LEGISLATIVE COUNCIL.

Wednesday, November 18, 1959.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

MOUNT BOLD DAM-RAISING.

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Mount Bold Dam-Raising.

HEALTH ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Health Act, 1935-1956. Read a first time.

The Hon. Sir LYELL McEWIN—I move—

That this Bill be now read a second time.

Many cases have come to the notice of the Department of Public Health, local boards of health and district councils where buildings of various types have been erected in areas adjacent to country towns and townships with inadequate or unsuitable provision for drainage and sanitation and local boards have been obliged in such cases to declare such conditions as insanitary and invoke the provisions of part VI of the Health Act to require their correction. The Government considers that it is desirable and more economical for all concerned if adequate and suitable provision for drainage and sanitation could be ensured at the time of erection of the building rather than later and the object of this Bill is to make provision accordingly.

Section 123 of the Health Act in its present form provides that all houses erected or re-built in municipalities or townships within district council districts shall have such drains and sanitary requirements constructed of such materials and in such manner as the local board may prescribe; and that plans and specifications of the proposed drains and sanitary arrangements are to be submitted to and approved by the board before the erection or re-building is commenced. It will be seen that the section deals only with houses and not other buildings. While section 8 of the Building Act could be applied to those other buildings for the purpose of requiring approval of plans and the mode of drainage of water from the roof of a building and the mode of disposal of nightsoil and sullage water from a building, the application of that Act is restricted to areas that have been proclaimed under that Act upon petition by councils.

Clause 3 of this Bill is designed to apply the provisions of section 123 to buildings in areas where neither that section as already enacted nor the Building Act applies. It is considered that by applying the section also to buildings on parcels or allotments of land of not more than 5 acres in area the necessary control could be achieved where it is most needed and the exclusion from its application of buildings on parcels or allotments of land exceeding 5 acres in area would exempt isolated dwellings such as farmhouses in the case of which it is felt there is not the same need for such control.

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

THE AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES BILL.

Read a third time and passed.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL.

Read a third time and passed.

LOTTERY AND GAMING (CHARITABLE PURPOSES) BILL.

Read a third time and passed.

HOLIDAYS ACT AMENDMENT BILL.

Read a third time and passed.

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

Second reading.

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

Its object is to make some necessary amendments of a practical nature to the Compulsory Acquisition of Land Act, 1925. Clause 3 of the Bill amends section 30 of the Act to remove any doubts as to the competence of local courts to hear actions for compensation. Section 30 refers to "any court of competent jurisdiction." A local court has jurisdiction in terms of the Local Courts Act in "personal actions" but it is doubtful whether an action for compensation comes within this description. It is clear that it was never intended that actions for compensation for small amounts should be brought in the Supreme Court. The amendment will make it clear that actions are to be brought in any court having jurisdiction in personal actions up to the amount claimed. Thus, where the amount claimed is less than £1,250, the action may be brought in the local court while, if it exceeds this amount, it would be brought in the Supreme Court.

Section 31 of the Act requires promoters to wait six months before they can take action for assessment of compensation. No good purpose appears to be served by this particular requirement and, in fact, under section 42 the promoters are liable to pay interest after the expiration of 12 months from the delivery of a claim. Clause 4 of the Bill reduces the period of six months to one month.

Clause 5 will bring the provisions of section 33 of the Act relating to the jurisdiction of local courts where no claim is made into line with the present limits of jurisdiction of local courts, namely £1,250.

Clause 6 is designed to get over the difficulties experienced in cases where an owner or registered proprietor of land has died and no probate or letters of administration of the estate have been taken out or for some other reason, as, for example, where the owners cannot be found, a transfer or conveyance of the land cannot be obtained without considerable difficulty and expense, if at all. Where the name of the owner may be known, but he cannot be traced, a court would normally require attempts to be made to have the owner made a party to any proceedings and might, in a case of a deceased owner, require the promoters to take proceedings to have the estate administered. In many cases the value of the estate has been too small to justify the expense of taking out probate or letters of administration and there is thus no way whereby the promoters can obtain a title to the land acquired.

Clause 6 accordingly provides that where a registered proprietor or owner is dead, or the circumstances are such that he may be presumed to be dead, the notice to treat may be given by affixing it on the land and within three months any person able to sell and convey the land can make a claim in the ordinary way. But if no such claim is received the promoters may, by deed poll, acquire a title to the land free from all encumbrances. The interests of any person or persons are protected by the provisions in subclause (3) of clause 6 which converts such interests into a claim against the promoters for compensation. This Bill is similar to others we have had in the Council in recent years which improves the machinery aspects of legislation, in this case that relating to compulsory acquisition of land, and I commend it to members for their favourable consideration.

The Hon. S. C. BEVAN secured the adjournment of the debate.

VERMIN ACT AMENDMENT BILL.

Second reading.

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

The Vermin Act, 1931-1957, provides by section 22a that an owner or occupier of land must destroy rabbit warrens after notice given, within the time specified in the notice. It has been held by the Supreme Court that a notice to destroy rabbit warrens under this section must be reasonable in the light of all the circumstances of the particular case. While there can be no objection to a requirement that reasonable notice must be given, it is appreciated that it is difficult for councils to be certain, in any given case, whether a notice to destroy is necessarily valid. For this reason the present Bill will amend section 22a by prescribing a definite period of one month for the giving of a notice and, at the same time, allowing councils to give longer notice if they so desire.

Another difficulty which arises in the administration of the Act concerns the provision of section 23 (1) (*a*) that it is a defence to a charge for not destroying warrens after service of a notice if it can be shown that owing to the "physical features" of the land it was not practicable to comply with the notice. It has been argued that the expression "physical features" can refer merely to the size of the particular land. What was contemplated by Parliament when this section was enacted was peculiar physical features such as watercourses, ravines, hills and the like. Clause 4 accordingly makes this intention quite clear.

The Hon. A. J. SHARD secured the adjournment of the debate.

VINE, FRUIT, AND VEGETABLE PROTECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 1607.)

The Hon. A. J. SHARD (Central No. 1)—I support the Bill, but without great enthusiasm or pleasure, and only because of necessity. When speaking on the Fruit Fly (Compensation) Act last year I had something to say about this particular legislation. In the last few days I have heard much about people's civil rights, and how members who uphold those rights can support this legislation is beyond me. In my speech last year I referred to section 8, which it is now proposed to amend, and also section 10. Running the risk of being charged with repetition, I will read

these sections, because I believe that members, if they agree to this Bill, should do so with their eyes open and know what they are doing. So as not to mislead anyone, including new members who possibly have not studied the principal Act, I will repeat some of my remarks. I do not intend to read what I said last year but, for the benefit of those who are interested, my speech on the Fruit Fly (Compensation) Bill is recorded at page 919 of the 1958 volume of *Hansard*, where if they care to, they can read what I said last year. However, for their benefit and that of the public generally, I shall refer particularly to sections 8 and 10 of the principal Act, with the amendments. It should be noted that the original Act was dated 1885, and it was consolidated in 1936. The last time section 8 was amended was in 1910—well-nigh half a century ago. It reads as follows:—

Every inspector may, without notice, and with or without such assistants as he may think fit, enter at all times into and upon any lands and buildings, or upon any vessel, train, aircraft, vehicle, carriage, or conveyance on or in which any tree or plant shall be, or shall be suspected to be, and may examine and remove any such tree or plant for the purpose of ascertaining if the same is injuriously affected by any insect or disease, and may erect such land or other marks as he may think necessary or desirable for the purpose of indicating that any tree or plant has been removed for examination under this Act, or is so injuriously affected, and may erect on any such land such notices and land or other marks as he may think necessary or desirable for the purpose of indicating that the growing or planting of any tree or plant of the kind or kinds mentioned in such notices on or in the land, also mentioned therein, has been prohibited by proclamation under this Act.

I draw attention to the opening words, "Every inspector may, without notice." We have not many civil rights under that section. To make the position still more impossible for a person who feels he has been unjustly treated, section 10 states:—

No inspector under this Act, nor any person authorized by him, shall be deemed to be a trespasser by reason of any entry or removal under this Act, or be liable for any damage occasioned in carrying out the provisions of this Act; nor shall any person be entitled to receive any compensation whatsoever in consequence of any measures taken for the eradication of any insect or disease, or in respect of any loss or injury that may result to him therefrom, either directly or indirectly.

That is the position as I see it. We have no rights at all under that Act. When speaking to it last year, I cited cases of genuine complaint about the way in which officers of the Department of Agriculture entered places and did some damage.

I want to be quite fair to the department and say that, whether it was accidental or just coincidental at the time or whether it was the result of what I had said, there was a great improvement in the behaviour of the officers of the department. They came round and inspected the properties in my district for some months afterwards. It is fair to say that the very people who had previously complained to me about the behaviour of the officers came back and said, "Well, whether it is the result of what you said or otherwise, we want to say we are being treated much better." That is good because the community as a whole agrees in principle with what the Government is trying to do in the matter of fruit fly inspection. I support this Bill, though rather half-heartedly, because of the good it is doing for the community at large. I should hate to visualize what the river districts, from Waikerie to Renmark, would look like or what they would return in revenue if fruit fly became predominant there. I should hate also to visualize what effect it would have on the Barossa Valley. In those two districts, known for their production of fruit and wine, we should also lose from the tourist point of view.

Coming nearer home, I should not like to see Adelaide and its surrounding districts denuded of all fruit trees. I could not visualize this great city of ours without fruit trees. Therefore, I support the Bill with the warnings I have given. I feel that this Act as amended will go further than the old Act did. When one can be stopped at the border in a car and have one's car and belongings searched, it is important that the officers selected to do that work should be men of character, of good standing, and of human understanding. I have no personal complaints about their behaviour at road blocks. I have only experienced one in South Australia, and that was at Port Augusta where I was treated with the utmost respect and decency. The same could be said for other road blocks that I encountered in Queensland, where the officers were just as efficient and understanding as those at Port Augusta. I appeal to the department to make doubly sure that the officers selected to do this work are of the right calibre and standing in the community.

The Hon. C. R. STORY (Midland)—I support the Bill and although it is a very short one it is extremely important. The road blocks, which have been doing a very good

job, have been hampered by not having the powers outlined in this Bill. I have done some research into this matter and I find that this Act was first enacted in 1885. Strangely enough, people who if they still lived today would be branded complete Conservatives, were speaking in 1885 in exactly the same way as my honourable friend, Mr. Shard. They mentioned exactly the same things as he mentioned today.

The Hon. A. J. Shard—That shows how reasonable I am.

The Hon. C. R. STORY—I do not know whether the honourable member would like to be branded a Conservative or not.

The Hon. K. E. J. Bardolph—He is able to express an opinion.

The Hon. C. R. STORY—Quite so. This legislation has been on the Statute Book probably as long as any other legislation that exists today. All the Bill sets out to do is to amend section 8 of the principal Act which reads:—

> Every inspector may, without notice, and with or without such assistants as he may think fit, enter at all times into and upon any lands and buildings . . .

and then it deletes certain words and adds other words in lieu thereof.

The Hon. A. J. Shard—It gives more power.

The Hon. C. R. STORY—Yes, and it means that the power is now extended "into or upon any vessel, train, aircraft, vehicle, carriage, or conveyance." I cannot see anything wrong with that, but my friend did express a fear in the matter of searching. In 1885 when this Bill was in Committee there was a man named Playford leading the debate and there was another man named Duncan who opposed it violently. Mr. Duncan raised the point raised by my honourable friend today and said he thought this was rather a stiff clause. He did not think power should be given to any person to enter a man's house but that the inspector should be required to give notice. That is precisely what my honourable friend Mr. Shard said today, and he probably said it before. That legislation has stood the test of time since 1885 and never in my short lifetime have I heard of anybody being unduly victimized because of the legislation. I am completely in accord with it. If a man is given a week's notice and told that his property is going to be searched to see if he has any contaminated fruit or root stocks on his property what hope is there of collecting them? Notice cannot be given because the whole purpose is to have a snap check. To suggest that notice should be given is ludicrous. The whole point is that a sudden check is required and I support it. I was interested to read a press report yesterday of a statement made by the Minister of Agriculture regarding a conference of State Agricultural Ministers in Canberra. They had agreed to increase the number of road blocks on the roads between New South Wales, Victoria and South Australia. If this enabling measure were not put on the Statute Book it would be quite useless to set up these road blocks. If the inspectors cannot demand to inspect and do not have the necessary power to take away any plants or soil that they think necessary to stop further importation of fruit fly, which is only one of the things which can happen, the position is hopeless.

The Hon. S. C. Bevan—They have the powers under the Act.

The Hon. C. R. STORY—No. They have power to search vessels and inspect vehicles, but not to take and destroy. This legislation was first brought into operation in 1885 to protect the State against the scourge of phylloxera and that disease is just as much a threat today as it was in 1885. At that time codlin moth had not found its way into South Australia. In the upper Murray areas recently we have had an outbreak of the worst type of pest that can be brought into the State in the form of oriental peach moth or tip moth and this pest got in through the lack of what we are asking for in this particular amendment. That pest came in on trees from nurseries in other States. With power to search, and if necessary to confiscate and destroy, that pest may have been kept out.

The Hon. S. C. Bevan—Do you think the people should be compensated?

The Hon. C. R. STORY—No. Anyone who carts rubbish around the country deserves what he gets. I do not want to labour the point any further, but I do congratulate the department on the attitude it adopted with its fruit fly road blocks in this State. It has given a lead to the rest of Australia by its method of fruit fly control and there is no doubt about that. The men who have been appointed to the road block at Yamba are people of the highest calibre and the department is lucky to get people who are prepared to go out and do this most monotonous and irksome job. I pay a compliment to the department for the way in which this matter has been handled in this State.

Bill read a second time and taken through Committee without amendment; Committee's report adopted.

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

Adjourned debate on second reading.

(Continued from November 17. Page 1608.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support this Bill. Every honourable member will agree with me that this is one of the most contentious pieces of legislation that we have from time to time had to deal with. This legislation was first introduced during a period of emergency when there was a scarcity of houses. The position that arose was caused primarily by the depression period during which little building was carried on. That was followed by World War II, when all our resources were geared to prosecute the war and no building of any consequence was permitted. I make it clear that the Australian Labor Party never envisaged that this legislation should be used by people who seek its protection for the purpose of hindering others. I may illustrate that, perhaps, by saying that members of our Party do not look upon all landlords as rapacious individuals. When we speak in support of it we are charged—not always directly, but by implication—with a desire to take something away from one set and give it to others, but that is far from the truth. The present housing position has been brought about mainly by the ineptitude of this Government and, after 1949, by the utter disregard on the part of the Commonwealth Government of the need to make funds available to the States in order to enable them to overcome the lag.

The Hon. Sir Arthur Rymill—So the Commonwealth was all right up to 1949?

The Hon. K. E. J. BARDOLPH—I will give the honourable member the figures from 1945 to 1958 showing the amount of money that was provided for housing. The South Australian Government is basking in the reflected glory of the Housing Trust, to which I pay a very great compliment.

The Hon. Sir Arthur Rymill—Didn't this Government set it up?

The Hon. K. E. J. BARDOLPH—The Housing Trust has become the major housing authority in South Australia. In 1945-6, when the Housing Agreement was initiated by the Commonwealth Labor Government, funds were allocated to the respective States for the purpose of building homes for rental purposes.

The Hon. S. C. Bevan—They were supposed to be built for the basic wage earner.

The Hon. K. E. J. BARDOLPH—That is true, but because of the war and the general economic chaos thereby created the trust was not able to satisfy the demand for housing during those years. It is useless to say that we should not bring politics into debate, for we are all here to represent one or other of the major political Parties. South Australia, although party to the agreement, refrained from utilizing any of the funds available until 1953-54. On the other hand Queensland, which I take as an example because of its more comparable population, received up to the year 1952-53 about £15,000,000 for home building. I know that I shall be told that the State Savings Bank came to our aid, which is true; and we passed amending legislation to permit it to lend money to the Housing Trust.

The Hon. C. D. Rowe—We got our share, but in another way.

The Hon. K. E. J. BARDOLPH—I cannot see how you did that nor how you can explain away the ineptitude of the Government in not taking the money from the Commonwealth.

The Hon. C. D. Rowe—We preferred to deal with our own moneys.

The Hon. K. E. J. BARDOLPH—The fact is that South Australia lost £15,000,000 that could have been used for housing. However, this State ultimately took advantage of the agreement and in 1953-4 it was allotted £4,500,000, and subsequently received the following sums:—1954-5, £3,600,000; 1955-6, £3,600,000; 1956-7, £2,769,000; 1957-8, £3,000,000; 1958-9, £3,500,000. However, the Menzies Government has reorientated the Housing Agreement, and instead of the original provision for building homes to let it is now directed towards building homes for purchase. My Party does not object; indeed, it desires to see every avenue wide open to enable people to purchase homes, but we suggest that the economic position of the workers of this State does not permit them to save the £1,000 or £1,500 required as a deposit to purchase a home. It may be said that others are doing it, but the fact remains that the ordinary citizen employed in industry who is rearing a family and has other responsibilities finds it impossible to save such a sum. Consequently, those people are in the throes of renting homes and this legislation—which we support—is for the general purpose of protecting those who, through no fault of their own, are unable to secure homes because of the inepti-

tude of this Government and the Commonwealth Government which is in control of the finances of this country.

Now I turn to what the Labor Party has done to alleviate the housing shortage. When the need for more housing became patent members of our Party, both here and in another place, suggested the setting up of a building commission, consisting of representatives of the building trade and architects, for the purpose of marshalling all the resources available in order to carry on an efficient and expeditious building scheme. I do not need to remind members of the fate of that proposal, but I submit this afternoon that the housing shortage is growing rapidly. Further, it will not be many years before present-day scholars leave school and become married employees, so that the demand for houses will continue to grow, and no legislation, even this, will provide the panacea for this situation. For those reasons and because of the other observations I have made members of my Party support this legislation.

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

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 1610.)

The Hon. S. C. BEVAN (Central No. 1)—Last September, when speaking on the Public Purposes Loan Bill, I referred to problems facing the Renmark Irrigation Trust and the growers through lack of an adequate drainage system. My criticism perhaps might have been more appropriate here, but at that stage apparently I did provoke a debate on the subject, and various criticisms followed. It was implied that I did not know what I was talking about because even the experts at that time did not know what caused the vine and citrus trees to die. One does not need to be an expert to see salt on the surface of the soil and assume that, as was of course the case, this was the cause of the trees going out. Moreover, about a week following that the Land Settlement Committee went to Loxton to examine the proposed drainage scheme for that area and it was rather remarkable that although no one could tell what was the trouble at Renmark the members of that committee were able to tell what was the trouble at Loxton.

I do not desire to reiterate what I said in September, but I do not withdraw one word of it. The Renmark irrigation area was started by the Chaffey brothers in 1887 as a private venture. After they went into liquidation the Renmark Irrigation Trust came into being in 1893 by Act of Parliament. The trust was vested with powers to control the water supply and other requirements of the area. Later this Act was amended by adding the powers of local government and drainage, and the trust has exercised those powers ever since. The area comprises about 20,000 acres which is all freehold. Considerable irrigation is undertaken by the trust and the rate charge is £7 15s. an acre annually, with a special rate for special irrigations of 25s. an acre for each irrigation. The amount of water rate which the trust can charge is subject to Parliamentary sanction, and I believe the maximum charge is fixed by Parliament. The maximum charge at the moment is, I understand, £8 an acre. The trust is already near to its maximum charge. The general water rate is paid half-yearly and I believe the revenue from that source is about £80,000 from about 9,500 irrigated acres. A considerable amount of this money is expended in the maintenance of installations, such as pumping stations, channels, etc. In this type of country irrigation and drainage go hand in hand. The need for drainage became apparent as far back as 1926, as is evidenced by records of land excised from assessment and put on half-rating because of seepage damage.

Some ratepayers installed internal drains and provided for the disposal of the water. It was not until 1938 that the Renmark Irrigation Trust set about providing for seepage disposal, and that was done by the open-cut method. In 1940 a policy of providing pump, sump and pipeline disposal was implemented, and I believe there are now about 150 such pump disposals draining about 2,000 acres. The cost of drainage is borne by the ratepayers by the payment of a drainage rate of 10s. an acre yearly, on all assessed land and land watered under agreement. The rate returned to the trust is about £4,500 a year and this is about £7,000 less than what is actually expended on maintenance. The deficiency is made up from the water rate. The expenditure on capital items for drainage is not included in those figures.

It is obvious that extensive areas urgently require draining and this involves a very large outlay; and the trust, recognizing this and not having the finance, approached the State Government without success about three years ago.

The Hon. C. R. Story—That is not quite right.

The Hon. S. C. BEVAN—Nevertheless a start was made on compiling a contour survey and a surveyor was put on. This work cost about £3,000 a year; but since then assistance has been given by the Engineering and Water Supply and the Lands Departments' officers in contour surveys, setting up the work necessary and assisting in designing drains. It can therefore be seen that without considerable financial assistance the trust will be unable to carry out the necessary work. So, a further approach was made to the Government for assistance and an offer was made to the trust, as set out in the Bill, which provides for a grant of £50,000 a year for the next 10 years and an annual loan of £25,000 for the same period. The trust is to provide £25,000 a year for 10 years from its own revenue. The loan of £250,000 to the trust carries an interest rate of 5 per cent, repayable after 10 years or after completion of the work, whichever is the sooner. It was intimated in an earlier debate in this Chamber that the Government was providing money on a three for one basis, but this is not so, as the trust in the final analysis will have to provide £500,000, plus interest of 5 per cent on £250,000, which means it is on a 50/50 basis. My concern is how the trust will be able to meet its obligations from its revenue.

In 1896 the Government lent the trust £3,000 and in 1900 a further £16,000. It was not until 1931 that the principal was repaid. The trust was not in a financial position to pay the interest on the moneys borrowed. The growers will be called upon to meet the trust's share of the expenditure involved in the drainage scheme, and this is in addition to their already heavy contributions. The repayment will be over a 40-year period and it will cost the growers an extra £75 an acre. This is in addition to their present commitments to the trust. I stated last September, and I repeat, that the Government's offer at first glance appears a very good one, but if we consider the action of other State Governments on similar projects, perhaps it is not so generous after all. I have in mind the action of the Victorian Government in its dealings with the first Mildura Irrigation Trust, which I submit is similar to the Renmark Irrigation Trust. It is interesting to note that the Chaffey brothers were responsible for the inauguration of the project at Mildura, which was later taken over by the first Mildura Irrigation Trust. The Victorian Government, realizing that financial aid had to be given to the Mildura Trust because growers had been suffering for a number of years the same problems that the Renmark growers are now suffering, and realizing the great benefits that would accrue to the State, came forward and gave financial assistance, and is continuing to do so.

Between 1896 and 1948 the trust received loan money from the Victorian Government to carry out capital works on its pumping and water distribution systems. In 1949 the Government decided that funds for the modernization of the trust's pumping plants and the improvement of its channel system would be made available by way of a free grant, and that still persists. Also, outstanding debts on previous loans were written off. It was a fine effort by the Victorian Government. Money made available by the Government to the trust was as follows:—For the modernization of pumping plants—central pumping station, £305,715; Psyche Bend pumping station, £120,052; channels, pipelines, structures, etc., £149,549; channel improvement scheme, £262,807; towards working costs from 1951 to 1955, £78,143; towards the cost of lining main channels from 1937 to 1942, £26,504; and old loans borne by the State (1950), £55,031, making a total of £999,801; towards the cost of main drains (subsurface drainage), £231,727; towards sinking funds on drainage loans £8,536 and silt box reconstruction £6,978, making a total of £247,241; and a grand total of £1,247,042. In addition, the State Government approved the draining of a further 5,000 acres, the cost of drainage to the grower to be £17 an acre. It will meet the remainder of the expenditure to drain this area.

The Hon. E. H. Edmonds—Is any of that under soldier settlement agreement?

The Hon. S. C. BEVAN—No, it is on a par with the position in South Australia. In comparing the action of the Victorian Government and of our own Government, we can draw our own conclusions.

The Hon. E. H. Edmonds—Is it a comparable area?

The Hon. S. C. BEVAN—Yes. At first glance the South Australian Government's offer to the Renmark Irrigation Trust appears to be a good one, but compared with what is being done on a comparable area in Victoria, the offer is not so good after all. As it was unable to provide the finance to drain the Renmark area, the trust had no alternative but to accept the Government's offer for financial assistance to carry out urgent work. This work cannot wait for 10 years, but must be commenced immediately and given effect to

as soon as possible to stop losses now taking place. Some of the land has already gone out of production, but will be brought back again with drainage. The Bill also provides that the trust shall retain its electricity undertaking, which I agree with, but it vacates the field of local government. The Renmark Irrigation Trust commenced its electricity undertaking in 1935 and financed it from its water assets. The total amount of the loan from the water assets to the electricity undertaking was about £28,000, which included a book entry of £18,000, so that the amount actually borrowed was £10,000. The actual cost of installation was about £20,000. The result is that since 1935 the ratepayers have had the benefit of a domestic and industrial electricity supply. The trust generated its own power until 1955, when it then agreed to buy power in bulk from the Electricity Trust of South Australia. From 1936 to 1951 the Renmark Irrigation Trust supplied power to Berri, and still supplies power to the Lyrup, Cooltong and Chaffey districts. The annual revenue from the electricity undertaking is about £85,000.

In another place a Select Committee was appointed to deal with this matter, and evidence was taken. When the offer of the Government was made to the Renmark Trust, negotiations were carried on and all these things were examined. I understand that the local district council considered that the electricity supply system should be handed over to it; but, when this did not happen, it suggested that the electricity supply administration now vested in the trust at Renmark should be vested in the Electricity Trust of South Australia. Having regard to the amount of money that the trust has spent and will spend on the supply of electrical power throughout not only its own district but an area outside, I feel the Government can be congratulated on the stand it took on the question of the electricity supply still being administered by the Renmark Irrigation Trust. It has had the responsibility of power lines and all that goes with the supply of electrical power. The householders have had the benefit of that undertaking, electrical power being available for all purposes, which has been a great advantage not only domestically but also industrially, even in areas outside the operations of the trust itself, in the working of pumps for water supply and the disposal of drainage waters.

I support the Bill because financial assistance is urgently required throughout the area. The Government must do everything possible to assist these people, the trust itself and its ratepayers, in getting drainage for the area as soon as possible. The position now is dangerous, having been considerably aggravated by the 1956 floods. Something must be done at once. If we compare the operation of this area over the years with the operation of the Loxton area, which has been going for only 10 years, and remember the serious seepage problem at Loxton, we can imagine the problems of the growers in the Renmark area. I hope this measure will be given effect to speedily so that this work may be commenced at the earliest opportunity. In spite of the trust's obligations, I hope the money will be available. I visualize it being found by overdraft, by an arrangement with the bankers.

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

UNDERGROUND WATERS PRESERVATION BILL.

In Committee.

(Continued from November 17. Page 1624.)

Clause 11—"Terms and conditions in permits"—which the Hon. Sir Arthur Rymill had moved to amend by inserting after "deterioration" in subclause (1) the words "in quality."

The Hon. Sir LYELL McEWIN (Minister of Mines)—The Hon. Sir Arthur Rymill moved yesterday that "in quality" be inserted in subclause (1). I reported progress on the point whether those words should be inserted there or whether "deterioration" should be provided for in the definitions. I intend to move for an amendment to the definitions but that will require going back to clause 4. The Parliamentary Draftsman has suggested that after line 12 we insert " 'Deterioration' means deterioration in quality, and 'deteriorate' has a corresponding meaning."

The Hon. Sir Arthur Rymill—That applies to clause 4, the definition clause.

The Hon. Sir LYELL McEWIN—Yes, but we have passed that. I suggest that, after we have gone through the Bill, we should reconsider clause 4 and include that in the definitions, which will cover the point we were discussing on clause 11.

The Hon. Sir ARTHUR RYMILL—On a point of order, Mr. Chairman, could I have your guidance as to how I should handle an amendment to clause 5, as we have passed that clause?

The CHAIRMAN—To consider that amendment there would have to be a further recommittal on clause 5. Does the honourable member want to proceed with his amendment to clause 11?

The Hon. Sir ARTHUR RYMILL—I do not wish to proceed with that amendment.

The CHAIRMAN—Does the honourable member ask leave to withdraw his amendment?

The Hon. Sir ARTHUR RYMILL—Yes.

Leave granted; amendment withdrawn.

The Hon. K. E. J. BARDOLPH—Mr. Chairman, I desire your guidance on a motion that I desire to move—that is, that the Bill be withdrawn and referred to a Select Committee of this House, which would report back after considering it.

The CHAIRMAN—Standing Order No. 292 states:—

No motion for referring a Bill to a Select Committee shall be entertained after the Chairman of Committees shall have reported the Bill.

The Bill certainly was reported yesterday, so under that Standing Order I rule that the honourable member cannot at this stage do what he suggests.

The Hon. K. E. J. BARDOLPH—With great respect, may I point out that the Bill was reported last Thursday for the purpose of having certain proposed amendments made and a fair copy printed. Mr. Chairman, I desire to ask your ruling before I proceed.

The CHAIRMAN—Very briefly, what is your point?

The Hon. K. E. J. BARDOLPH—I submit that the report to the House last Thursday was for a fair copy of the Bill and yesterday the Minister moved the recommittal of the Bill for the purpose of allowing it to come before the Committee again. I submit with very great respect that Standing Order 292 permits me to do what I desire to do this afternoon.

The CHAIRMAN—I see the honourable member's point, but still consider it is not a good one and rule that he cannot go ahead.

The Hon. K. E. J. BARDOLPH—I reluctantly disagree with your ruling. I submit with all humility that it is not for you to express an opinion, but it is for you to interpret Standing Orders and I still maintain the previous point I made that this Bill was reported to the Council last Thursday because, as there were so many amendments, it was desired by the Committee of the Whole House to have a fair copy made and then submitted to a new Committee, which is what this Committee is. The Minister moved for recommittal of the Bill. I do not want to pit my limited knowledge against yours, Mr. Chairman, and I acknowledge that over the years your integrity has been unquestioned and most members have agreed with your interpretation of Standing Orders.

The CHAIRMAN—The way to test this is for the honourable member to move that my ruling be disagreed with. I would then report it to the Council and the Council would deal with it.

The Hon. K. E. J. BARDOLPH—I now move that your ruling be disagreed with. I have been putting my points as courteously as I can, but I again point out that this Bill has been recommitted and because this is a new Committee Standing Order 292 gives me the right to move for the Bill to be referred to a Select Committee.

The President resumed the Chair.

The PRESIDENT—I have to report that objection has been taken to a ruling given by myself as Chairman of Committees, supported by myself as President of the Council. I ask the Council to deal with the question forthwith, or it can be made the first Order of the Day tomorrow. The question is whether the House supports the ruling of the President.

The Hon. Sir LYELL McEWIN—I move that the question be now put.

Question—That the Council supports the ruling of the President—carried.

In Committee.

Clauses 11 to 16 passed.

Clause 17—"Execution of work."

The Hon. F. J. POTTER—I move—

After "permit" first occurring to insert "and every person doing any work for which a permit has been issued"; delete "any" and insert "such"; and strike out after "work" the words "for which a permit has been issued."

In the first print of the Bill this clause stated:—

Every person doing any work for which a permit has been issued shall execute such work in a proper and workmanlike manner in accordance with sound water well drilling practices.

In the Bill as recommitted that wording has been altered to put the onus entirely on the holder of a permit, and I do not think that is a good thing. In many ways I feel that the clause in the original Bill was better. My amendment will put the onus on both the holder of the permit and the person doing the work. Therefore, I have extracted the words used previously, "Every person doing any work for which a permit has been issued" and intend

to insert those words after the words "Every holder of a permit" in clause 17 of the new Bill. It will then read:—

Every holder of a permit and every person doing any work for which a permit has been issued shall ensure that such work is executed in a proper and workmanlike manner in accordance with sound water well drilling practices.

If a permit holder has a permit to do certain well drilling work or boring he will, in 99 cases out of 100, employ a person who he thinks is a competent well driller for the purpose of carrying out the work for which he has been given a permit. In most cases he will be completely in the hands of that person. The permit holder, who will be the owner or occupier of the land, will not know whether or not the contractor is carrying out his work in accordance with sound water well drilling practices. There is no doubt, of course, he will have a contract with the person doing the work and there is also no doubt that he will have his civil claim against such contractor if he performs the work negligently, but, under the provisions of clause 47 of this Bill he will be guilty of an offence if he does not ensure that the work is executed in a proper workmanlike manner. I think that is too heavy an onus to place on the owner or occupier and I therefore move my amendment.

The Hon. L. H. DENSLEY—I am not at all sure that that would be entirely desirable. The answer would be that the person who obtained a permit to drill on his own land could transfer, with the consent of the Minister, that permit to the boring contractor appointed to do his work and, having done that, it seems to me the contractor would have to take the responsibility. I fear we may throw the whole responsibility on the contractor and land owners may have to pay large sums to get this work done. It may involve filling in the hole or paying for that to be done and I am not sure it would be in the best interests of the landowner while it would definitely be against the best interests of the driller. I think we should leave the clause alone.

The Hon. Sir FRANK PERRY—This appears to be another example of a doubtful clause in the Bill. Every job should be done thoroughly and I am not quite sure why it is necessary to include this clause in the Bill. The department doesn't pay for the work. The owner of the well has to pay and somebody else specifies the type of well he shall put down. In my second reading speech I referred to a book I read on how to put down a bore or a well. The book set out ideal methods of putting down a well, but I should say they were very expensive methods. That would be the department's idea of a well constructed in a workmanlike manner. However contractors have various methods of doing these jobs and now they will all be subservient to the regulations which will be introduced under this measure. I agree that the owner should be responsible and not the contractor, because after all the owner pays and has the right to a satisfactory job and should get it.

Whether there is anything in the Bill to the effect that should an area be proclaimed later a well may be condemned because it is not constructed in a proper way I do not know, but the owner is the responsible party and he would have to see that the specifications satisfied the department. Even then someone from the department would have to examine the well or bore. Whether that is intended I do not know, but if so it will lead, as Mr. Densley said, to a material increase in the cost of boring. Although I would like to bring the contractor into this matter in some way, I think the man to do it is the owner of the well, and the contractor should not be made party to the regulation. If the amendment is carried its implications will be heavy on the contractors.

The Hon. F. J. POTTER—I point out that one of the reasons why I moved this amendment is, as the Hon. Sir Frank Perry said, that there is in the book he referred to a chapter on how to dig a well and, indeed, in most works on this subject of well digging and preservation of underground waters the authors make it the corner-stone of their policy that well drillers should be licensed and properly qualified. The Queensland and New South Wales Acts provide for the licensing of well drillers, and no-one shall employ an unlicensed driller. Such a provision is not in this Bill, and this is the only clause which will put any responsibility on the well driller or digger. If my amendment is carried he will become responsible for his work equally with the holder of the permit. I think that is a fair thing as the real party at fault—if there is any fault—can then be dealt with for having failed to carry out the duty imposed upon him, and the owner should not have to bear a monetary penalty for something of which he probably has no knowledge.

The Hon. G. O'H. GILES—I do not agree with Mr. Potter. The responsibility should rest on the owner of the land and I am particularly pleased that boring contractors are not to be licensed. In a great many cases farmers have

their own boring plants and do an infinitely better and more careful job than some boring contractors. I support the clause as it stands.

Amendment negatived; clause passed.

Clauses 18 to 20 passed.

Clause 21—"The advisory committee."

The Hon. R. R. WILSON—I move—

To omit "and" after paragraph (*d*) and to insert the following new paragraph:—

(*e*) a person to be nominated by the Council or Councils of the local governing area or areas affected by any question referred by the Minister under this Part; provided that such person shall be a member of the committee only when the committee is investigating a question affecting the area or areas in respect of which that member is so appointed; and

I have much respect for people who are conversant with local conditions and, as their very existence has depended on underground water supplies, they have made a lifetime study of the subject. Their experience must be valuable. Councils are responsible for the health and general welfare of the people and a person on this advisory committee nominated by them will give much satisfaction to them.

The Hon. Sir LYELL McEWIN—I have no objection to the amendment.

The Hon. L. H. DENSLEY—Although I agree that someone with local knowledge would be advantageous one of the greatest dislikes I have to the Bill, apart from the fact that it takes away the rights inherent in the raising of stock and farming operations, is the interminable delay that would result. If anything this amendment will increase it, and the man faced with the problem of a water shortage cannot afford any further delay. Consequently I cannot support the amendment.

The Hon. F. J. POTTER—I am in sympathy with the mover, but I query whether the amendment is worded satisfactorily. No procedure is suggested for the nomination of a representative of councils. For example, there are a great many councils in the metropolitan area, so presumably the Municipal Association would have to do the nominating. I fail to see how the councils could nominate someone without machinery for the purpose.

The Hon. Sir FRANK PERRY—I raise the same point. I think it would be a very clumsy way of appointing a member for, say, the metropolitan area. Even if he were appointed he would not be an expert and this advisory committee calls for experts; it is the only reason for its existence. The members of that committee are not required for talking but for their knowledge of hydrology, and consequently they should be men trained in that subject. I understand there are some 30 private well-drilling contractors and that they have some sort of loose arrangement as an association. They are certainly interested parties in the digging of wells or in putting down bores. If appointed by an association for the benefit of the association well and good, but I am not sure whether well borers are associated. A well borer may know how to put down a bore, but not where to put it, and he takes very little risk. It is the owner who takes the risk, and when it comes to advising on a scientific matter like this the advisory committee should consist of trained men who can give advice to the Minister on a sound, scientific basis. The appointment of so many on the committee does not make it as serviceable as it should be.

The Hon. C. R. STORY—I support the amendment. Outsiders would be most useful on an advisory committee, and I think that the technical people on it would be glad to have the advice of a man who is down to earth and lives in the country. I do not think that such a committee should include only highly technical people.

Amendment carried; clause as amended passed.

Clauses 22 and 23 passed.

Clause 24—"Application of Royal Commissions Act, 1917."

The Hon. Sir FRANK PERRY—It is going too far to give an advisory committee as proposed the powers of a Royal Commission, with the power to impose penalties. Most evidence required could be ascertained readily. There may be some justification in giving such power to the appeal board, but I can see no justification for the advisory committee being given the same power.

The Hon. Sir LYELL McEWIN—The only reason it is included is that it was in the previous Bill. We know that a Royal Commission can compel witnesses to give evidence, but I shall not attempt to argue whether it is necessary in this case. I should think that anyone really interested would be only too anxious to make any submissions, and it would not be necessary for the committee to have the powers of a Royal Commission. Therefore, I am inclined to agree with the honourable member.

The Hon. Sir ARTHUR RYMILL—I also agree. It is general to give such powers to a committee that has to decide between two contesting parties, or something of that nature.

The committee would not be bound by any rules of evidence and I cannot see how it would be an advantage for it to have power to compel witnesses to appear before it. Why should they have to appear if they do not want to? I propose to vote against the clause.

The Hon. Sir FRANK PERRY—The Minister's explanation is sufficient to guide the Committee and therefore I propose to vote against the clause as it stands.

Clause negatived.

Clause 25 passed.

Clause 26—''Members of the appeal board.''

The Hon. Sir ARTHUR RYMILL—I move—

After ''solicitor'' in paragraph (*a*) to insert ''not being a person employed in the Public Service of the State,'' and to delete in paragraph (*b*) ''Mines Department of the.''

Since I drew up my amendment the Minister has privately pointed out to me that he has had inquiries made and finds that there may be only one legally qualified medical practitioner in the State experienced in bacteriology and he is in the Public Service. I am not wildly enthusiastic about having a person on the appeal board who is in the category provided for in paragraph (*c*). However, my amendment is particularly directed to paragraphs (*a*) and (*b*). I want the board to be as far removed from any departmental interest in the matter as is possible, and the safeguard should be as absolute as possible.

Amendments carried; clause as amended passed.

Clauses 27 to 40 passed.

Clause 41—''Powers of entry.''

The Hon. F. J. POTTER—I wish to move—

To strike out ''proclaimed'' in subclause (1) and insert ''defined.''

Apparently, the Parliamentary Draftsman has overlooked the fact that the word ''proclaimed'' is still in subclause (1). I think it should be ''defined.''

The CHAIRMAN—I suggest that when the Bill is further recommitted the honourable member raise this point again.

Clause passed.

Remaining clauses (42 to 50) and title passed.

Bill reported with further amendments and Committee's report adopted.

The PRESIDENT—The Minister will move straight away for the further recommittal of the Bill?

The Hon. Sir LYELL McEWIN—I move—

That the Bill be recommitted for further consideration of clauses 4, 5 and 41.

Motion carried.

Bill recommitted.

Clause 4—''Interpretation''—reconsidered.

The Hon. Sir LYELL McEWIN—This deals with a matter discussed in a previous Committee regarding the definition of the word ''deterioration.'' To cover the point, I move—

After line 12, to insert '' 'Deterioration' means deterioration in quality, and 'deteriorate' has a corresponding meaning.''

As I have said many times already, the Bill covers that but it has been suggested that it be made clear.

Amendment carried; clause as amended passed.

Clause 5—''Proclaimed areas and prescribed depths''—reconsidered.

The Hon. Sir ARTHUR RYMILL—I move—

After paragraph (*c*) to insert the following new paragraph:—

(*d*) exempt from the provisions of this Act or any part thereof any well of less than the prescribed depth for the particular area in which the well is situated.

That means that, when the Governor makes a regulation, he may exempt any well or wells that are less than any depth he may prescribe for a particular area. Yesterday, I unsuccessfully moved an amendment to fix an arbitrary limitation of 15ft. on depths of wells to apply State-wide. The Minister pointed out that certain water tables were not as deep as that and that such a depth should not have general application. My reason for moving that amendment was, as I said, to save unnecessary trouble and waste of time both to the public and to the department. I accept the fact that that amendment was not acceptable, but this one should be because I think it gets over the difficulties that were mentioned.

This amendment has the same purpose—that is, to exempt holes in the ground that cannot possibly have any contaminating or deteriorating effect on the quality of the water supply. Probably in nearly every area there is some depth that can be exempted. That will save much time, trouble and money for everyone concerned. There is nothing novel about this amendment because a similar type of provision, though done in a different way, was included in the Bill presented to the other place some time ago. Actually, it was included there in the definition clause and in one or two parts of the Bill itself. I have adopted practically the same verbiage, and I think the same result is achieved. I emphasize that the amendment is not mandatory. That is confirmed by the Parliamentary Draftsman whom I consulted.

about the matter. He is satisfied that the verbiage does not throw any obligation on to the Government, which is given a further power that I feel will be extremely beneficial both to the department and to the general public.

The Hon. C. R. STORY—I support this useful amendment and commend the honourable member for bringing it forward. Those responsible for making the regulations under this legislation will be given much more latitude than under the existing draft. The less we interfere with the normal life of the people the better. This provision goes a long way towards that.

Amendment carried; clause as amended passed.

Clause 41—"Powers of entry"—reconsidered.

The Hon. F. J. POTTER—I move—

In subclause (1) to strike out "proclaimed" and insert "defined."

Amendment carried; clause as amended passed.

Bill reported with still further amendments and Committee's report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2).

The Hon. N. L. JUDE (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1957. Read a first time.

The Hon. N. L. JUDE—I move—

That this Bill be now read a second time.

This Bill covers six matters of substance and one of form. Perhaps it would be as well if I dealt with the formal drafting matter first. This is covered by clauses 4, 8, 9, 10, 11, 12, 15, 16 and 17. In 1957 an amendment was made to section 435 of the principal Act, which empowers councils to submit to the Minister schemes for works or undertakings. The amendment removed from subsection (4) of that section the requirement that before the Minister could authorise such a scheme a poll of ratepayers must be held. At the same time, however, section 425 of the Act was amended by requiring a council before borrowing under section 435 to prepare certain plans and estimates. But subsection (6) of section 435, which absolves the Minister from observing the provisions of sections 425 and 426, was not amended. This results in an anomalous position for, while section 435 absolves a council from observing the provisions of sections 425 and 426, section 425 (as amended) requires a council to prepare plans and estimates. But section 426, which requires a council to publish a notice before borrowing, does not apply to a scheme under section 435 and section 427, which empowers ratepayers to demand a poll, depends for its operation on section 426.

The Parliamentary Draftsman has expressed the view that as the Act now stands there is no right in ratepayers to demand a poll, although the matter is not free from doubt. When the amendment was made in 1957 it was made on the understanding that ratepayers should retain the right to demand a poll although there was not an absolute requirement that a poll should be held unless the ratepayers made a demand for one. The amendments proposed by the clauses which I have mentioned are designed to give effect to this intention. The principal one is clause 12, which removes the words "without observing the provisions of sections 425 and 426" from subsection (6) of section 435. This will mean that sections 425 and 426 will apply and section 427, which depends for its operation upon section 426, will also apply, thereby entitling ratepayers to a poll on demand. The other clauses are in the nature of consequential amendments in various parts of the Local Government Act.

I come now to the matters of substance. The first of these is dealt with in clause 3, which is designed to make it clear that if the area of the Renmark Irrigation Trust and the areas of Cooltong and Chaffey be alienated or annexed to the municipality of Renmark the latter shall not lose its status as a municipality. The Local Government Act provides that no district shall be constituted a municipality unless it consists in the main of urban land. Clause 3 is designed to remove any possible doubts that might arise concerning the status of the municipality of Renmark if any such alienation or annexation should take place. As honourable members know, another Bill before the House is designed to remove, on a date to be proclaimed, local government powers and functions from the Renmark Irrigation Trust and the provision in clause 3 is complementary to that Bill. I refer to the expression "alienation or annexation." I think if I said that an amalgamation is likely to take place between the municipality of Renmark and certain outside areas that would probably be a better explanation of the circumstances.

The next matter is dealt with in clause 5. From time to time representations have been made to the Government for some power to be conferred upon councils respecting the remission of payment of rates in cases of hardship.

In particular, pensioners have been mentioned. The Government has considered this matter, which has also been before the Local Government Advisory Committee. The clause now submitted will insert into the Local Government Act a specific power for councils to postpone payment of rates in any case of hardship on the part of an owner-occupier. The power would be only to postpone, the rates remaining a charge on the property and recoverable on any change of ownership or on the death of the owner. The Government believes that this clause will confer a measure of relief in genuine cases.

Clauses 6 (*b*) and 14 provide for a limited type of "owner-onus" in relation to parking offences. The first clause relates to standing in prohibited areas under section 373 of the principal Act. It provides that, in proceedings against an owner, proof that a vehicle was, in fact, in a prohibited area, shall be prima facie evidence that the owner left it there. I stress that the proposed new subsection will go no further than making the proof prima facie evidence, that is to say evidence which can be rebutted by the defence or, indeed, not necessarily accepted as final proof by the court. A defendant who did not appear at all in answer to a charge would, in most cases, be convicted. If he appeared and denied the charge the onus would be on the prosecution to adduce proper evidence that the owner, in fact, committed the offence. A provision along rather similar lines was included in the amending Bill of 1956-57 in relation to parking or standing in metered zones. The present proposed subsection does not go as far as section 475f relating to metered zones which requires a defendant to satisfy the court to the contrary.

Clause 14 is along similar lines, but relates to offences against by-laws relating to vehicles in streets and covers such matters as exceeding parking times in the city of Adelaide where by-laws provide for various rules relating to stationary vehicles in streets. This clause will also make proof that a vehicle was standing prima facie evidence, not of the offence, but that the owner was the driver at the relevant time.

I mention at this stage the amendment in clause 6 (*a*) relating to the marking of prohibited areas. This clause is designed to enable municipalities and metropolitan districts to mark prohibited areas by signs conforming to any specification prescribed by regulation. At present it is considered that such signs must bear the word "prohibited." This has meant that, while prohibited areas declared under the provisions of section 373 in municipalities and metropolitan districts have been generally marked by round signs bearing at least the word "prohibited," where prohibited or limited parking areas are marked by district councils another type of sign has been used and there are, I understand, on the South Road different signs on either side. The intention is to prescribe by regulation standard signs along lines similar to those used in the eastern States so that some measure of uniformity, with consequent saving of expense to councils, may result.

Clause 7 amends section 383 of the principal Act which empowers councils to carry out certain specified permanent works by adding power to construct and establish parking areas. Honourable members will recall that section 383 is the lengthy section which specified what works and undertakings councils may perform. Clause 13 will add to the "by-law making powers" of all councils the power to regulate and control the use of motor boats, motor vessels and water skis. Such a power appears to the Government to be urgently necessary in the interests of public safety in some areas.

Clause 18 concerns the powers of the city of Adelaide in relation to portion of the west park lands. The area concerned comprises 65 acres and is described in subsection (1) of the proposed new section 855a. The new section will empower the council to do three things in relation to the area concerned, or any part of it. The council will be empowered in the first place to grant leases to any club, organization or association for a term of up to 25 years upon terms and conditions, including the grant of powers to the lessees as set out in subsection (2). These powers would relate to the erection and removal of buildings, the exclusion of animals and vehicles and the prohibition of the admission of persons during any period when any organized sports were in progress and the charging of fees for admission. Any lease before being executed would require the approval of the Governor or be laid before Parliament. The new section will, in the second place, empower the council itself to exclude animals or prohibit the admission of persons to the area during any period when organized sport is in progress and to charge admission fees.

In the third place the council will be empowered to grant permits or licences to clubs, organizations or associations for periods of up to six months with power to prohibit admission at any time when organized sports

are in progress and to charge fees. Thus, as I said earlier, the new section will empower the council itself to prohibit admission or charge fees for admission, or to grant a lease or a licence to clubs, organizations or associations with power to control admission and charge fees. I have set out the provisions of the proposed new section. I shall now explain to the House the object of the new powers.

The City Council, in pursuance of its policy to develop the park lands for the purpose of providing public recreation, amusement, health and enjoyment, has resolved to establish a sports ground in the area which I have already described. The proposal, in brief, is that the council would undertake over a period of years, with a pre-determined plan, the establishment of a sports ground to be used for soccer, hockey, rugby, lacrosse, basketball, baseball and similar sports which do not, as yet, attract the large crowds that patronise Australian rules football. The council would also establish a 440-yard running track in the area. The council is of the opinion that there is a demand for a central sports ground for sports of the kind mentioned and the only land available as a central ground in the city is in the park lands. Moreover, the lack of any central grounds, apart from the Adelaide Oval and other well known playing fields which are occupied with the normal seasonal games, has meant that even international teams have not been able to play at certain times of the year in this State. The proposed sports area would provide such a central area in the city of Adelaide.

As honourable members know, the council has already embarked on some development in a 9½ acre section of the area comprised in the Bill at an estimated cost of £20,000, including the provision of a pump at the Torrens Lake with a rising main for water and the council will provide dressing rooms and toilet accommodation at the proposed sports area. This development, however, forms only the initial stages of the major sports ground scheme, the eventual cost of which could be in the vicinity of £80,000, embracing further sections of the area covered by the present Bill.

In connection with the proposed undertaking the council authorized the Town Clerk to confer with various sporting organizations, including the South Australian Amateur Athletics Association, with a view to ascertaining methods of financing the project. It has been ascertained that the sporting bodies concerned are not in a position to assist in the establishment of the sporting area. It will be appreciated that the associations concerned generally consist of young men who have not yet reached the stage of being able to contribute more than the provisions of their own equipment which, in any case, is quite expensive. Under these circumstances it is clear that the proposed sports ground would have to be created and maintained at the expense of the council itself. The council already has power under section 454 of the principal Act to enclose the park lands and, under section 458, to establish sporting facilities and charge for their use, but that power is limited to the making of charges to players and does not include any power to charge for or control the admission of members of the public.

The amendments proposed by the Bill would empower the council itself to make charges to the public or to grant licences or permits for short periods or leases for long periods to clubs, organizations or associations with a right to make charges. The council has no desire to depart from the general policy that the park lands should remain set aside for public recreation, amusement, health and enjoyment without charge and the Government shares in this view, but while the council is anxious to develop the park lands, even at a high cost, it would be unfair to charge all maintenance costs to ratepayers while a small section of the community received most of the benefit. The fact is, however, that, as I have said, the clubs themselves are in no position to provide maintenance unless they can make admission charges. Admission charges, whether paid to the council or to an organization, would entitle spectators to view all or any of the games and it is thought that such charges would be willingly paid by people interested in sporting activities. As many as three different games might be in progress at the one time and in some instances more than one game would be held on the same ground on the same morning or afternoon.

Organized sport has become an important form of amusement for which, it is believed, the public is prepared to pay admission as it does for other forms of entertainment such as motion pictures. Any admission charges received by the council would be devoted, I understand, to park lands development, while any fees received by the clubs or organizations concerned would enable them to pay the council a reasonable fee based either on gate receipts or at a flat rate for the use of a properly appointed ground. In effect, therefore, the proposal is that the council, while retaining complete control of the area with a

right to charge admission fees itself or permit others to charge such fees on days when sports are in progress, would be creating a sporting centre. Even with the additional powers it is more than likely that the cost of maintenance will exceed the amount of any charges received by the council either directly as gate money or from any lessee or licensed organization.

The Government has given serious consideration to the proposals of the Adelaide City Council and while, as I have said, it is the Government's policy that the park lands should be retained for the purpose for which they were originally dedicated, it feels that the policy of development which the council proposes to undertake is deserving of support. It should result in the development not only of the area of park lands concerned, but also of the city of Adelaide and, indirectly, benefit the State generally.

I would like to add a few words to that explanation of the Bill to impress on members the tremendous difficulty that thousands of our young people face in their requirements for sporting grounds. We are well aware that the condition of most of our parklands is not very suitable for high-quality organized sport; indeed, very often it reacts to the disadvantage of players representing this State against other States, where the grounds are considerably better. I am quite certain that the financial arrangements set out in this Bill are correct, and also think that the City Council is to be commended for its approach to the question of making the parklands worthwhile playgrounds for our people. Having regard to the present-day value of money I am quite certain that any proposed charges for the more important games will be met quite happily by the people; after all, if they do not wish to attend they need not.

The Hon. S. C. Bevan—You are taking away the use of the parklands from the general public.

The Hon. N. L. JUDE—That is not so, except on special occasions. I commend the Bill to the favourable consideration of members.

The Hon. A. J. SHARD secured the adjournment of the debate.

DOG FENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 17. Page 1614.)

The Hon. R. R. WILSON (Northern)—After listening to the excellent speech of my colleague, Mr. Robinson, little remains to be said. I have much pleasure in supporting the Bill because the dog fence is of very great importance. Before its erection it was impossible to rear sheep or cattle successfully in the far northern part of the State. It is estimated that the revenue from wool and meat produced in the area is approximately £10,000,000 annually and therefore I think the expenditure on the fence has been quite justified. Landowners adjoining it have a big responsibility in maintaining the fence because very long distances are involved; also they have to destroy the dogs which may get through openings that occur periodically. One landowner has stated that he must employ a man almost full-time in order to look after the fence properly. Damage is caused by sand drift, or the scouring by floodwaters and breakages by debris, and rust is also very prevalent as a result of damp nights. Mr. Robinson's amendment is sound and it is my intention to support it as it will give landowners the chance to effect repairs when they are advised in writing that it is necessary to do so.

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

ADJOURNMENT.

At 5 p.m. the Council adjourned until Thursday, November 19, at 2.15 p.m.