessity of another Committee, I now move the amendment already indicated. This brings the new clause within the spirit of the Local Government Act and within the spirit of what happens in respect of every bowling club which has premises on parklands. I have had the honour of being president of a city bowling club which is situated on parklands, and one of the conditions of the lease is that the public shall have access to those grounds on any occasion; it is not sacred to members. The club pays rates to the council and has no exemption whatever regarding rates. The club's obligations have increased over 100 per cent over the short time I have been associated with it, and it has had to keep pace with the demands of our landlord in regard to rates.

However, I am not worried about that. I have pages of domestic stuff concerning the various clubs under consideration, but I am not discussing the question on the basis of costs. The most I am prepared to say is that the additional rates would cost members of the club most vitally affected a shilling a week extra. I am concerned only with the spirit of the Local Government Act and the way concessions are made, for it is just as well to know where we are going. In the past concessions have been confined to public bodies, or something which is accessible to the public, and never have they been given to a private club. To be logical we might just as well say that because a certain club occupies an area in the main street which is not required for business it should be exempt from taxation. I have heard members say they are always guided by principles; that is what I am doing. I am not toying with any experiment to favour a few and then say, "I did not realize that; it was rushed on us in the dying hours of the session." In this instance it was not rushed in by the Government, but by somebody who suggested that the Bill was a rush measure.

The Hon. A. J. Melrose—We are trying to save the Bill from itself.

The Hon. A. L. McEWIN—The Government has brought in nothing contentious, but only a number of recommendations of the Advisory Committee. What I have now moved was the recommendation of that committee.

The Hon. F. J. Condon—If you penalize one council why not penalize the lot?

The Hon. A. L. McEWIN—I am trying to ensure that none will be penalized. Although I still oppose the new clause, if the Committee intends to insert it I would like it in a less dangerous form, and my amendment would make it in accordance with the recommendations of the Advisory Committee. The committee suggested that it should be half rates, as moved by the honourable member, but subject to the proviso I have moved.

The Hon. N. L. JUDE—I ask the Chief Secretary to say whether there is public access to the Adelaide Oval. Is it a private club?

The Hon. Sir WALLACE SANDFORD—I am opposed to the Chief Secretary's amendment because it would be unworkable, and I am sure that no-one knows it better than he does. The whole course has to be carefully looked after, and I do not know what is meant by "special occasions."

The Hon. R. J. Rudall—Is not St. Andrews Golf Course on a common?

The Hon. C. R. Cudmore—The only one in the world.

The Hon. Sir WALLACE SANDFORD—I have frequently noticed that when a cause is not very strong we are reminded about something half a world away, where we cannot check it. The Chief Secretary referred to some figures he had, but I have purposely refrained from using too many figures. Mr. Cudmore's amendment was a happy way of dealing with an intricate problem. Golf clubs do not want to close down and Mr. Cudmore's amendment to my new clause will give them five years to get their finances in order. If we ask them to find this huge difference immediately their existence may be imperilled. I oppose the Chief Secretary's amendment.

The Hon. A. L. McEWIN—Everybody says that councils must live and must have rates, but open spaces cannot be made available to the clubs cheaply and ratepayers left to make up the difference. Mr. Jude is wondering about the Adelaide Oval. My reply is that it has been made available under the provisions of the Local Government Act, which allows the Adelaide city council to lease it.

The Hon. F. J. CONDON—The amendment just carried is a smack at the West Torrens council and I support the Chief Secretary's amendment. If we single out one council why not give concessions to others and let members who supported the amendment accept the responsibility? Practically every member who has spoken said that councils should have extra revenue yet we are asked to say that one council cannot get it.

The Hon. K. E. J. BARDOLPH—I support the Chief Secretary's amendment. The amendment just agreed to by members placed the responsibility on the West Torrens council of maintaining and continuing to maintain the breathing spaces which every member desires. It is an unfair burden to place on the ratepayers of West Torrens. Every memorial that seeks a concession by way of taxation remissions from the Commonwealth Government must allow the public free access to it. This is in line with the Chief Secretary's amendment and conforms to the spirit of the Local Government Act.

The Hon. C. R. CUDMORE—The amendment does not refer to any particular council but to any council which adopts the land values assessment system. The Minister's amendment is completely impracticable, permitting anybody to enter and remain on the land.

The Hon. E. ANTHONY—I cannot understand anybody drafting an amendment like this, which must lead to extraordinary situations. I do not know of one golf club that excludes the public; certainly no charge is made for admission. The Chief Secretary did not explain what he means by “except on special occasions.” I oppose the amendment.

The Committee divided on the Hon. A. L. McEwin’s amendment to the Hon. Sir Wallace Sandford’s new clause:—

Ayes (8).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, A. A. Hoare, A. L. McEwin (teller), W. W. Robinson, and R. J. Rudall.

Noes (11).—The Hons. E. Anthony, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, N. L. Jude, A. J. Melrose, F. T. Perry, C. D. Rowe, Sir Wallace Sandford (teller), and R. R. Wilson.

Majority of 3 for the Noes.

Amendment thus negatived.

The Committee divided on the Hon. Sir Wallace Sandford’s new clause 5b as amended.

Ayes (11).—The Hons. E. Anthony, J. L. S. Bice, J. L. Cowan, C. R. Cudmore, L. H. Densley, N. L. Jude, A. J. Melrose, F. T. Perry, C. D. Rowe, Sir Wallace Sandford (teller), and R. R. Wilson.

Noes (8).—The Hons. K. E. J. Bardolph, F. J. Condon, E. H. Edmonds, A. A. Hoare, A. L. McEwin (teller), W. W. Robinson, and R. J. Rudall.

Majority of 3 for the Ayes.

New clause as amended thus inserted.

Clauses 6 to 10 passed.

Clause 11—“Amount of general rate.”

The Hon. L. H. DENSLEY—I move to delete subclauses (1) and (2). It is not necessary to increase the rating and we would be wise at this stage to retain the maximum of 3s. for district councils and 4s. for municipalities. We are all aware that land values have increased in many cases by 200 per cent. or more. In Mount Gambier where the Government valuation was accepted the assessment of the corporation was increased from about £350,000, to approximately £1,000,000. By adopting that valuation the corporation was able to reduce their rate by 50 per cent. That is a guide upon which we might found our discussion and limit the rating capacity.

The Committee divided on the amendment.

Ayes (6).—The Hons. C. R. Cudmore, L. H. Densley (teller), N. L. Jude, A. J. Melrose, F. T. Perry, and Sir Wallace Sandford.

Noes (13).—The Hons. E. Anthony, K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, A. A. Hoare, A. L. McEwin (teller), W. W. Robinson, C. D. Rowe, R. J. Rudall, and R. R. Wilson.

Majority of 7 for the Noes.

Amendment thus negatived.

Clause passed.

Clause 12—“Expenditure by council.”

The Hon. C. R. CUDMORE—I am not happy about this clause. There is an obvious excuse for some expenditure by the councils in connection with the impending Royal visit, but the second part of the clause is vague and I have no idea what may be involved. The clause amends section 287 of the principal Act which sets out how the revenue of councils may be expended, and is fairly specific as to what can be done. Although these clauses have been recommended by the Local Government Advisory Committee they should be carefully regarded. We are assured that the advisory committee is clear in its mind as to what it means, but I am not happy as to how far the clause goes. I think it would enable councils which are careless about their affairs to subscribe to all kinds of things. It is a pretty wide provision and I should like some further explanation on it.

The Hon. A. L. McEWIN—The object is to enable councils to disperse their funds as mentioned in the clause. I am afraid I cannot help the honourable member further.

The Hon. E. ANTHONY—Subsection (3) opens up a very wide field for the expenditure of council funds. Cannot the Chief Secretary say how far a council could go in expending its moneys on such matters?

The Hon. J. L. COWAN—Members in their speeches on the second reading mentioned that the Auditor-General in his annual report had stated that a number of councils had contravened the Act by contributing to certain organizations. The amendment has been sought by nearly all the district councils along the Murray who wish to subscribe to the Murray Valley Development League, whose activities extend along the Murray in South Australia, Victoria, and New South Wales. Councils in the two other States contribute towards its funds, but it has been ruled that the South Australian Act will not permit councils here to contribute 2d. per head of the population within their areas as is done in those other States. A deputation waited on the Premier and he promised

that the Act would be amended so that contributions could be made by district councils. Although the amendment is of vital importance to councils along the Murray, I think it would be better if the amount they could contribute were limited in some way—say to two per cent of the rate revenue of the council. That would prevent contributions by councils to organizations which were of no standing and thus prevent the squandering of ratepayers' money.

The Hon. C. R. CUDMORE—I move—

That subclause (j3) be deleted.

It is obvious from Mr. Cowan's remarks that this is a rather parochial matter and has been included because people along the Murray wish to subscribe to the Murray Valley Development League. There may be similar worthy movements in other parts of the State. We have been careful in limiting the authority of councils to spend ratepayers' money on such things, I do not think Mr. Cowan's explanation is good enough to warrant our agreeing to councils being authorized to spend their money in this way. If it were agreed to, they could spend their money on all kinds of things. The proposal goes too far.

The Hon. F. T. PERRY—If 2 per cent of council revenue is to be permitted to be permitted to be expended as suggested by Mr. Cowan, provision for this purpose should be included in the Bill, and a statement to this effect should appear on notices sent to ratepayers for the payment of their rates. In its present form the provision is rather wide, as donations could be made to all kinds of organizations. I suggest that the honourable member define in the subsection the name of the organization and then I would support him.

The Hon. J. L. S. BICE—I support the clause. I have a letter from the Encounter Bay District Council urging members to support the inclusion of subsection (j3). I appreciate the difficulty of convincing members that this subsection is warranted, and am not able to add a great deal to the remarks of the Hon. J. L. Cowan, who is so familiar with this matter and explained the circumstances which gave rise to the necessity for this clause. I feel that the Murray Valley Development League is accomplishing a really worth-while service; therefore the Government was warranted in asking Parliament to support the clause.

The Hon. K. E. J. BARDOLPH—Members opposing the subsection are attempting to con-

vey the impression that councils are not capable of looking after ratepayers' funds. I support the clause.

The Hon. N. L. JUDE—Mr. Cudmore said that this was rather a parochial matter. I can only misquote Churchill by saying, "Some parish." It is a big distance from the Murray mouth to the Victorian border, and a considerable number of councils are situated in that area. I would give close consideration to supporting the clause if it specifically included the object mentioned by Mr. Cowan. I have no hesitation in saying that I oppose subsection (j3) on the grounds envisaged by several honourable members who have already spoken. I can foresee all kinds of causes for which money would be voted. I oppose subsection (j3).

The Hon. A. J. MELROSE—I too support the deletion of sub-clause (j3). I have been associated with local government probably longer than any other member of this Council and I have seen the gradual expansion of section 287 of the Act, which sets out the things to which a council can subscribe. It began with subscriptions to such things as the Children's Hospital and Minda because it was felt that they served every district in the State, but I have seen innumerable attempts to subscribe to other things quashed by the council's auditors. I remind members that a newly elected councillor probably has little acquaintance with the Act and he needs the guidance of specific instructions to tell him what he can do and what he cannot do. It is essential to guard the council's powers of spending ratepayers' money on what might easily be the private enthusiasms of individual members. If those councils which are involved in the destinies of the Murray Valley Development League desire this power let them have a special clause specifying the councils concerned and the amount they may spend. I refuse to support the giving of a general power throughout the State.

Amendment carried; clause as amended passed.

Clause 13—"Subsidy to dentist by district council."

The Hon. C. R. CUDMORE—I intend to vote against this clause. Section 289 reads:—

(1) In addition to the powers conferred by section 287 a district council may expend moneys in—

(c) providing a salary or subsidy to or for a legally qualified medical practitioner practising within the district.

That provision has been in the Act for many years. It is necessary in sparsely populated areas, where it is hard to get doctors, for district councils to subsidize them in order that the people may have medical attention, but we have in recent years recognized all kinds of people as professional persons, such as veterinary surgeons, dentists, hairdressers, physiotherapists, psychiatrists and others, and it is just a question of where it is going to end. It does not seem proper to extend the concession to dentists.

The Hon. A. L. McEWIN—I do not often find myself advocating something to suit individual cases, but there are exceptional circumstances. This amendment has particular relation to Kangaroo Island. The council endeavoured to obtain a dentist, but although several made inquiries none of them settled there. Finally the council decided that the only way to secure a dentist was to put up a guarantee but the council's solicitor advised that it did not have the power to do so, and an approach was made to the Government on the grounds that the health of the people is closely associated with dental attention, and it would be reasonable to assist a dentist. Under the special circumstances the Government agreed.

The Hon. E. H. EDMONDS—I support the clause. The matter goes even further than the Chief Secretary indicated. One service provided by the Education Department is dental treatment for the children, and because of the scarcity of dentists willing to undertake this service we sometimes find that this facility is not available to children in the outer areas. This clause will enable councils to meet the position by contributing something by subsidy, or even by salary, to a dentist to serve an area possibly comprising several district councils.

Clause passed.

Clauses 14 to 16 passed.

Clause 17—"Leased roads."

The Hon. A. J. MELROSE—I spoke about this clause on the second reading. More discretion should be given to councils as to the provision of gates. The Act lays down that the council shall insist upon gates in fences across leased roads, and this clause merely gives discretionary powers as to the type of opening. I think the council should have discretion as to whether or not a gate is necessary. As I pointed out on the second reading,

local public opinion would soon see that an adequate opening was put upon a road.

Clause passed.

Clauses 18 to 22 passed.

Clause 23—"By-laws as to consumption of liquor on footpath."

The Hon. F. J. CONDON—I oppose the clause for the reasons mentioned this afternoon. The police already have power to order any person to cease loitering at any time. The matter is also covered by the Licensing Act. Councils should not have power to control this sort of thing, as it does not come under their jurisdiction.

The Hon. C. R. CUDMORE—I am in complete accord with Mr. Condon. Speaking on the second reading I said I considered it was entirely wrong for this provision to be put into the Local Government Act, as it was a matter of "passing the buck." If people are offensive on footpaths there is power to deal with them under the Police Act.

Clause negatived.

Remaining clauses (24 to 28) and title passed.

Bill recommitted.

Clause 12—"Expenditure by council"—reconsidered.

The Hon. C. D. ROWE—It is obvious that paragraph (j3) was inserted to enable councils along the River Murray to make subscriptions to the Murray Valley Development League, a body with considerable support in the area to which councils in other States can contribute. Nobody seemed to object to that, but the clause as drafted was too wide and I think it would be better if it were limited to a much finer scope. I therefore move the following new paragraph:—

(j3) Subscribing for the purpose of assisting any association having as one of its principal objects the economic development of the area under the control of the council.

That will prevent a council from making donations willy nilly to anybody.

The Hon. A. L. McEWIN—I cannot see much difference between the honourable member's amendment and the original wording.

The Hon. C. R. CUDMORE—The amendment uses the word "association," which might mean any small body of any sort with any kind of ideas. However, Mr. Rowe ties it down to an association having as its object the economic development of an area. That might

mean a super planner's idea of what is economic. It would be dangerous to insert this provision in the Bill, therefore I oppose the amendment.

Amendment negatived.

Bill reported with amendments and Committee's report adopted. Read a third time and passed.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

Second reading.

The Hon. R. J. RUDALL (Midland—Attorney-General)—By section 14 of the Wheat Industry Stabilization Act, 1948, it is provided that the price for wheat sold by the Australian Wheat Board for home consumption shall be the guaranteed price, with the necessary adjustments for quality, place of delivery and other such factors. A similar provision is in the wheat legislation of the other States. In recent months proposals have been advanced by the Commonwealth Government for the purpose of securing to wheatgrowers a higher return for wheat sold in Australia for stock feed. The first proposal submitted was that wheat for feed for pigs, poultry and dairy cattle should be sold at a price based on the International Wheat Agreement price of 16s. 1d. a bushel and that the Commonwealth Government should relieve the burden on the poultry industry by a subsidy on eggs.

South Australia agreed to this plan but the other States did not. Further conferences were held at the instigation of the Commonwealth and the five other States of the Commonwealth have now agreed upon another plan, the outlines of which are as follows:—

1. A limit of 26,000,000 bushels be placed on the quantity of wheat to be made available for stock feed.

2. The price of feed wheat for the poultry, pig, and dairying industries be the guaranteed price plus 2s. per bushel, but with the proviso that the price would not be above 14s. next year. The price for feed wheat this year will be 12s. per bushel entailing a subsidy by the Commonwealth of 4s. 1d. per bushel.

3. The price of feed wheat for feed purposes other than poultry, pig and dairying industries be 16s. 1d. per bushel.

4. The States will undertake to co-operate with the Commonwealth Government and the Australian Wheat Board in the administration and payment of the subsidy.

5. Freight charges on wheat delivered from mainland ports to Tasmania and Queensland will be met by the Australian Wheat Board. State Ministers will co-operate with the Commonwealth Government in enacting legislation to give effect to this.

6. The States will join with the Commonwealth Government in a campaign to secure increased acreages of wheat, and particularly of coarse grains.

7. The States to take immediate action to enact legislation to give effect to the foregoing proposals if approved by the Commonwealth Cabinet.

8. The proposal No. 2 will involve Commonwealth subsidy on 26,000,000 bushels at 4s. 1d. per bushel—approximately £5,300,000.

The South Australian Government, although it preferred the first plan, has agreed to fall in line with these new proposals. In amplification of these proposals I will place before honourable members the explanation of them which the Government received from the Commonwealth Minister for Commerce and Agriculture, Mr. McEwen. It is as follows:—

The proposals require State legislation to establish the new selling price for wheat for stock feed and Commonwealth legislation to provide for a Commonwealth subsidy to reduce the price to the poultry, pig and dairying industries in the interests of those industries and to minimize price rises of their products to consumers. The present agreement is a culmination of proposals which were first presented on behalf of the Commonwealth Government to the Australian Agricultural Council last June. These proposals were designed to secure a higher return to wheatgrowers for wheat sold for stock feed. The present proposals with which the Federal Cabinet had agreed would return to wheatgrowers 16s. 1d. per bushel for all wheat sold for stock feed as against the price which would otherwise prevail, that was the guaranteed price which, last year, was 7s. 10d. per bushel. However, under the plan poultrymen, pig raisers and dairy farmers would not, for the next 12 months, pay more than 12s. per bushel for wheat. The Commonwealth Government would carry the difference by a subsidy to aid these industries.

To conserve the maximum quantity of wheat for export for human consumption it had been agreed, as part of the proposals, that the quantity of wheat to be sold for these stock feed purposes should be limited to 26,000,000 bushels a year. As the Wheat Stabilization Legislation covered a five-year period, terminating after the crop following the one now being harvested, the plan covered this unexpired period and it has been agreed that next year the price to the poultry, pig and dairying industries shall be the proclaimed guaranteed price, plus 2s. per bushel, but not exceeding 14s. a bushel. The State Ministers made an

offer to the Federal Government that recognizing the necessity to avoid abuses under the subsidy proposals, they would use their best efforts to police the restrictions on stock feed sales to the three industries intended to be assisted.

It was further agreed that in the interests of securing the production of the maximum quantity of feed grains and of minimizing the demand for wheat for stock feed purposes, the Commonwealth and all State Governments would join in a campaign to endeavour to increase the production of other feed grains, oats, barley, maize and grain sorghum and also to increase the acreage put under wheat. The State Governments, upon whose legislation depended the higher return to wheatgrowers from these stock feed sales, had, however, attached a condition to their willingness to so legislate. That was that in consideration of the higher returns which would result for wheatgrowers the Australian Wheat Board should pay the freight on wheat to Tasmania and the freight on the wheat, which because of drought circumstances, it was necessary this year to move from southern States to Queensland.

In connection with the plan the Commonwealth Government has submitted to the States a draft of a Bill which it desires to be passed as uniform State legislation throughout the Commonwealth. The Bill which is now before honourable members incorporates the proposals submitted by the Commonwealth. By clause 3 it is provided that the new proposals will come into operation on December 1 next. Clause 4 sets out the legal details of the scheme by way of additional subsections to be inserted in section 14 of the principal Act. The proposed subsection (2) empowers the Wheat Board to sell wheat as feed for poultry, pigs, or dairy cattle at the guaranteed price plus 2s.; but by subsection (3) it is provided that the price for any such wheat must not exceed a price calculated on the basis of 14s. for bulk wheat of fair average quality f.o.r. ports. By subsection (4) it is provided that the amount of wheat to be sold as stock feed at the price mentioned in the Bill must not exceed 26,000,000 bushels in any one wheat year. If any stock feed in excess of the 26,000,000 bushels is sold in any such year the board's price for the excess will be based on 16s. 1d. a bushel. Subsections (6), (7), and (8) are machinery clauses for ensuring that the board will pay the freight on wheat exported to Tasmania and Queensland as agreed between the States.

As I mentioned the Bill is designed to secure uniform legislation throughout Australia. Having this object in view the Government has been careful not to amend the Commonwealth proposals in the course of preparing the Bill

and the Government would appreciate it if honourable members would realize that the Bill is part of a Commonwealth-wide scheme and should not be altered except in the event of the Commonwealth asking us to do so in conjunction with the other States. I move the second reading.

The Hon. F. J. CONDON (Central No. 1)—
At very short notice we are called upon to ratify an agreement entered into between the Commonwealth Government and the various States. I criticize the proposals in this Bill but realize that I cannot oppose the Bill because we are bound to carry it in order to ratify the agreement. In the first place a conference was held between the State Ministers of Agriculture and Senator McLeay representing the Minister for Commerce and certain proposals were submitted to which only South Australia agreed. The matter was delayed and subsequently a modified scheme was submitted. At that conference the South Australian Minister of Agriculture was represented by the Premier. It is not necessary for me to traverse the history of the Wheat Stabilization Act. There has been continued agitation by people representing different organizations who agreed to certain legislation in 1948, but before the agreement has expired an attempt is being made to break away from it. I say to those who are prepared to agree with them, "Don't complain when other people break agreements." Something must be done to assist the industry. This legislation was first mooted in 1946 when we considered a wheat stabilization ballot Bill. In 1948 there was another Bill.

The Australian Wheat Board is not in a position to meet its commitments under the international agreement because there has been a falling off in wheat production. In spite of what the Federal Minister for Commerce may say, the Federal Government has fallen down on its job and has not looked after the industry as it should have done. It promised to establish a costing committee to advise the people concerned but that promise has never been fulfilled. Some attempt has been made to cover those mistakes and recently an effort was made to alter the constitution of the Australian Wheat Board. When the Federal Labor Government was in power and commercial interests were represented on the board I said that the men relieved from the board were a loss to the Commonwealth. Unfortunately men of considerable commercial experience were removed from the board and a majority of farmers' representatives were appointed. The present

President of the board was removed but he was later reinstated. The late James Gatehouse, who was respected by those in the industry was appointed to the board. Later the employees had a representative appointed and there was also a representative of the manufacturing side of the industry. There has always been a majority of wheatgrower representatives on the board. Recently when this legislation was being considered the farmers' representatives attempted to remove the employers and employees represented on the board but failed.

The Hon. R. R. Wilson—Is that organization representative of the wheatgrowers?

The Hon. F. J. CONDON—Yes, and the secretary is not far from here. The motive was to create a situation in which the manufacturing interests would not be considered, with a view to extracting the last penny out of the overseas and Australian markets, and I appreciate the fact that the Federal Government did not accede to the move by certain organizations. We must face the position that there will be increases again. At present the home consumption price of wheat is 7s. 10d. a bushel and it is proposed that, as from December 1, the price of wheat for local consumption shall be fixed at either 9s. 10d. or 10s. a bushel; the price outside the agreement has been as high as 20s. The poultry breeder, the dairy farmer and the pig raiser will be called upon to pay 12s. a bushel for an article valued at 16s. 1d. If I am any judge, the price of bran and pollard, which is now £14 2s. 6d. a ton, will be over £20; an attempt was made recently to fix it at £27 to £28 a ton. It follows that the price of eggs will be further increased and the price of bacon will go up, as will that of butter.

The Hon. W. W. Robinson—This Bill does not affect bread.

The Hon. F. J. CONDON—As from December 1 the price of flour for home consumption will be 10s. a bushel.

The Hon. W. W. Robinson—This Bill deals only with stock feed.

The Hon. F. J. CONDON—The Australian Wheat Board has decided to fix the price at 12s. and the balance of 4s. 1d. is to be made up by the Commonwealth Government as a subsidy. At the same time wheat for home consumption is to be increased to 10s. a bushel, which will increase the price of flour and bran and pollard. The farmer is entitled to consideration and the time has arrived when the Government will have to consider further

assisting the wheat industry because now it pays the farmer far better to grow wool than wheat. This has resulted in a smaller area under cultivation than in previous years. We are facing a situation when we may have to send wheat to Queensland because of the conditions which have arisen there, whereas only two or three years ago Queensland was an exporter of wheat. Our population is growing with the introduction of immigrants and the time may arrive when we will not be able to participate in the International Wheat Agreement.

In 1946 a Bill was before Parliament dealing with the stabilization of the wheat industry and providing for the control of the production of wheat. Five years later we find ourselves in a worse position. The amount to be sold for stock feed under the proposed legislation is 26,000,000 bush. In 1948 the Wheat Stabilization Scheme Ballot Act was passed, and today we are faced with this further legislation. The Bill deals with the price for stock feed for poultry, pigs, dairy cattle, etc., which is set down at 16s. 1d. a bushel. The proposals require State legislation to ratify them. I am not wedded in any way to this scheme, but I realize it is useless my opposing it because it must be ratified by the State Parliament before next Saturday. I would like the Minister to inform me whether the other States will pass complementary legislation by Saturday next.

The Hon. R. J. Rudall—I cannot give any guarantee on that.

The Hon. F. J. CONDON—Do I understand that all Parliaments in Australia are meeting today? Some States may not agree. However, I can see no other way to meet the situation. I am simply criticizing the scheme as I see it. The farmer should receive every penny to which he is entitled, but I want to see the industry carried on without the manufacturing side being overlooked, and all interested parties receiving consideration, which in the end must mean the betterment of the Commonwealth, the industry and all concerned.

The Hon. R. R. WILSON (Northern)—During the Address in Reply debate I referred to the falling off in the acreage sown to wheat, and I commend the Government for taking notice of the situation by agreeing to subsidize the industry to the extent of 4s. 1d. a bushel. This means that the wheatgrower will now get 16s. for all wheat sold for stock feed. During the last 3½ years the wheatgrower has conceded approximately £40,000,000 in the concessional

price for stock feed, and it was only natural that the time should come when there would be a reduced acreage. This year, notwithstanding an increasing population, we have a decreased acreage sown to wheat, and it is doubtful whether we will have much available for export. One of the complaints of the growers regarding the Bill is that they still have to bear the freight to Tasmania and Queensland. I think we all appreciate the extent of the drought in Queensland, and the average wheat-grower will concede the concession of freight willingly enough, for we never know when a drought may overtake our own State and we will be in the same position. I do not know why Tasmania is mentioned. I do not suppose much wheat is grown there, but we are to pay the freight for this year only. The Bill will cover two harvests and I hope that our wheatgrowers will not complain about having to bear the freight to the States referred to. The Government has provided 26,000,000 bushels of wheat for use as stock feed. Subsidies on wheat have cost £5,250,000, a huge sum. The Bill should give general satisfaction to all wheatgrowers and I have pleasure in supporting it.

The Hon. W. W. ROBINSON (Northern)—The Bill provides for an increase in the price of stock feed wheat from 7s. 11d. a bushel to 12s. which, with the Commonwealth subsidy of 4s. 1d., will mean that wheatgrowers will receive export parity price for 26,000,000 bushels, the normal quantity that is used for stock feed. Alarming inroads have been made into the export wheat surplus during recent years and we are reaching the position when there will be little wheat available for export under the international agreement. During the past decade the area under wheat in Australia has fallen by about 4,000,000 acres. South Australia alone is down to 1,600,000 acres; at one time it was more than 4,000,000 acres. Much criticism has been levelled about the disbandment of the wheat committee. The Curtin Government disbanded the committee, which comprised experienced wheat merchants and appointed another, supposedly representative of Australian wheatgrowers. Seven so-called wheatgrowers were nominated to represent wheat farmers, but all were nominees of the Labor Government. I understand that one member appointed had to purchase some land to qualify as a wheat producer.

The Hon. K. E. J. Bardolph—That is a serious statement to make.

The Hon. W. W. ROBINSON—Subsequently an election was held by wheatgrowers to select representatives. The Commonwealth Government contravened the electoral laws of the Commonwealth, which provided for preferential voting, and instituted a system of voting by a cross, the old system of first past the post, which gave a considerable advantage to those who already held a position on the board. Fortunately, Western Australia elected the present chairman, Mr. Teasdale. It was said that the increased price of stock feed would mean an increase in the price of bread, but it will not. A committee has been appointed to deal with the costs of wheat production and has increased the price of wheat for home consumption from time to time in keeping with them. The price was fixed at 5s. 10d. and later increased to 6s. 7d. a bushel. That was recently further increased to 7s. 11d. There is no assurance that the price will increase to 10s. a bushel, but it is general knowledge that the price will be increased to between 9s. 6d. and 10s.

The reason for the breaking of the agreement and the introduction of the Bill is the extent to which stock feed wheat has eaten into the wheat surplus of Australia. Export wheat, outside the agreement, was being sold for 20s. 11d. a bushel. Barley growers were able to take advantage of export prices, making barley a much more profitable crop than wheat to grow. At one time growers regarded barley as the natural food for pigs, but today we are selling on the world's market all we can produce. The only difference in the barley price is that for barley used for malting. Prior to the introduction of the legislation maltsters were paying a higher price for locally used barley than was received for export barley. During the depression years the people of Australia came to the wheatgrowers' rescue by paying more for home consumption wheat through the flour sales tax.

The Hon. K. E. J. Bardolph—And they never complained.

The Hon. W. W. ROBINSON—No, and the wheatgrower is not complaining today about the home consumption price of wheat for consumers. The underlying reason for the breaking of the agreement was that a large percentage of our wheat was being fed to pigs, fowls, and cows and, in many instances, to sheep for producing wool at high prices. Two shiploads of wheat have been sent to Queensland recently to feed sheep in drought stricken areas. Wheatgrowers feel that they

should not be called upon to subsidize the wool industry, which is still receiving a high price for its products.

The Hon. F. J. Condon—Does that apply to the pig, poultry, and dairying industries?

The Hon. R. R. ROBINSON—Wheatgrowers consider that if people wish to encourage those industries all should pay for the cost and wheatgrowers alone should not be saddled with it. This legislation is vital if we are to have sufficient wheat to feed our people.

The Hon. C. R. Cudmore—Will it encourage the growing of more wheat?

The Hon. R. R. ROBINSON—I do not know, but it will increase the price to growers. It will also mean that the price of barley will be more attractive than wheat and will relieve the demand for pig feed, making wheat available to relieve the very acute shortage for human consumption throughout the world. I support the Bill.

Bill read a second time and taken through its remaining stages without amendment.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL.

In Committee.

(Continued from November 22. Page —)

Clause 3—“Transfer of certain money to Country Secondary Industries Fund,” to which the Hon. C. R. Cudmore had moved to delete subclause (2).

The Hon. C. R. CUDMORE—Since the Committee reported progress I have read the report of the Industries Development Committee on this project for South Australian Refractories Limited. The point of my remarks was that Parliament did not know enough of what was going on under this legislation. I still think that there is no need for this subclause, but in order to facilitate the passage of the legislation and to assist some firm going into the empty factory at Wallaroo and commencing work there and providing some measure of decentralization I do not propose to press my opposition, and I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted.

Read a third time and passed.

TRAVELLING STOCK RESERVE: NORTHERN AREAS.

Consideration of the following resolution received from the House of Assembly:—

That it is desirable that the travelling stock reserve running north from Willochra through the hundreds of Boolcunda, Kanyaka, and Barndioota to Hookina, containing an area of 4,370 acres approximately as shown on the plan laid before Parliament on June 27, 1951, be resumed in terms of section 136 of the Pastoral Act, 1936-1950, for the purpose of being dealt with as Crown lands.

The Hon. R. J. RUDALL (Midland—Attorney-General)—An inspection by a member of the Pastoral Board revealed that owing to its extremely rough nature and the limited amount of country served by it the reserve is of no use for travelling stock; in fact, inquiries revealed that it had not been used for over 20 years, and probably much longer. Contact was made with local landholders, drovers of the district, stock agents, the Crown lands rangers at Quorn and Hawker, the clerk of the district council of Kanyaka, and the manager of Partacoona Station, and all were emphatic that the reserve was of no further use for travelling stock. It was ascertained that stock travelling from the north used the three chain road which runs approximately parallel, to the east, and meets the railway line 2½ miles north of Willochra. Stock then cross the line to follow the three chain road on the east side for a mile, then cross again and follow the one chain road west for three-quarters of a mile to Willochra bore for water. It appears that this road provides ample accommodation for the comparatively small number of stock which now travels south from the pastoral country. As far as could be ascertained the only stock which have travelled south since 1946 were 200 head of cattle and 2,000 sheep from Nilpena Station, and they followed the eastern track which has become the recognized stock route. The Stockowners' Association has advised the department that there is no objection to the land being resumed. I ask members to support the resolution.

The Hon. E. H. EDMONDS (Northern)—Inquiries I have made confirm the position as set out by the Minister. This 35 mile route is between the railway siding at Willochra and Hookina on the far northern line. There was a time when travelling stock routes and reserves were of great importance, but in later years, with improved methods of transporting stock, the route is no longer of importance. Very little stock has travelled the route in latter

years and it is considered by the Land Board and property owners that the area of 4,370 acres can be put to better use.

Resolution agreed to.

SWINE COMPENSATION ACT AMENDMENT BILL (No. 2).

Received from the House of Assembly and read a first time.

Second reading.

The Hon. R. J. RUDALL (Midland—Attorney-General)—The Swine Compensation Act, 1936, which came into force on March 1, 1937, provides for the levying of a stamp duty to be payable on the sale of any pigs. The duty imposed is at the rate of 1d. for every 10s. of the sale price but it is provided that the maximum duty payable on the sale of any one pig is 2s. 6d. The proceeds of this stamp duty are paid into a fund which is applied in the payment of compensation to the owner of pigs or carcasses of pigs which are condemned by reason of disease as defined by the Act. In the case of a pig which is condemned, the Act provides that, if after destruction the pig is found to be free from disease, the market value of the pig is to be paid whilst, if the pig is found to be diseased, three-quarters of the market value is payable. It is provided, however, that the market value of any one pig is deemed to be not more than £15.

Compensation for condemned carcasses is payable according to a scale prescribed by regulation and the regulations prescribing this scale conform with the maximum market value of £15. This market value of £15 was fixed by legislation passed in 1936 and it is obvious that this amount is not in accord with present day market values. It is therefore proposed by clause 2 of the Bill that the maximum market value be increased from £15 to £30. If this proposal becomes law, it will be necessary to make regulations making corresponding alterations in the prescribed scale for compensation for carcasses.

It is considered by the Government that, if the maximum market value is increased and as a necessary consequence the maximum amount of compensation payable is increased, it is necessary that provision should be made to increase the amount which will be derived from stamp duty payable under the Act. It is not proposed to vary the rate of duty, that is, 1d. for every 10s. of the sale price of a pig, but it is proposed by clause 3 to increase the maximum duty payable on the sale of a pig from 2s. 6d. to 5s. and thus increase this maximum in the

same proportion as it is proposed to increase the maximum compensation. At June 30, 1951, the amount standing to the credit of the fund was £51,914. During the year ending June 30, 1951, the receipts paid to the fund amounted to £12,879 whilst payments from the fund amounted to £8,550. If the proposals put forward by the Bill are accepted, the increased revenue will, under normal circumstances, be more than sufficient to meet the increased expenditure. It is, however, most important that this particular fund should have a substantial credit. Swine are extremely liable to infectious disease and it must be always borne in mind that an epidemic of infectious disease may occur which will give rise to very substantial claims for compensation. I move the second reading.

The Hon. W. W. ROBINSON (Northern)—This is similar legislation to the Cattle Compensation Act Amendment Bill which we have already passed. It provides for increased compensation for pigs destroyed. It also provides for the maximum of stamp duty to be increased from 2s. 6d. to 5s., which is necessary to maintain the fund. The rate still remains at 1d. for every 10s. I support the Bill.

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

SURPLUS REVENUE ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill makes two amendments of the Surplus Revenue Act, 1938. By that Act the Treasurer was empowered to underwrite shares up to £100,000 in the capital of Cellulose (Australia) Limited which at the time of the passing of the Act was being formed for the purpose of manufacturing cellulose, paper, and board. After the applications from the public for shares had been received, the Treasurer, in accordance with the underwriting agreement, was called upon to take up shares to the amount of £27,800. These are still held by the Government. The Cellulose Company which, as members know, has been successful, is now making a further issue of shares; and by virtue of the Treasurer's existing share holding he will be offered approximately 20,000 additional ordinary shares of £1 each. As these shares are a good investment it is desirable that the

Treasurer should take advantage of the offer. The Bill enables him to do this and appropriates the sum of £20,000 from the Loan Fund for the purpose. Another provision deals with a different but allied topic, namely, the right of the Treasurer to nominate directors of the company. Conditions of the original underwriting agreement were that the Treasurer should have the right to appoint two of the first directors of the company, and after their retirement he should be entitled at all times to be represented on the board of directors by one director for each £100,000 or fractional part thereof, of the total amount of the shares held by the Treasurer and of the money for the time being lent to the company by the State Bank.

The company has been advised by its share brokers that in order to ensure that the proposed new issue of shares shall be successful the company should be listed on the Adelaide Stock Exchange. But a company cannot be so listed unless its shareholders have an unrestricted right over the election and remuneration of directors and the company's articles of association provide for at least one-third of the directors to retire each year. These requirements are, of course, inconsistent with the rights of appointing directors conferred on the Treasurer by the Act of 1938. The company has accordingly asked the Treasurer to give up these rights. The Government is of opinion that the request is reasonable in the circumstances and has decided to ask Parliament to repeal the relevant section of the Act.

There are two facts which the Government has taken into account in arriving at this decision. The first is that even with the new shares which the Government may take up the share holding of the Government will still be under £50,000—a relatively small proportion of the company's capital. Secondly, when the new capital is raised it is intended that the Government will be released from the guarantee of £100,000 which it has given to the State Bank by way of security for an overdraft to the company, and the company's account with the State Bank will then become a normal trading account. In these circumstances it can hardly be suggested that the Government will be entitled to any specially favoured position in the matter of appointing directors. By the proposed new section 3b, therefore it is declared that from a date to be fixed by the Governor by proclamation the conditions of the principal Act relating to

the appointment of directors by the Treasurer will cease to have effect. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.

INTEREST ON CROWN ADVANCES AND LEASES ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—The Interest on Crown Advances and Leases Act sets out the method to be followed in fixing the rates of interest to be charged on Government advances and loans and on Crown leases and agreements. Many Acts of Parliament provide that advances may be made by the Government for various purposes and, in order to secure that there should be uniformity in the rates of interest charged, the Act of 1944 provided that the Treasurer could, by notice in the *Gazette*, fix a rate of interest which would be applicable generally to loans and advances made under those various Acts. The Act, however, provides in effect that, if a rate of interest is fixed with reference to advances or other matters under any particular Act, that rate is to apply to all such advances and matters and there is no power to distinguish between loans made in the past and those to be made in the future.

At present, by notice published in pursuance of the 1944 Act, a general rate of 4 per cent has been fixed as the interest rate on these Government advances. This interest rate was fixed at a time when the interest rate on Government borrowing was 3½d. per cent. At the present time, the Government must pay 3¼ per cent and, consequently, the Government has under consideration the appropriate rate of interest to be charged on advances made from funds raised at the current rate for Government borrowing.

If a new rate were fixed by the Treasurer under the 1944 Act, this rate would, under the existing provisions of the Act, of necessity apply to past advances as well as to future advances. The Government is of opinion that it is desirable that there should be discretionary power to distinguish between these and, accordingly, the purpose of the Bill is to provide that, when fixing the general rate of interest to be payable upon Government advances, etc., the Treasurer may, in the notice fixing

the rate, declare that any new rate of interest is to apply to advances and loans made after a date specified in the notice. Clause 2 makes this amendment with relation to Crown advances and loans whilst clause 3 makes a similar amendment with relation to Crown leases and agreements. Paragraph (d) of clause 2 also makes a further amendment to section 2 of the Act. Subsection (8) provides that a notice fixing general rates of interest is not to apply to the general banking business of the State Bank. This provision is clarified to include in this exemption any advance made by the bank under the State Bank Act, which is the Act under which the bank carries on its general banking business. This does not affect such Acts as the Advances for Homes Act, the Advances to Settlers Act and the other administered by the bank on behalf of the Government and any notice fixing interest rates will, of course, apply to advances and loans under these Acts. I move the second reading.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

WILD DOGS ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

Second reading.

The Hon. R. J. RUDALL (Midland—Attorney-General)—The purpose of this Bill is to provide statutory authority to use funds raised by levies under the Wild Dogs Act for carrying out aerial baiting for wild dogs. This question was raised late in 1950 by a deputation from the Vermin Districts Association. Subsequently, a letter was received from the Stockowner's Association supporting the suggestion and later a letter was received from the Superintendent of Stock Routes, Queensland, suggesting that this State should co-operate with Queensland in an aerial campaign which it was proposed to conduct in the north-eastern portion of South Australia.

The States of Queensland and South Australia first commenced aerial baiting campaigns in 1948. The Pastoral Board has been in touch with the authorities in those States and the information received indicates that aerial baiting in those States has met with some measure of success. In addition, aerial baiting has been carried out by some South Australian pastoralists and, whilst no spectacular results have been reported, the general consensus of opinion obtained from those interested is that this mode of attack on dingoes is well worth persevering with.

The Pastoral Board has recommended to the Government that the time has now come when this State should participate in an aerial baiting campaign and that this should be carried out over an experimental period of three years. Before making this recommendation the board discussed the matter with the Dog Fence Board which concurs with the recommendation. The Bill accordingly provides that during the calendar years 1952, 1953, and 1954 the Minister may expend up to £2,000 a year in the carrying out of aerial baiting operations for the destruction of wild dogs.

The funds for this purpose will be derived from wild dog rates imposed on pastoral lands under the Wild Dogs Act. The last rate declared under the Act was 6d. a square mile. The minimum rate authorized by the Act is 1s. a square mile. It is estimated that a rate of 3d. a square mile will yield approximately £2,000 so that, if the present rate revenue is insufficient to meet the present costs of the Act, the rate will need to be increased by up to another 3d. a square mile. Such an increase in rates has been contemplated by the Vermin Districts Association. The Bill, of course, makes no provision for an increase in rates as, if an increase in the present rate is necessary, this can be done under the existing provisions of the Act. However, as the Act limits the expenditure on aerial baiting to £2,000 a year, it follows that, in practice, any increase in rates which may be necessary, will not exceed 3d. a square mile. It is provided by the Bill that, in carrying out aerial baiting operations, the Minister may seek the advice of the Dog Fence Board. On this Board are representatives of the Vermin Districts Association and the Stockowners' Association, so that the board is so constituted that representatives of the persons most concerned will be available to advise the Minister as to the manner in which the aerial baiting operations should be carried out. I move the second reading.

The Hon. E. H. EDMONDS secured the adjournment of the debate.

At 11.18 p.m. the sitting was suspended until the ringing of the bells.

PUBLIC SERVICE ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill has been prepared with the main object of giving effect to the

recommendations of Mr. President Morgan respecting the Public Service Commissioner's salary. There are, however, some other problems which have arisen in connection with the public service on which legislation is desirable. These have been dealt with in the Bill. Clause 3 relates to the Commissioner's salary. The present law is that this salary is fixed by the Governor at or before the commencement of the Commissioner's term of office and is not subject to alteration except that the Public Service Board may periodically adjust it in accordance with alterations in the cost of living and in the general level of public service salaries. Mr. President Morgan was of opinion that the Commissioner's salary was one which should be fixed by Parliament only and that if any alteration were necessary that it should be effected by an amending Act and not by a Governmental authority. His Honour recommended a rate of £2,300 a year. The Government has accepted the recommendations and by clause 3 it is proposed to strike out the existing provisions of the Public Service Act relating to the fixing of the Commissioner's salary and to substitute a declaration to the effect that the salary is to be at the rate of £2,300 a year. This new rate will operate from the commencement of the present financial year.

Clause 4 is a consequential amendment only. Section 24 of the principal Act contains a reference to certain matters dealt with by the Public Service Board. These matters are no longer dealt with by the board but by the Commissioner and it is necessary to strike out the reference to them in section 24. Clause 5 gives the Public Service Board additional powers respecting overtime and payments for board, lodging, fuel, light, and rations provided by the Government. With respect to overtime, the present law provides that the Public Service Board can only compensate an officer for overtime work by a monetary allowance. In some cases, however, officers and departments prefer that compensation for overtime should take the form of time off rather than a monetary allowance, but the board cannot make an award to this effect at present. It is proposed to give the board power to award time off as compensation for overtime. As regards the charges for board, lodging, fuel, light, and rations the present position is that while the Public Service Board has power to deal with rent chargeable for houses supplied to officers by the Government it has no power to fix a charge for board, lodging, fuel, light, or

rations. A regulation made in 1926 purported to give such a power, but it was held to be invalid and since then the board has acted in an advisory capacity only. It is obviously necessary that the authority which fixes salaries should also have authority to determine the deduction to be made for such matters as board, lodging, fuel, light, and rations, and it is desired to give the board such a power.

Clause 6 deals with the temporary employment in the Government service of persons over the age of 65. In view of the present shortage of labour, particularly of tradesmen, it often becomes desirable that persons over 65—usually tradesmen who are capable of giving satisfactory service—should be employed. Section 49a of the Public Service Act deals with such employment, but contains some restrictions which have considerably reduced its effectiveness. For example, it does not permit the Government to employ any person who has not previously been employed in the Government. This restriction is not only unnecessary but has prevented departments from obtaining the services of urgently-needed workers. It is proposed, therefore, to strike out the provisions which limit section 49a to those who were previously employed in the Government. Other limitations are that no-one is to be employed after the end of next year, or after the end of the war. It is desirable to strike out these time limits, especially that referring to the end of the war and fix a new time limit. Clause 6 therefore provides that persons over 65 may be employed up to the end of 1953. A further amendment made by clause 6 is to clarify the position of these over-age employees in relation to leave. It makes it clear that such employees may receive annual and sick leave and special purpose leave to the same extent and on the same conditions as temporary employees in the particular department who are under the age of 65.

Clause 7 deals with appeals respecting appointments within the Public Service. The main object of the clause is to give the Public Service Commissioner the right of audience before the Public Service Board when such appeals are being heard. Until recent years the Commissioner has himself been a member of the board hearing such appeals and therefore no question of giving him a right of audience could arise. But since the appointment of the present board, the Commissioner does not sit as a member when it is hearing appeals and there is no provision in the Act giving him a right of audience. The question

has arisen whether he is entitled to be represented before the board and make submissions. It is obviously desirable that the Commissioner should have this right since he is primarily responsible for the proper staffing of departments and in most cases is familiar with the careers and qualifications of the various applicants. It is proposed, therefore, to re-draft the provisions as to the procedure on appeal, making it clear that the Commissioner has the right of audience and also placing upon the board the duty to hear any submissions from the head of the department in which the vacancy occurred. The existing rights of the Public Service Association and its general secretary in relation to these appeals are retained.

Clause 8 was inserted in the Bill in the House of Assembly. It provides that the Clerks of the Legislative Council and the House of Assembly shall respectively retire at the end of the year in which they attain the age of 65. These officers are at present not subject to any retiring age, being expressly exempted by the provisions of the principal Act. As regards the Clerk of the House of

Assembly, who is now over the retiring age proposed, the Bill provides that he shall retire at the end of 1952.

Clause 9 is an amendment to state more clearly the interpretation of section 76a of the principal Act, by inserting some definitions in it. Last year Parliament enacted this section providing for cash payments in lieu of long service leave to all officers who had reached the statutory retiring age. Some doubts have arisen whether the term "officer" in this provision includes all the employees who are entitled to long service leave on their retirement. It is proposed, therefore, to insert some definitions making it quite clear that the section applied to all persons entitled on their final retirement to long service leave. At the same time a more accurate definition of the retiring age is inserted. These amendments will not affect the existing practice in relation to this matter. I move the second reading.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

ADJOURNMENT.

At 12.01 a.m. the Council adjourned until 2 p.m. the same day.