LEGISLATIVE COUNCIL.

Tuesday, September 28, 1954.

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

QUESTIONS.

MARGARINE INDUSTRY.

The Hon. F. J. CONDON—Can the Chief Secretary inform the House what action the Government has taken to prevent the importation of margarine from other States to be sold here above the fixed price?

The Hon. Sir LYELL McEWIN—I have referred the honourable member's question to the Minister of Agriculture, who now has this matter in hand.

The Hon. F. J. CONDON—Will the Chief Secretary bring to his notice the letter I produced stating that the market at Mount Gambier is being flooded with supplies of margarine from another State which is sold above the fixed price? This is a serious matter; the factories in this State have been closed yet margarine is being brought here from another State and sold at a higher price.

The Hon. Sir LYELL McEWIN—Yes.

TRAFFIC ISLANDS AND ROUNDABOUTS.

The Hon. C. R. CUDMORE—Can the Minister of Highways inform the House whether the Government has decided to take any action in the matter of traffic roundabouts and archipelagoes in various parts of the metropolitan area?

The Hon. N. L. JUDE—I have been advised that the Traffic Committee to which the honourable the Premier referred this matter has come to a unanimous decision; its report is:—

It be recommended to the Government that the Local Government Act be amended to provide as follows:—

1. Before erecting traffic islands or roundabouts the council shall submit to the Highways Commissioner a locality plan and a sketch plan showing the situation, shape, dimensions, and general nature of the proposed structures, together with relevant data to establish the need for such islands or roundabouts.
2. The commissioner may approve of the proposal or recommend alterations, or that the proposal be not proceeded with.
3. If the council does not accept the commissioner's recommendation and desires to proceed with the structure the question shall be referred to the Minister whose decision shall be final.
4. Traffic islands and roundabouts must be so constructed as not of themselves to constitute a traffic hazard.

BETTING TAXATION.

The Hon. F. J. CONDON (on notice)—

1. What amount was received and paid into the Treasury for the year ended June 30, 1954, in respect of—(*a*) totalizator tax, (*b*) commission on bets, (*c*) winning bets tax, (*d*) stamp duty on betting tickets, and (*e*) dividends and winning bets unclaimed?

2. What was the total amount paid to State revenue from these sources?

The Hon. Sir LYELL McEWIN—The replies are:—

1. (*a*) Totalizator tax.—Totalizator tax is collected by the clubs and the proportion payable to the Government, and paid to the Treasury for credit of general revenue during 1953-54, was £118,791. The amount retained by the clubs during 1953-54 was £198,572.

(*b*) Commission on bets.—Transactions handled by the Betting Control Board during 1953-54 were as follows:—

	£
Balance held June 30, 1953, pending distribution	11,854
Received by Betting Control Board, 1953-54	277,852
	£289,706
Less amounts distributed 1953-54—	
To clubs £217,282	
To State revenue 57,274	274,556
Balance held June 30, 1954, pending distribution	£15,150

(*c*) Winning bets tax.

	£
Balance held by Betting Control Board on June 30, 1954, pending distribution	45,086
Received by Betting Control Board, 1953-54	659,775
	£704,861
Less amounts distributed, 1953-54—	
To clubs £155,558	
To State revenue 509,144	£664,702
Balance held June 30, 1954, pending distribution	£40,159

(*d*) Stamp duty on betting tickets.

Amount received and paid to State revenue, 1953-54	£30,348

(*e*) Totalizator dividends unclaimed.

Amount received and paid to State revenue, 1953-54	£7,686

(*f*) Winning bets unclaimed.

	£
Balance held by Betting Control Board on June 30, 1953, pending distribution	22,169
Received by Betting Control Board during 1953-54	59,229
	£81,398

Less amounts paid to revenue, 1953-54, £18,646; amounts paid to claimants, 1953-54, £34,712	£53,358
Balance held by Betting Control Board on June 30, 1954, pending distribution	£28,040

2. The total amount collected by the Government and paid to the racing clubs or retained by the clubs from totalizator tax for the year ended June 30, 1954, was £571,412.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2).

Second reading.

The Hon. N. L. JUDE (Minister of Local Government)—I move—

That this Bill be now read a second time.

The Bill makes a number of amendments to the Act most of which arise out of recommendations made by the Local Government Advisory Committee. The amendments are of varying degrees of importance and, as is inevitable with Bills to amend this Act, the clauses deal with a considerable number of topics. In general, it is more convenient to deal with the clauses as they appear in the Bill rather than in their order of importance. However, there is one important topic relating to the assessment and rating of ratable property under the land values system which should be first mentioned. The amendments dealing with this matter are contained in paragraph (*b*) of clause 2 and clauses 5, 8, 9 and 12, all of which deal with the same topic.

As members are aware, the Act provides for two rating systems. Firstly, there is the annual values system under which ratable property is assessed upon its rental value and thus this system of assessment takes into account improvements such as buildings on the land assessed. Secondly, there is the land values system under which ratable property is assessed upon its unimproved land value and no regard is had to improvements. There has been considerable controversy as to the respective merit or demerit of these two systems and this controversy has been accentuated during the past few years, when polls in several metropolitan council areas have resulted in the land values system being applied to the areas. The land values system may work reasonably well in a local government area of a uniform character, where, for instance, the area is almost entirely urban and built up or where it is almost entirely rural in character. The assessment in such a case is more or less constant over the whole area and the rating burden is distributed accordingly. However, where there is a local government area consisting partly of urban land and partly of rural land, the system works out inequitably as regards the rural land. The unimproved value of each class of land may be approximately equal but it is the householders in the urban land who most require the expenditure of rates upon the services supplied by the council and the owners of rural land must pay rates quite out of proportion to the services rendered to them by the council.

It is proposed by the Bill to alter the law relating to the rates payable in respect of such rural land and to ease the rate burden on land of this character. The amendments, it should be noted, apply only to municipalities and do not apply to district council districts. Clause 2 therefore defines urban farm land. This is a parcel of land more than five acres in area which is wholly or mainly used for grazing, dairying, pig farming, poultry farming, bee keeping, or agricultural or horticultural purposes. Urban farm land is to be described as such in the assessment and there will be a right of appeal, as is now given in respect of the assessment, on the question whether land is or is not to be so described in the assessment. When the general rate is declared by the council, it is provided that the rate on urban farm land is to be not more than half the general rate on other land. Thus, if the general rate is 8d. in the pound, the council must fix a rate of 4d. or less for urban farm land. The same limitation applies where a special rate is declared under section 216 in aid of the general rate. These provisions are similar to provisions included in the New South Wales Local Government Act which provide that the general rate on these urban farm lands is not to be more than one half the general rate on other land. Provisions for the relief from rating of urban farm lands are also contained in the Victorian Local Government Act.

Clause 2. Part XXIII of the Act provides that councils are to have the general control of foreshores within their area. In addition, councils are given power to make by-laws relating to foreshores. However, there is no definition of "foreshores" in the Act although the term is defined in the Harbors Act. It is accordingly proposed by paragraph (*a*) of clause 2 to enact a definition of "foreshores" and this definition is similar to that contained in section 44 of the Harbors Act.

Clause 3. It recently occurred in the Adelaide City Council that an alderman whose term of office had some years to run resigned in order to nominate as Lord Mayor at the annual election in July. This created a casual vacancy. The retiring Lord Mayor nominated for the casual vacancy and there were no other nominations. Section 137 provides that, in such a case, the sole candidate is to be declared elected from the day of nomination. However, the Lord Mayor's term of office as such had not expired and he could not hold two offices at the same time. If the office had been contested the election would have occurred on the day for the annual election namely, the first Saturday in July, when the Lord Mayor's term of office would have expired. Clause 3 therefore provides that, in these circumstances, the candidate can be declared elected as from the first Saturday in July next.

Clause 4. Section 172 provides that the council may make alterations in the assessment to deal with the changes of circumstances which may arise between the making of an assessment and the making of the next assessment. Whilst section 203 gives a right of appeal against any alteration of the assessment book, section 172 does not require the council to give notice of the alteration to the ratepayers affected by the alteration. The clause therefore provides that where an assessment is altered in this manner notice of the alteration is to be given to the owner and the occupier of the property affected.

Clause 6. Section 193 provides for the voting rights of owners of ratable property at a poll to decide whether or not the council shall adopt the land values system of assessment and section 198 makes similar provision with respect to polls on the question as to whether the council should revert to the annual values system. Each section provides that every owner of ratable property is to have one vote only for every ward in which he holds ratable property. An amendment to these sections made in 1946 could have some unexpected consequences, as regards the voting rights of owners where two or more persons own the same property jointly. The general rule for voting of joint owners at council elections and at polls other than polls on financial matters, is laid down in section 115. It is there provided that where there are joint owners, up to three of the owners but no more may vote and the number of owners who may vote is conditioned by the value of the property. If the property is assessed at an annual value of £75 or less only one owner can vote and for every additional £75 of assessed value another owner may vote, but not more than three can vote. If the assessment is based on land values then the amount of assessed value is £500 in lieu of £75 for annual value. Somewhat similar provision is made by section 100 with respect to companies and bodies corporate where up to three representatives of the companuy may, according to the value of the property, vote at elections and polls.

As sections 193 and 198 are now drafted, these limitations on the voting rights of joint owners do not apply at polls under the sections. Every owner is entitled to vote and it would be possible for 50 or any number of persons to own the smallest block of land and thus acquire voting rights at these polls. On the other hand, a single person may own 50 different blocks or a very large area of land but he would be entitled to one vote only. The existing sections would leave it open to one side or other who desired to secure a majority at one of these contentious polls to buy a block of cheap land in each ward of the council area concerned and to have the title placed in the names of as many persons as were willing to vote at the poll. Each of these owners would be enabled to vote in each ward in which property owned jointly was situated and the result of the poll could easily be decided in this manner. It is considered that the possibility of this should not be permitted, and clause 6 therefore provides that, at these polls, the voting rights of owners and of companies should be the same as those laid down by sections 115 and 100 for elections and ordinary polls, that is, where property is jointly owned or is owned by a company, up to three votes may be cast according to the value of the property.

Clause 7. Section 174 provides that where an assessment is being made by a valuator he is to give to the owner or the occupier of every property assessed a note of the particulars thereof and the assessed value of the property. It has occurred that, in instances, the valuator has failed to give this notice to the ratepayer or, what is perhaps more misleading, a notice which sets out the assessed value at something less than the value supplied to the council. In such cases, the council has adopted the assessment without being aware of the omission on the part of the valuator. Part XI gives a right of appeal against the assessment and this is to be commenced within 21 days after public notice is given that the assessment has been approved by the council.

Whilst it may be said that the ratepayer to whom no notice was given or to whom an incorrect notice was given should ascertain the position from the council, in practice, a ratepayer relies on the notice given to him by the valuator to inform him whether he is properly assessed, and it inevitably follows that, by the time he receives news of his actual assessment, which may be by the medium of his rate notice, the time within which he can appeal has expired. In order to meet such a case, clause 7 provides that, in these cases, the assessment revision committee or the local court, as the case may be, to which the appeal lies may extend the time within which an appeal may be commenced.

Clause 10. Section 214 provides that a council may impose a differential general rate upon part of its area. The purpose of this provision is to enable a council to declare different general rates upon portions of its area according to the demands made upon the council funds. For example, in a district council the rate for the town ward should be higher than the rate for other wards. The section provides that before a differential rate can be imposed, at least three quarters in number of the members of the council must vote for it. This requirement can create a difficulty in municipal councils and did so recently. That council consists of eight councillors and the mayor, nine in all. It follows that a vote for a differential rate must be supported by seven councillors as the mayor must be counted as a member of the council. However, the mayor does not have a deliberative vote but only a casting vote, although a chairman of a district council has both a deliberative and a casting vote. Obviously, the mayor cannot possibly have a vote for the purposes of section 214, and it is therefore considered that he should not be taken into regard for the purpose of the voting under section 214. This is accordingly provided for by clause 10. The effect would be, in the council in question, that the motion would have to be voted for by three-quarters in number of the eight councillors, that is, six councillors instead of seven.

Clause 11. In 1951 the Act was amended to increase the rating powers of councils and, for councils assessing under land values, it was provided that the maximum general rate should be 1s. 8d. in the pound in lieu of 1s. 4d. Whilst this rating limit is sufficient for most councils, it has been found insufficient for at least one country council. It is therefore proposed by clause 11 to increase the maximum rate which may be imposed by land values councils from 1s. 8d. to 2s. in the pound. In conformity with this proposal, the maximum total amount of the general and other rates which may be levied by these councils is increased from 2s. to 2s. 4d. in the pound.

Clause 13 provides that a council may expend its revenue in the provision of a hearse. This is particularly requested by councils on Eyre Peninsula where, by reason of the sparsity of the population, it is found that private hearses are not available and it then falls to the councils to provide them.

Clause 14. Section 289a provides that revenue received by a council from the sale of timber is to be paid into a tree planting fund and is to be applied towards the planting of trees and shrubs in streets and roads, and other land under the control of the council. Clause 14 enables a council to use this fund for the maintenance of trees and shrubs as well as for the planting. The intention of the section is that revenue derived from the sale of timber should be used for the replacement of the trees which are sold as it is as important to maintain trees after they are planted as it is to plant them.

Clause 15 authorizes a council to establish reserve funds for the depreciation or replacement of any asset of the council and to provide for the payment of retiring allowances to its employees. Section 287 already authorizes a council to make retiring allowances to employees.

Clause 16 provides that a council may authorize a private person or persons to erect a weighbridge on a public street or road and to operate the weighbridge either as a public weighbridge or otherwise. The placing of a weighbridge on a road amounts to a technical obstruction of the road and whilst the Act already gives power to a council to place a council weighbridge on the roadside, it has no power to authorize others to do so. In a number of places throughout the State groups of farmers and others interested have joined for the purpose of establishing a weighbridge and it is considered that, subject to proper restrictions, councils should have power to authorize the placing of weighbridges on roadsides. The clause provides that no weighbridge is to be erected in any place where it will cause damage to traffic or impede it unnecessarily. In addition, before a council grants permission for the erection of a private weighbridge on the roadside, the matter must be referred to the Commissioner of Highways and his consent to the granting of the permit must be obtained. The clause provides that the

authority of the council may be given subject to any conditions imposed by the council, including the payment of an annual or other fee to the council, and that the authority may be revoked by the council.

Clause 17. Section 373 provides that a council may declare any part of a street to be a prohibited area and provides for the imposition of penalties on persons who leave vehicles in the prohibited area. The purpose of clause 17 is to provide that the declaration of the prohibited area may apply during specified days or during specified hours of the day. Thus, the resolution could declare the part of the street in question to be a prohibited area, say, from Monday to Friday or say, between 9 a.m. and 5 p.m., leaving the roadway free for ordinary use at other times. Other provisions of the section require the council to display a sign at the locality in question giving notice to the public of the existence of the prohibited area.

Clause 18 is included as a result of a request by the Adelaide City Council in order to give the council power to acquire land on which to establish omnibus terminal depots. At present terminal points in the City of Adelaide for country omnibuses are places such as Victoria Square, where, it is considered by the council, congestion occurs by their use. As time goes on, the number of omnibuses is likely to increase with a resultant increase in congestion and the council has in mind that it will establish, on land bought by it, terminal depots for all omnibuses now using the streets as terminal points. The use of the streets by these omnibuses would then be prohibited and appropriate charges made for the use of the terminal depots. Amendments for this purpose were recommended by the Local Government Advisory Committee but the committee also suggested that, as the same problem may arise elsewhere, the amendment, if made, should apply generally. Clause 18 therefore authorizes a council to establish such omnibus terminal depots and makes the necessary extensions to the by-law making powers of the council.

Clause 19. Section 459 provides that a district council may grant cultivation leases of park lands. The consent of the Minister of Lands must be obtained to every such lease and a ratepayers' meeting or poll must authorize the council to grant such leases. It is proposed by clause 19 to extend this provision to municipal councils outside the metropolitan area.

Clause 20. Section 460 gives to district councils power to issue depasturing licences over Crown lands. Sections 462, 463, 670(2) and 691 contain provisions ancillary to section 460. The clause also repeals sections 460, 462 and 463 and makes consequential amendments to sections 670 and 691. The effect is that district councils will cease to have power to issue depasturing licences over Crown lands, leaving the matter to be dealt with by the Lands Department. The land in question is, of course, Crown lands and it is considered that the granting of depasturing licences should be for the Department of Lands and no other authority.

Clause 21. Section 528 provides that a municipal council may require the installation of septic tanks within the whole or any part of the municipality and that a district council has similar powers with respect to any township. In instances urban development is spreading beyond townships within districts and it is proposed by clause 21 that the powers of a district council in this regard may be exercised at any place within the district. Whilst the general installation of septic tanks in lieu of more primitive methods of sewage disposal must be regarded as desirable, some localities are, by reason of drainage difficulties, not suitable for septic tanks. It is therefore provided by clause 21 that, before a council can require the installation of septic tanks in its area or any part thereof, the Central Board of Health is to inquire into the suitability of the area for septic tanks and the council can act only if the Central Board approves what is proposed.

Clause 22. Section 536a, among other things, provides that no person in any municipality or township is to permit water or other fluid to flow on to any street or road without the consent of the council. In instances, occupiers of trade premises are allowing deleterious liquids such as water from acid pickling baths to flow into gutters and concrete drains to the detriment of those works. The existing penalty of a maximum fine of £5 and 10s. a day during the continuance of the offence is considered inadequate to prevent the practice. The clause increases these penalties to £50 and £10 respectively and provides that the council may also recover from the offender any damage done to the road, drain, etc.

Clause 23. Section 665 provides that where roof drainage from any property flows over the footpath the council may require the owner of the property to construct a drain under the footpath and leading into the water table. If the owner fails to do this work when required, the council may do the necessary work and

recover the cost from the owner. In new areas, it is often the practice of the council, when making the footpaths, to put in these drains as part of the work of constructing the footpaths without first requiring the owners to do the work, although the section provides for previous notice. Other councils follow the procedure laid down by the section. The clause gives the council the alternative either to give notice to the owners to do the work as now provided, or to go ahead with the work without notice with a right to recover the cost from the owners.

Clause 24. Councils have by-laws making powers dealing with blasting and section 789 provides that no blasting is to be carried out in a municipality without the consent of the council. This form of control, it is considered, could have a hampering effect on such as the quarry industry. A quarry is a mine within the meaning of the Mines and Works Inspection Act and, as such, is subject to the control of the Mines Department. It is provided by clause 24 that these provisions of the Local Government Act and of by-laws made under that Act are not to apply to blasting operations in a mine within the meaning of the Mines and Works Inspection Act. It should be borne in mind that the clause does not affect the common law liability of a quarry owner for action for damages caused by blasting or arising out of nuisance caused by dust, noise or vibration.

Clauses 25 and 27. In 1952 the Act was amended to give a council power to make by-laws enabling it to require the removal of unsightly chattels and structures from land and it was provided that any such by-law should provide for a right of appeal to a local court. It has been suggested that a by-law cannot confer jurisdiction on the local court for this purpose and therefore clause 27 provides specifically for this appeal to the local court, and clause 25 makes consequential and drafting amendments to the provision conferring the by-law making power.

Clause 26. At present municipal councils have power to make by-laws relating to fishing in rivers and watercourses and relating to other matters affecting these streams. Clause 26 extends this provision to lakes. This amendment will principally apply to Mount Gambier.

Clause 28. Section 779b enables a council to close a road to traffic when conditions are such that the road would be damaged by traffic passing over it. Notices must be put up on the road stating that it is closed to traffic or traffic of any specified kind and the maximum penalty for driving on the road is £5. It is considered that this penalty is inadequate. Clause 28 increases it to £20 and provides that the council may recover from the offender any damage caused to the road.

Clause 29. Section 840 provides that a candidate is not to be an authorized witness for the purpose of postal voting. The clause provides that if a person is elected unopposed at an election, he ceases to be regarded as a candidate and will thus be able to act as an authorized witness. It is also provided that the prohibition in the section will not apply to the witnessing of an application for a postal vote. This is in conformity with the provisions of the Electoral Act.

Clause 30. Section 871a applies only to the City of Adelaide and provides that where the Adelaide City Council acquires land for road widening purposes it is not to be limited to the land actually needed for the road but may take any land abutting the road. The purpose of the provision is to enable the council, instead of taking part only of a property required for road widening purposes, to take all of it. The section would appear to be sufficiently plain and specific, but the High Court some time ago decided that a section in the New South Wales Local Government Act only authorized the acquisition of the land actually needed for the street widening although the section in question appeared to be as specific as the South Australian section. Clause 3 is therefore included in the Bill in an attempt to place it beyond doubt that section 871a means what it was intended to say. Clause 31 and the schedule make a number of amendments to the Act which are of a drafting nature only.

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

EVIDENCE ACT AMENDMENT BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The principal object of the Bill is to make comprehensive provision for the performance of notarial acts in South Australian matters by Commonwealth diplomatic and consular officials. I use the expression "notarial act" to mean the taking of oaths, affidavits and declarations, the attestations, verification and acknowledgment of documents and generally all forms of notarial acts. At present, section 67 of the Act provides that notarial acts relating to South Australian matters may be

performed outside this State by British or Australian diplomatic or consular agents. The section defines the expression "diplomatic agent" and "consular agent" to include a variety of diplomatic and consular officers. Prior to 1947, the section only applied to diplomatic or consular agents of Great Britain. In that year, however, the section was amended at the request of the Commonwealth to apply also to Australian officials. The Commonwealth was greatly increasing its representation abroad at the time, and desired that its representatives should be able to perform State notarial acts. All States were asked to amend their laws to this effect.

The Commonwealth asked only that its officials should be enabled to perform notarial acts to the same extent as British officials and, accordingly, when the principal Act was amended in 1947, that was all the amendment did. It now transpires that there are a number of Australian diplomatic and consular officials who could perform notarial acts outside the State but who do not fall within the definitions contained in section 67. The Commonwealth desires them to be included. The Commonwealth has requested each State to embody in their law a model definition of the Australian officials who are to be permitted to perform the notarial acts of the State abroad. This definition mentions the following officials who are not so permitted at present under the principal Act, namely, High Commissioner, Head of Mission, Commissioner, Councillor or Secretary at a diplomatic post other than an embassy or legation, and Trade Commissioner. The Government considers it desirable that these officials should be enabled to perform notarial acts in South Australian matters abroad and has agreed to embody the model definition in the Evidence Act. Clause 4 makes the necessary amendment to section 67 of the principal Act.

The Bill also deals with another matter. Section 17 of the Act provides that in proceedings instituted in consequence of adultery, a witness shall not be liable to be asked nor compelled to answer questions tending to show that the witness has been guilty of adultery, unless he or she has given evidence in disproof of the adultery. It is proposed to abolish this rule of evidence. The primary reason for so doing is that there is no logical justification for the rule. It is usually suggested that the rule is based on the general rule that a witness should not be forced to incriminate himself. This explanation is unsatisfactory, firstly because it does not explain why the rule is limited to matrimonial proceedings where adultery may be in issue, and secondly because an adulterer is not exposed to criminal penalties. Other explanations are that the rule protects innocent parties from the evil effects of admissions of adultery and also protects witnesses from vexatious questions. If either of these were ever justifications for the rule they are not now. There are adequate provisions in the law for prohibiting the publication of evidence and for preventing the asking of vexatious questions.

In case members should wonder how the rule became law in the first place, it should be said that it was inherited from an English enactment. The English enactment was first passed in 1869, at a time when the law was undergoing rapid changes and when there was a considerable amount of experiment. The rule was enacted as a proviso to a provision that the parties in proceedings in consequence of adultery and their husbands and wives would give evidence in the proceedings. This provision was a radical alteration of the law. The rule has given rise to a complicated series of judicial decisions. The courts have experienced extreme difficulty in interpreting it, largely, it is thought, because of the lack of justification for the rule. The rule is also contrary to common sense, since it prevents a party in divorce proceedings arising out of adultery from being questioned about the matter in issue. The rule is an artificial and technical rule, the main effect of which is to hinder the courts in finding out the truth. The Law Society has been approached about the matter and supports the proposal to abolish the rule. Clause 3 accordingly repeals section 17 of the principal Act.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 22. Page 690.)

The Hon. K. E. J. BARDOLPH (Central No. 2)—As pointed out by the Minister the Bill enables councils to recover road moieties from owners of abutting ratable properties notwithstanding that a loan has previously been raised to finance the work. During this debate it has been made evident that this measure became necessary because the right of the municipality of Campbelltown to recover moieties was challenged in the Supreme Court. It has often been said by Mr. Cudmore that

hard luck makes bad laws, and this is one of the occasions when his words are borne out in full. If we amend Acts from time to time to meet cases such as this, this Chamber will have all its time taken up in amending existing legislation. I support this Bill for two reasons. Firstly, I believe that the authority should not be centralized and, secondly, that the Local Government Act, which confers certain powers on municipal and district councils, relieves Parliament from the necessity of carrying out a great deal of executive and administrative work. On this score I pay a tribute to the members of the various councils for the time that they give freely in the administration of the Local Government Act. It is of interest to note that under our system of local government, councils are charged with great responsibilities including, as well as the making of roads and footpaths, drainage and so forth, the health of the community and the control of food and drugs and weights and measures, and in consequence local government is an important part of the administration of the State. Local government has its roots in the United Kingdom. I do not propose to give a history lesson other than to say that our present method of democratic government sprang from the Homeland where it was evolved by trial and error. The present-day structure is not markedly different from what it was in the days when the freeholders assembled in the shire moot, assessed themselves to imperial burdens and declared what the local usages or laws to be followed were.

In Australia local government was introduced in Western Australia when town trusts were formed in 1838. From then onwards local government developed very rapidly as the respective colonies were given responsible government.

The Hon. C. R. Cudmore—That was many years before Western Australia had responsible government. It was under the British Parliament.

The Hon. K. E. J. BARDOLPH—I know that, but the genesis of local government in Australia was the foundation of the town trusts in 1838. In South Australia we have two different systems—municipalities or corporations, and district councils, the former of which has been in operation since 1840 and the latter since 1852. From 1849 to 1887 there was also a third system of Main Roads Boards, but in later years the control of main roads was handed over to municipalities and district councils. Therefore I say that this form of local government had a beginning of which people who believe in democracy may be well proud. The Statesman's Pocket Year Book shows that in 1952 there were 143 corporations and district councils and the assessed value of ratable properties therein amounted to just over £17,000,000 and the total receipts £4,773,000. The capital value of ratable property in corporation and district council areas is estimated to be £341,000,000, and all this indicates the amount of wealth controlled by these local authorities. They carry out a very laudable work and for the reasons I have indicated I have much pleasure in supporting the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—This is a very small Bill, but, I think, a very important one which undoubtedly contains some unusual features. Except for one point, it seems to me that the decision to be made by us is a reasonably simple one. The provisions of the Bill have been clearly and fairly explained by the Minister, and the legal position has been further explained, and quotations made from the courts' judgment by Mr. Rowe, but it is very interesting to realize the origin of all this. Why has this suddenly come here? For years councils, ratepayers, the Local Government Department and everyone else concerned have been acting on the assumption that the Local Government Act meant what everybody thought it meant. I pay a tribute to Mr. Johnston. I do not know his background. I know that he is now mayor of the district which was concerned in this matter, and which is one of the principal parts of my constituency, and consequently it appears that he has considerable support among the ratepayers in that area. I do not know whether he studied the Local Government Act for years before deciding to get an opinion as to whether he was liable to pay these moieties under certain circumstances, but I am very interested in the fact that this gentleman should have been the first, after all these years, to cast any doubt on the rights of councils in this matter. How he came across it I do not know, but as a result he is now mayor of the district. I was very interested in other speeches on this measure. Mr. Condon, almost for the first time in my recollection, is undecided; that is not his usual form. As a rule he always says, "Let it go through the second reading and then we can discuss it." For once in a while he says he will hear what others have to say before he makes even that decision.

The Hon. F. J. Condon—You are going to get a few shocks later.

The Hon. C. R. CUDMORE—I hope to help the honourable member make up his mind that this is desirable legislation. I can tell him that the eight feet that he was troubled about and which you, Sir, did not let him get very far with, is dealt with under the Building Act and not the Local Government Act. I know this because I have had lots of trouble with it myself. Mr. Perry followed and he, like Mr. Condon, has had a lot of experience of local government. He said he would support the Bill, but not the loan proposal. I point out that there is no loan proposal in this Bill; it does nothing about loans, but I will point out later why I think it should. Mr. Perry also said that it was a rather small matter, but I point out that the Minister told us that the amount which has been borrowed for these purposes by various councils was £70,000 and the moieties collected £23,000.

The Hon. E. H. Edmonds—That is only for three years.

The Hon. C. R. CUDMORE—Yes, so it is not an inconsiderable amount. Obviously, therefore, from these comments there is some difficulty in the minds of members as to exactly what we are doing. Mr. Bardolph gave us a little history, but I doubt whether he helped us to make up our minds whether it is right to vote for this measure. The main issue, I think, is simple. The Act gives certain powers to councils; firstly, the power to make roads; secondly, to declare general rates without the consent of ratepayers and to use those rates for any purpose; thirdly, to declare special or separate rates with the consent of ratepayers; fourthly, to borrow money with the consent of ratepayers on the security of the general rates, and in certain circumstances on the security of a separate rate and, fifthly, to levy moieties.

Everyone in the past thought that these powers were joint and several; in other words, that a certain part of a work could be financed from one source and a certain part of the same work from another source. Putting it another way, they believed that the use of one of these powers of obtaining money did not prohibit the use of any or all of the others. That has been the opinion of, I think I could safely say, everyone until Mr. Johnston raised the issue. Now the court judgment says that we have all been wrong. I join with the Minister in not disputing that judgment. It is a judgment of the Full Court and has to be acted upon, and it is the final decision as to what the law means, but I do claim the right—as I think everyone who has ever been in the legal profession does—to criticize the judgment. It appeared to me that one of the learned gentlemen got wrong very early when he assumed that these moieties were the same thing as levying a special or separate rate. As to the judgment of the learned Chief Justice, I am not arguing that he is wrong, but I draw attention to three things in his judgment. He says that when the council appealed to ratepayers for permission to borrow the money it carried the resolution which concludes:—

> Upon the consent of the ratepayers being given to the proposed loan as hereinbefore set out authority be, and is hereby given to the town clerk to have the works hereinbefore specified carried out.

The Chief Justice stated that this resolution was the authority and the only authority given by the council for doing the work that is the subject of the claim. I cannot agree with that. The council did not have to get authority from anyone. It was a matter only between the council and its clerk, telling him what he could do. Section 314 of the Act states:—

> The council from time to time may
> (*a*) form, level, pave, drain, improve, repair, and alter the levels of any streets and roads, courts, alleys, lanes and thoroughfares within the area, and the footways thereof:

The council has the authority under the Act in the ordinary way to spend its rates. I do not understand the suggestion that the only authority for doing this work was a resolution carried by the ratepayers. The resolution is the authority to borrow the money. The council had a perfect right to do the work without anyone's authority. Another proposition in the judgment I do not quite understand is the following:—

> A further reason is that Mr. Norman's construction would be repugnant to the accepted practice of basing local government finance upon an annual budget of revenue and expenditure.

Mr. Norman appeared for the corporation. It is not entirely on that that their finance is based. These moieties are not in my opinion income, but a capital payment for permanent work done. The only other point I wish to mention in the judgment is that the Chief Justice finished by saying:—

> I cannot accept Mr. Piper's contention that, in order to recover under section 319, the council must resolve to act under that section before it carries out the work, but I agree with him that the resolution authorizing the work must be passed in a form that leaves that possibility open.

That is the point that I think is really troubling Mr. Perry, and the point which I ask the Government to consider before we finally pass the Bill, because I think it is a very important one. The Government has decided to clear up this difficult matter by legislation. I think it is right and intend to support it as far as I can. As Mr. Rowe has pointed out, the court itself at the end of its judgment visualized that this matter would be cleared up by legislation and suggested certain things which should be considered and added when the legislation was before Parliament. I dismiss the suggestion that this should not be done by legislation, because what is the alternative? The Minister's figures are that £23,000 has been collected in three years. One honourable member asked during the debate what time they could go back. I imagine it would be six years in the ordinary way. We might be faced with the prospect of a landslide of summonses, because they would all be in small sums. The position would be impossible. Perhaps in speaking this way I am taking much bread out of the mouths of the legal profession. I think Parliament has to deal with this question, as there is no alternative. It must adopt in effect the court's suggestion and clear up the matter.

It was not until today that I was able to obtain a copy of the Chief Justice's judgment to study it. I am in some difficulty as to whether the Bill is really doing the whole job. The judgment suggests that what has been done by the councils is a juggling of capital and income, that borrowing is a capital matter and the other an income matter. I do not agree. I have already said that I think moieties, as well as the borrowing of capital, are a capital matter. They are levied once and for all on the land and cannot be levied again. It is not an annual thing. A man pays for road work or paving to be done, and that finishes it. I do not regard that as an annual matter. While we are dealing with this matter should we not be clear that we are dealing with every doubt raised by the court? Let us do the thing once and for all. I think I should mention that, while I have no doubt that the second reading will be passed. I should like the Government to consider whether it does in this connection all that should be done. Would it be possible if it is intended that when the money is borrowed it is for the purpose of making certain roads, to have it in the resolution submitted to the ratepayers that it is without prejudice and will not affect the right to collect the moiety? Something of that kind is suggested in the judgment and there is some merit in it. Whether the effect would be that we would never get the ratepayers to agree I do not know, but I suggest that this is a matter which might be looked into before the Bill is passed.

The other point, which is quite a difficult one, relates to clause 5 and is in relation to retrospective legislation. We do not like retrospective legislation in this Chamber or interfering with contracts and going back and altering the position of people by Acts of Parliament. As far as I am concerned, I think I am able to distinguish sufficiently to satisfy my conscience between two cases. The first is interfering with contracts legally made and legally good until interfered with by Parliament. I do not believe we should interfere with these.

The Hon. L. H. Densley—Would not all retrospective legislation be the same—carry on legally until altered?

The Hon. C. R. CUDMORE—Quite, but in most cases those I am talking about (I am now referring to my first case) are those where they are legally good and everyone knows that. What we are dealing with here, and which is my second case, is something that was thought to be legally good, but turns out after a period of years to be otherwise. What we propose to do is to validate it. It is a curious thing, as Mr. Rowe said, that we should have two cases like this coming up on the same Notice Paper. The other relates to regulations under the Prisons Act, to which I drew attention last week. I draw a distinction between Parliament coming in at the request of anyone outside and interfering with contracts which are legal, right and honestly made, and those contracts which everyone thought meant a certain thing, but now are found to mean something else. However we may criticize it, we have to accept the Full Court's dicision as to what the Local Government Act means.

I think the action taken by the Government is right and we should pass the Bill, but I am not quite satisfied that it does everything it should do. There are other small points which can be raised in Committee, particularly one in relation to the second part of clause 5. In supporting the second reading, I ask the Government to consider whether there should not be something added to the Bill to make it perfectly clear that we are covering all the points and doubts raised by the judgment of the Full Court.

The Hon. L. H. DENSLEY (Southern)—The Council must be grateful to Mr. Cudmore for the fine speech with which he has enlightened us. It has caused me a good deal of thought. Many people have paid moieties, but because two have decided to challenge the right to levy, they will be relieved from paying but for all the others who have paid it will be final. I cannot understand why the fact that money is raised by loan to do a certain job should relieve people from the obligation to pay moieties, because obviously the money must be paid back after the works are constructed. Moieties are a source of considerable worry to councils, and they have never been very popular with ratepayers, possibly because they are charged in some districts and not in others, or in some wards of a district but not in others. It would give much more satisfaction if moieties were made compulsory so that the matter would not be left to the councils to decide, because if people understood they were to be charged they would be more readily accepted. It is only because they are not understood that they are so unpopular. Sometimes people think that if moieties have already been paid they are not liable for payment for any more works, but section 319 clears up this matter. The Bill also clears up the question of whether moieties can be collected on a job financed from loan.

The Bill gives councils power to waive interest charges and also brings interest rates to a reasonable basis in accordance with the times. It also gives councils power to collect moieties by instalments. This does away with the ground of hardship that is supposed to justify exemption from interest payments. It is not difficult to find from time to time some ratepayer who can plead hardship to be relieved from interest payments, and if there is no exemption the work of councils is made very much easier. Obviously everybody who borrows money expects to pay interest so it is quite reasonable that a council should receive something for the use of money.

Mr. Perry took exception to the payment of moieties generally, and said that a man cutting up land for sale should provide roads. I oppose that because a man who cuts up land for building purposes within a township is almost a public benefactor. Councils have the plant and everything necessary for road work, but individual owners have no facilities.

The Hon. F. T. Perry—They could still get the councils to make them.

The Hon. L. H. DENSLEY—They may or may not. Councils make arrangements for works at the beginning of the year and have a job to keep up with them. It would be wrong to impose this extra burden on landholders. In 99 cases out of 100 it would cost them more than it costs councils because they would have to use a small plant, and this would ultimately mean that the purchaser would pay a higher price for the land. Although I realize that Mr. Perry did not mean this, it must be remembered that really the original owner is the Lands Department. District councils do not want any more worry than they have. Any work that they carry out they do as public benefactors, free of charge, and we should make their work as easy as possible. Although this Bill does not do all we might wish, and as Mr. Cudmore said, it has left the matter in a little difficulty, I cannot see any way around it, so I am prepared to support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Cost of constructing public streets."

The Hon. N. L. JUDE (Minister of Local Government—All members should be grateful to Mr. Cudmore for the points that he raised on this clause. In view of his remarks and those of Mr. Perry, I ask that progress be reported so that these points can be considered.

Progress reported; Committee to sit again.

PUBLIC PURPOSES LOAN BILL.

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

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Bill provides for an expenditure of £27,395,000 on capital works for the financial year 1954-55. The Commonwealth Government is also making available to the State under the Commonwealth-State Housing Agreement an amount of £3,600,000. This will make a total of £30,895,000 available for expenditure on capital works during the year, as against an expenditure last year of £30,013,201. At the Loan Council meeting in June last it was considered likely that £180,000,000 should be available from the loan market this year, and from other sources, to finance the capital works programmes of the States, including housing

projects under the Commonwealth-State Housing Agreement. The provisions now before this House in this Bill are based on the premise that the amount of £180,000,000 will be available, but it must be borne in mind that this amount is considerably in excess of the amount of £125,000,000 actually raised last year. It must also be remembered that the Commonwealth Government is not guaranteeing the finance required for the States' works programmes this year. Last year the Commonwealth contributed £75,000,000 for this purpose: there is, therefore, no certainty at all that the full amount necessary to finance the expenditure on the works shown in the Bill will be available this financial year. The Loan Council will review the situation in December, when, in the light of the results of public flotations to that time, it will be possible to more accurately assess the amount that will be available.

The final results of the public loan just closed are not yet available, but the indications are that it was very successful, and was over-subscribed, but by how much is not yet known. This State's share of the £180,000,000 programme is estimated at £20,858,000, and £3,600,000 for housing. The total amount proposed to be expended on capital works in this State from the Loan Fund, as I have already said, is £27,295,000, and this will be financed as follows—

	£
From loans raised in Australia	20,858,000
Funds available from overseas loan being raised by the State	2,500,000
Repayments to the Loan Fund	2,700,000
From moneys in the hands of the Treasurer	1,237,000
Making a total of	£27,295,000

I will now give honourable members some information on the main works and purposes for which provision has been made in this Bill.

ADVANCES FOR HOMES, £1,350,000. Expenditure on Advances for Homes last year amounted to £1,317,578. It is expected that under the Advances for Homes Act the Bank will this year terminate its group scheme with the completion of 18 houses under that scheme. In addition to advances under its group scheme the Bank, at June 30 last, was also providing finance for 730 houses under construction by private contractors. Finance will be made available from this year's provision to complete houses and finance the construction of further houses, and to provide for the purchase of houses under mortgage or agreement for sale and purchase by applicants under the Advances for Homes Act. The bank's estimate for the completion of the group scheme houses this year is approximately £20,000, in addition to which it will advance a further £580,000 to persons who are building their own homes. A further £750,000 will be required for new advances.

LOANS TO PRODUCERS, £432,000.—Last year £307,264 was expended on this line. This year advances will be made for the construction of and additions to cool stores, purchase of fishing boats, and further extensions to fruit packing sheds, milk product factories, wineries and distilleries. Most of the amount provided in the Bill is committed in loans already approved by the Bank Board.

ADVANCES TO STATE BANK, £500,000.—This is the same amount as was advanced to the Bank last year. The money is used by the bank for advances to primary producers and other proprietors of industry for the purpose of assisting them to carry on their businesses.

ROADS AND BRIDGES, £100,000.—No provision was made for this line last year and there was no expenditure. This year, however, the above amount is being made available for loans to local authorities for the purchase of roadmaking plant, as the Government is confident that the road programme can be expanded if local authorities have the plant necessary to enable them to take a larger part in the construction and maintenance of roads.

IRRIGATION AND RECLAMATION WORKS, £200,000.—Expenditure last year was £162,826. The amount provided in the Bill for this financial year will be expended on electrification of the pumping plants at Berri, reclaimed areas, Cobdogla and Moorook; work on channels, pipelines and drainage at Loveday, Nookamka, Mypolonga, Cobdogla and Chaffey; town water supplies to all areas; embankment sluices in reclaimed areas; headworks at Chaffey and Monteith; and purchase of minor items of plant. £10,000 has been provided for minor urgent works as they may occur.

SOUTH-EASTERN DRAINAGE, £525,000.—Last year £424,875 was expended on drainage works in the South-East. The provision set aside this year is expected to be spent on the construction of drainage works and acquisition of land in the Western Division, constructing of bridges over existing drains, and construction of petition drains. Surveys of drainage proposals in the Western Divison are also provided for in this year's programme of works.

AFFORESTATION AND TIMBER MILLING, £1,300,000.—Last year expenditure on this Government project amounted to £1,075,361. The money provided this year will be used mainly for the following—Land purchases, £20,000; preparation of land and planting, £78,000; maintenance of existing forests, £112,000; erection of employees' homes and other buildings, improvements and maintenance thereon, and water supplies, £40,000; working expenses of sawmills, £379,000; erection of employees' homes and other buildings in connection with sawmills, £106,000; new plant and machinery, £109,000; felling and hauling mill logs, £126,000; and construction of the Central Mill at Mount Gambier, £175,000. The Woods and Forests Department plans to establish a further 4,800 acres of forest, and existing forest operations will be maintained on the same level as in 1953-54. The estimated log production for State forests for 1954-55 is as follows:—

Sawmills—	Super feet.
Private sawmills—mainly used for case production by privately-owned sawmills	60,000,000
Departmental sawmills—for production of flooring and cases	51,000,000
Plywood manufacture—for furniture trade and veneer for match splints	4,000,000
Pulpwood	10,000,000
	125,000,000

In addition it is estimated that State Forest reserves will yield 3,000,000 super feet of hardwood logs and 30,000 tons of firewood. It is planned to increase production in departmental sawmills and the estimated output from the 51,000,000 super feet of log is:—

Flooring and other dressed timber	(lin. ft.)	20,000,000
Undressed timber . ..	(sup. ft.)	600,000
Veneer for match production	(sq. ft.)	2,000,000
Fruit cases	(cases)	3,000,000
Case flitches	(sup. ft.)	3,000,000

Undressed timber is used for manufacture of furniture, and flooring and other dressed timber is used almost exclusively in connection with the housing programme. Fruit cases are supplied mainly for use in the citrus, apple and dried fruit industries, and flitches are sold mainly for case production in the metropolitan area.

RAILWAYS ACCOMMODATION, £2,176,000.—Expenditure last year amounted to £1,508,146. Of this year's provision Way and Works is expected to absorb £653,000, mainly on ballasting, buildings, platforms, and stockyards, station yards, signalling and safety devices, main lines, bridges and culverts, drainage, new cottages, duplication of the Goodwood to Marino line, and betterment work in connection with the South-East gauge widening. Rolling stock will absorb approximately £1,500,000, mainly on the provision of 14 diesel mechanical rail cars, ten 750 h.p. diesel electric shunt locomotives, 12 suburban diesel rail cars, six joint stock coach cars, and two roomettes and two twinettes, and 40 50-ton hopper waggons and 100 40-ton bogie open cars. Railways operating results improved by about £842,000 during the year, and it is only by continuing to provide up-to-date rolling stock and making truck improvements that the Railways Commissioner and his staff can maintain the good work that has been carried on by the department for many years. The department has been hard pressed during the year to carry all the freight offering, and the fact that they have been able to cope with requirements in this direction is a tribute to the high standard of work which is always forthcoming from the Railways.

HARBORS ACCOMMODATION, £800,000.—Expenditure last year amounted to £743,618. During last year the Harbors Board completed the construction of concrete wharves 8 and 9 at Port Adelaide, and also constructed sheds and stacking areas at these wharves. Work was commenced on the concrete construction of No. 6 berth, and this progressed during the year. The extension of the coal handling wharf at Osborne to provide an additional berth was also undertaken. This plant is being extended to permit quicker unloading of ships at the Osborne wharves. At Kingscote, on Kangaroo Island, the board commenced construction of additional shipping facilities, extending and widening the existing jetty, and excavating the foreshore to provide additional cargo handling facilities at the shore end. These greater facilities are essential to handle the larger consignments of materials, etc., which as a result of the rapid development of the island are being carried by the shipping which serves it. This work of providing better harbour facilities at the island will be continued this year and the necessary provision has been made in this Bill. Further expenditure is envisaged at Port Adelaide Inner and Outer Harbours on the reconstruction of Wharves Nos. 1, 6, 8 and 9 (including the provision of cargo sheds and rail tracks), and on seamen's pick-up centre, roads, drainage, water service, electric light and conveniences, and the purchase of land, and at Osborne on the

reconstruction of the coal handling plant and wharf extension. Provision has also been made in this Bill for accommodation for the fishing industry.

WATERWORKS AND SEWERS, £5,575,000.—Expenditure last year amounted to £5,335,000. One of the greatest problems to be dealt with in this State, and especially in the country, is the supply of water. Apart from the River Murray, which flows through only a comparatively small portion of the State, we are not richly endowed with natural water facilities, and have therefore had to provide water by long lines of reticulation. This has been a very costly process, but mainly as a result of our labours in this direction we see that our State has the highest value of production per head of population in Australia. The main items of expenditure this year are expected to be in the Adelaide Water District on the Mannum-Adelaide pipeline, for which £2,012,200 has been provided; the South Para Reservoir which is expected to absorb £138,000, plus a further £14,000 for work in the Barossa Water District on this project; services and mains in the Adelaide Water District will require £345,000.

In Barossa Water District £11,000 has been set aside for extensions of mains and equipping bores in the Salisbury district, £1,000 for chlorination works, £4,000 for cement lining of mains, and £15,000 for mains, services and minor works. Warren Water District will take £138,000 for enlargement of trunk main; £9,000 for Angaston water supply; £4,000 for cement lining of pipes; and £17,000 for mains, services and minor works. Water supplies for Milang, Meningie, Karoonda, Paringa, Loxton, Jamestown-Caltowie, Swan Reach, Warooka, Woods Point, and the Nairne pyrites project will cost £197,500. Bores and pumping plants are being provided at Naracoorte and Bordertown, and improvements will be made to supply in Goolwa-Middleton, and Encounter Bay-Ocean View West areas. Improvements will be effected to the pumping plant and rising main at Mount Gambier, and at Murray Bridge the pumping station will be electrified. Improvements will be made at Loxton, Morgan and Mount Barker. An amount of £67,800 has been provided for mains, services and minor works.

In the Tod River Water District the Uley-Wanilla scheme will absorb £32,000, and an amount of £18,500 is provided for water supplies in the Hundreds of Bonython and Goode. The scheme in the hundreds of Cootra and Caralue is expected to cost £23,700, and mains, services and minor works throughout the district will absorb £20,150. Beetaloo, Bundaleer and Baroota Water Districts has been provided with £780,000 for the Yorke Peninsula scheme; £20,000 for cement lining of pipes; and £52,000 for Port Pirie mains. A sum of £25,000 has been provided for replacement and extension of mains in the hundred of Howe, Boucaut, Port Pirie, and Crystal Brook; and £12,000 for storage tanks in the hundreds of Birds Hill, Caltowie and Kulpara.

For Adelaide sewers provision has been made for £6,600 to be expended on extensions to Port Adelaide Treatment Works, and £220,500 or reticulation sewers and miscellaneous extensions. Pumping stations at Islington, Queensbury, Ethelton and Glenelg will cost £28,900. Modifications and extensions to the Glenelg Treatment Works are estimated to cost £16,200. With regard to country sewers, work has already commenced at Salisbury, and it is expected that work will commence at Port Lincoln during the year. The water conservation scheme is receiving the attention of the Government, and £80,000 has been provided for tanks for County Buxton, and £7,350 for mains, services, minor works, and for plant and machinery.

GOVERNMENT BUILDINGS AND LAND, £2,570,000.—Expenditure last year amounted to £1,707,084. The amount included in this Bill will be allocated as follows:—

	£
Hospital buildings	1,250,000
School building	1,050,000
Police and courthouse buildings ..	100,000
Agricultural College	20,000
Other Government buildings	150,000

Before dealing with the work which it is proposed to carry out under this heading during the year, I will give members some idea of the larger works which have been carried out for hospitals in this State in the immediate past. At the Royal Adelaide Hospital a new boiler house has been constructed and new boilers installed. Additions have been made to the laundry and new laundry equipment has been added. Additions have been made to the ophthalmic block; a new nurses' home has been constructed in Frome Road; and eight of the wards in the hospital have been remodelled. At the Northfield wards of the Royal Adelaide hospital two pre-fabricated buildings have been erected; one for nurses, and one for patients.

At the Parkside mental hospital new nurses' quarters were constructed and also a scullery and dining-room. At the Queen Elizabeth hospital the nurses' home, and the first section of the hospital, with temporary maternity home provisions have been completed. At the Port Augusta hospital quarters for night nurses

and domestics have been added. A children's ward and a new hut for nurses have been erected at the Mount Gambier hospital; and at Port Lincoln hospital domestic quarters have been practically completed. At the end of the year the following works were in progress at various hospitals. At Royal Adelaide hospital, a bed lift for the Casualty section was two-thirds complete, and it is anticipated that it will be finished by March, 1955. At Northfield, a women's T.B. block was half complete, and it is expected that this will be completed by June next. Also half completed was a staff dining-room which is expected to be ready by January, 1955.

At Parkside mental hospital a male T.B. block has just been commenced and is expected to be completed in October of next year. A dining-room for females is two-thirds complete, and by the end of this calendar year it should be ready for occupation. The male ward sculleries and dining-rooms are one-third complete, and should be ready for occupation early next year. The female admission and treatment block is almost complete and is expected to be occupeid in November next. At the Queen Elizabeth hospital the maternity section and ancillaries are half completed, and it is anticipated that this work will be finished in September, 1956. The Port Lincoln hospital has a nurses' dining-room almost completed, and additions to the maternity section are half complete: it is anticipated that these buildings will be finished by March, 1955. Port Pirie nurses' quarters are almost complete and should be finished and ready for occupation by next month.

For the current year £1,250,000 has been set aside for hospital buildings. This includes provision for the Royal Adelaide Hospital, where £198,420 will be spent on finishing the new nurses' block, and new dental hospital wing, and for the purchase of Ruthven Mansions, in Pulteney Street, for nurses' quarters. The sum of £16,500 will be expended on the casualty department lift and lifthouse, and alterations and improvements to the present dressing rooms. At Magill Wards the alterations and additions to various buildings will cost £2,750; £29,650 will go towards the purchase of new equipment. A firm of Melbourne architects and a firm of Adelaide architects have been engaged by the Government to take over the construction of some of the Queen Elizabeth hospital to speed up the work on this project. These firms are now finalizing the plans, and tenders will be called for the work later in the year. The Architect-in-Chief will continue the supervision of portion of the work now in hand and will undertake the provision of some of the services.

At Parkside Mental Hospital work will be continued on the nurses' home, female treatment ward and admission block, new male T.B. ward, male treatment and admission block, rebuilding the carpenters' workshop and occupational therapy workshops; making roadways and installing new water mains and carrying out alterations and additions to various buildings. A provision of £189,810 has been made for these works and for purchase of new equipment and reconditioning main roads. Northfield Mental Hospital anticipates expenditure of £224,550 on additional accommodation for 300 patients, a female T.B. ward, new residences, alterations and additions to various buildings. Bedford Park will require £9,400 for alterations and additions to various buildings and for purchase of new equipment. Morris Hospital, Northfield, requires alterations and additions to various buildings, and items of equipment, which are estimated to cost £34,340.

At Enfield Receiving Home it is estimated that £11,190 will be expended on alterations and additions to various buildings, and a residence for medical officer. Mareeba Babies' Hospital plans to spend £2,690 on alterations and additions to various buildings. Alterations and additions to Barmera Hospital buildings will cost £1,760. At Mount Gambier Hospital £98,700 will be expended on the following:—Children's ward, £1,000; work on the new general hospital, £50,000; new sewage treatment works and water supply £20,000; new boilers, £10,000; new residence, construction of a road and footpaths, and alterations and additions to various buildings, £17,700.

At Port Augusta Hospital the alterations and additions to various buildings, and purchase of new equipment, will cost £9,950. Provision of £26,490 has been made for additional accommodation and sewage disposal scheme at the Port Lincoln Hospital. At Port Pirie Hospital £70,600 has been set aside for a new theatre and men's block, alterations and additions to nurses' quarters, extension of laundry block and new equipment, isolation block conversion to children's ward, and sewage treatment works. A sum of £4,800 has been provided for additions to the Wallaroo Hospital, and £36,500 has been set aside for urgent accommodation as may be required by the various hospitals.

SCHOOL BUILDINGS, £1,050,000.—The sum of £307,050 has been provided for new primary and infant schools, and a further provision of

£77,600 made for necessary alterations and additions to this class of school. Technical schools are estimated to cost £55,650 during the year: this amount will be mainly expended on the new Nailsworth Boys School, and on additions and alterations to various other technical schools. A provision of £38,784 has been set down for area schools, including a new school at Yankalilla, a new craft block at Cummins, a new block at Oakbank, and alterations and additions to the schools at Cleve, Wudinna and Penola. Expenditure on high schools is estimated at £125,450: this will provide for new schools at Naracoorte, Minlaton, South Road and Loxton; a new wing at Port Pirie High School; and alterations and additions to numerous other high schools. An amount of £33,500 will be expended on woodwork centres and domestic arts centres at various primary and high schools. Portable buildings are still required to relieve the shortage of accommodation at various schools, and £244,000 has been set aside for expenditure on these buildings. The sum of £42,070 has been provided for the installation of septic tanks; and £46,994 for the grading and paving of school yards. New residences for staff and alterations and additions to residences is expected to cost £50,400 during the year.

POLICE AND COURTHOUSE BUILDINGS, £100,000.—New police stations, estimated to cost £16,900, will be started at Crystal Brook, Darke Peak, Enfield, Naracoorte, Flinders Park, Hallett, Loxton, and Seaton Park. Provision of £48,450 has been made for additions and alterations to residences, garages, offices, cells, etc., at various centres. New courthouses will be provided at Barmera, Berri, Murray Bridge, and Salisbury, and £17,000 has been set aside for this purpose. Additions and alterations to courthouse buildings at the Supreme Court, Port Lincoln, and Port Adelaide, will absorb £5,650; and £12,000 has been provided for staff residences.

OTHER GOVERNMENT BUILDINGS, £150,000.—An amount of £15,800 will be expended in connection with the Children's Welfare and Public Relief Department, and covers a new building at Lochiel Park, staff quarters and new laundry at Seaforth Home, new residence at Struan Farm School, and alterations, additions, and equipment for Magill Home, Magill Reformatory, Glandore Industrial School, Struan Farm School, Vaughan House, and the Flinders Street offices. The sum of £36,650 has been set aside for expenditure on gaols. At the Adelaide Gaol alterations, additions and equipment will absorb £6,600; and at Yatala Labour Prison provision has been made for construction of sentry and boundary fence, £3,000; hot water service in bath wing, £1,000; and residences for staff, alterations and improvements, to cottages and laundry, £5,100. Considerable expenditure will be incurred at the Gladstone Gaol, where £7,650 has been provided for improvements and alterations to buildings, fencing, water supply, etc.; £5,000 for a new workshop; £2,000 for new steam laundry; and £2,800 for additional lavatory accommodation. Port Augusta Gaol has been granted provision of £3,500 for additional staff accommodation, installation of septic tank system, and improved bathroom and laundry accommodation.

SOUTH AUSTRALIAN HOUSING TRUST, £1,000,000.—Expenditure last year amounted to £2,500,000. The amount of £1,000,000 provided by this Bill is required for financing second mortgages on house sales to the extent of £760,000, and for the purchase of land and stores, £240,000. In addition to the £1,000,000, the Trust will have made available to it under the Commonwealth-State Housing Agreement an amount of £3,600,000 from funds made available to the Commonwealth by the Loan Council. The Trust's programme this year provides for the completion of 3,500 houses, of which it is estimated that over 1,000 will be built for rental or for sale in the country. The programme also includes about 180 flats.

LEIGH CREEK COALFIELD, £400,000.—Last year expenditure amounted to £700,000. Although the programme of the Electricity Trust for the coalfield this year will, it is estimated, be about £1,000,000, the whole of this amount will not be required from the Loan Fund as the Trust has £681,000 on hand from last year to finance capital works for the current year. The main works to be carried out will be township buildings (including houses for employees), roads, and railways. The work of diverting the railway to the eastern side of the field will be undertaken during the year. The largest expenditure for the year will be on the Aroona Dam, where it is hoped to have the work sufficiently advanced to benefit from the summer rains and enable water to be stored for supply to the field. The power station will absorb a further £120,000, and distribution of electricity £15,000. Provision has also been made for purchase of general machinery and coal handling and treatment plant.

ELECTRICITY TRUST OF SOUTH AUSTRALIA, £5,000,000.—The total capital works programme of the Trust for the year is £7,870,000. It is estimated that only £5,000,000 will be required

from the Loan Fund, the rest of the requirements being obtained from loans to be raised by the Trust, investment of depreciation funds, and use of materials, stores, and moneys already on hand. Proposed expenditure on the Osborne "B" Power Station this year is £1,220,000, and the work carried out will provide for raising the capacity of the station from 120,000 kilowatts to 180,000 kilowatts by 1956. The Trust proposes to spend £1,720,000 on the Port Augusta "A" Station to raise the capacity of the station from 15,000 kilowatts to 90,000 kilowatts by 1957. This will include the installation of three 30,000 kilowatt machines, two of which are already on the site, and the construction and erection of the boilers necessary to service these three generating machines.

Work will be commenced on constructing the coffer dam, installing sheet piling, earth filling, and dewatering in preparation for foundations for the Port Augusta "B" Power Station, and £110,000 has been provided for this purpose. The sum of £211,000 will be spent at Port Lincoln with a view to increasing the capacity of the power station to 7,500 kilowatts by 1956. Two 2,500 kilowatt steam turbo-alternators will be commissioned in addition to the 2,500 kilowatt diesel plant which is now serving the area. The new power station, which is being erected in conjuction with the Woods and Forests Department's mill adjacent to the town of Mount Gambier, will require an expenditure of £181,000. This power station will have a capacity of 6,000 kilowatts, ultimately being extended to an installed capacity of 12,000 kilowatts, and it is anticipated that the station will be commissioned during 1956. The total estimated expenditure on power station for the year is £3,442,000.

An amount of £598,000 has been provided for transmission lines. This will include the completion of the 132,000 volt line from Port Augusta to the metropolitan area, and country expansion of 132,000 volt lines to Mannum for the Lower Murray and the 66,000 volt line to Strathalbyn. The Trust expects to spend £1,306,000 on sub-stations. With the expansion of power stations and transmission lines more sub-stations are needed to regulate the supply, and break down the high voltage to lower voltage for distribution to consumers. A large sub-station is to be built at Northfield and a start has been made on this work. Further sub-stations are required in the metropolitan area and in country districts to enable the Trust to meet the demands of consumers. The sum of £630,000 has been provided to cover the cost of consumers' plant and appliances, including meters, time switches, ranges, water heaters, wash boilers, bath heaters, and installation costs, and changeover costs from D.C. to A.C. in some country towns. In addition, £1,714,000 will be spent this year on further expansion of the distribution system. Of this amount £757,000 will be required for cost of mains for new consumers and for main improvements; and £639,000 will be utilized for the purpose of extensions to consumers in country districts. An amount of £180,000 has been provided for plant purchases, mainly replacements of obsolete plant, and will include expenditure on cranes, trucks, trailers and cars.

MUNICIPAL TRAMWAYS TRUST, £500,000.—Expenditure by the Government by way of loans to the trust amounted last year to £600,000. Of the £500,000 provided this year, £350,000 has been set aside for the purchase of vehicles, and the trust already has under order 70 diesel fuel buses which will be largely completed during 1954-55, and is at present calling tenders for a further 95 vehicles which, however, are not expected to be delivered before July, 1955. These buses will replace tram rolling stock which has become very costly to operate and maintain, and will also permit the abandonment of permanent way which is old and uneconomic. The policy of re-equipping the undertaking with modern and efficient vehicles, workshops, and depots, has been adopted by the board which was appointed about 18 months ago as a measure towards improving the finances of the undertaking and at the same time adequately serving the public with transport facilities. A further £150,000 has been provided for the work of restoring roadways, and reconstructing and re-equipping workshops.

MINES DEPARTMENT, £200,000.—Expenditure last year was £241,642. The amount provided this year is required for purchase of plant and equipment for the Metallurgical Branch, Chemical Engineering Branch, and for the laboratories, and also covers cost of general plant and equipment, including transport, boring, rotary and diamond drilling equipment, scientific instruments, etc.

URANIUM PRODUCTION, £3,000,000.—Last year's expenditure on this project was £2,875,489. This year's provision will be used in connection with the operations of the Radium Hill project for mining, metallurgical treatment, and for capital costs of the chemical treatment plant. The Radium Hill Mine is expected to come into production within the next

few weeks and the chemical treatment plant will be in production early next year. Construction work at Port Pirie is proceeding satisfactorily. Under the Agreement with the Atomic Energy Commission of the United States the State is required to provide working capital and the £3,000,000 provided by the Bill makes allowances for working capital of the undertaking, and also for purchase of spare parts and stores. Clause 3 defines the Loan Fund as consisting of any moneys standing to the credit of the Loan Fund Account in the Treasury at the commencement of the Act; all money received after the commencement of the Act in repayment of advances made; all surplus revenue applied to the Loan Account in accordnace with the Public Finance Act; and any money borrowed under the Bill. Clause 4 provides that the Treasurer may arrange for the borrowing of £24,595,000 in accordance with the Financial Agreement.

Clause 5 deals with the issue and application of money from the Loan Fund, and provides that sums not exceeding £27,295,000 may be issued for the purposes mentioned in the First Schedule. The clause also provides that if the amount mentioned in any line of the First Schedule is insufficient for the work or purpose in question the Treasurer may issue additional money from the Loan Fund for that particular work or purpose, but under no circumstances can he issue more than £27,295,000 from the fund during the year for the purposes itemized in the First Schedule. Clause 6 provides that the Treasurer may arrange for the borrowing on behalf of the State, in accordance with the Financial Agreement, of the moneys necessary to pay flotation expenses incurred in the borrowing of money authorized by this Bill.

Clause 7 provides that other moneys in the hands of the Treasurer may be used for the works and purposes mentioned in the first schedule if the moneys in the Loan Fund are at any time insufficient to carry out such works and purposes, provided that any moneys so used shall be repaid from the Loan Fund as soon as there is sufficient in that fund to make the repayment. Clause 8 gives the Treasurer power, if additional loan moneys become available, to borrow a further £2,318,000 for expenditure on the loan undertakings set out in the first schedule, provided that the total expenditure on such undertakings during the year shall not exceed the amount of borrowing authorized by this clause and clause 4, namely, £29,613,000.

Clause 9 gives the Treasurer power to borrow, during the period between June 30, 1955, and the commencement of the next Public Purposes Loan Bill, any sums not exceeding £7,000,000, and to apply such loan money to meet expenditure on the loan undertakings mentioned in the First Schedule. Clause 10 makes provision that clauses 6, 7 and 9 shall not cease on June 30, 1955, as the functions of these clauses operate after that date. Clause 11 authorizes the expenditure of money received from the Commonwealth for Commonwealth-State housing purposes, and specifies that the amounts so received from the Commonwealth shall be paid to a special account and that the Treasurer shall, out of the money so credited, pay to the Housing Trust such sums as are required for the purposes of the Housing Agreement. This clause also provides that all moneys received by the State from the Commonwealth as grants under the Commonwealth Aid Roads Act, or any amendment to that Act, or any Act which may be substituted for it, shall be paid to a special account and the Treasurer shall, when requested by the Minister of Local Government, issue and pay, out of the moneys so credited, the sums that are required for purposes specified in that Act.

Clause 12 provides for the validation of the expenditure of £3,397 4s. 1d. made by the Harbors Board during the period 1949 to June, 1954, on land and premises at Osborne known as Meyer Recreation Oval. The oval has been established adjacent to the Draper Railway Station for use by the employees engaged in the coal gantries at Osborne, and this amount was expended on grading the area, planting grass, erecting fencing, and providing water facilities. The Board was not aware, at the time it authorized the expenditure, that the work being carried out was *ultra vires* the Harbors Act. Clause 13 cites the first day of July, 1954, as the date of commencement of the Public Purposes Loan Act, 1954. I commend the Bill to honourable members.

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

ADJOURNMENT.

At 4.7 p.m. the Council adjourned until Wednesday, September 29, at 2 p.m.