LEGISLATIVE COUNCIL.

Tuesday, August 13, 1963.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS.

TOWN PLANNING ACT AMENDMENTS.

The Hon. K. E. J. BARDOLPH: When does the Government propose to introduce amendments to the Town Planning Act and will consideration be given to any suggestions from the Adelaide Division of the Australian Institute of Town Planning?

The Hon. C. D. ROWE: The position is that, under the provisions of the Town Planning Act, any member of either House of Parliament can, within 28 sitting days of the plan's being laid on the table of the House, move that it be referred back to the Town Planning Committee for further consideration and report. Until that time has expired—which it has not yet done—it would be premature to introduce any legislation with regard to its implementation. Nevertheless, I am able to say that Cabinet has looked at the recommendations which are made, I think, in chapter 24 of the report and hopes to introduce legislation with regard to it later in this session. With regard to the second part of the question, whether any assistance should be sought from members of the Adelaide Division of the Town Planning Institute, they are in exactly the same position as any other body interested in this matter and if they wish to make submissions I shall be pleased to receive them.

NEW MORPHETT STREET BRIDGE.

The Hon. Sir ARTHUR RYMILL: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL: My question will be addressed to the Minister of Railways. I understand that the Adelaide City Council will shortly be bringing down a report on the question of a new Morphett Street bridge. A couple of years ago Sir Roland Jacobs made a suggestion that it might be possible to shift the platforms of the Adelaide railway station to the west of the present site of the bridge, thus obviating the expense of a new bridge. I think his idea was that the present administrative block could stay where it is. I am not competent as a layman to know what the detail of this matter is technically, what would be required in relation to new marshalling yards or what the cost of platforms, new lines required, and so on would be, but it seems to me as a layman that it could well be less than the cost of a new bridge and that there could be a tremendous advantage, if the suggestion is practicable, in that we could have a car park where the railway station is now situated and also lovely rolling lawns down to the river.

The Hon K. E. J. Bardolph: Hear, hear; you are taking my idea.

The Hon. Sir ARTHUR RYMILL: If the only difficulty is the further distance away the platforms would be, I suggest a solution could be using a moving footway similar to an escalator, such as I understand has been installed in Sydney for a new car park there. It could possibly be combined with a subway under North Terrace. Can the Minister say whether this move has ever been seriously considered by the Railways Department and, if not, will he look into the matter and make a report to the Council?

The Hon. N. L. JUDE: The Council is indebted to the honourable member for raising this question, because each succeeding year the possibilities of moving people with alternative types of transport in the centre of the city are worthy of very careful study. The same problem exists in cities in other countries. While certain propositions have already received consideration in line with the honourable member's suggestion, I have to admit that as far as I know there has been no recent survey of the problem as a whole. Not only the problem of the bridge has to be considered, but also the problems of parking over the station in conjunction with the bridge and moving passenger traffic by moving footways. Those of us who have travelled realize that these footways are becoming part and parcel of many of the big cities of the world. I shall have much pleasure in obtaining an overall report for the honourable member as soon as possible, but it cannot be available in a few days.

The Hon. K. E. J. BARDOLPH: In view of the Minister's reply to Sir Arthur Rymill, is it not a fact that the Railways Commissioner has already reported irrevocably against any parking taking place on the railway premises?

The Hon. N. L. JUDE: The answer to the question is "No".

The Hon. K. E. J. BARDOLPH: In view of the absolute power being vested in the Railways Commissioner in connection with railway and other property, will the Government consider an amendment to the South Australian Railways Commissioner's Act in order to restore to the Minister and Parliament some of the powers that the Railways Commissioner now enjoys?

The Hon. N. L. JUDE: The honourable member is well aware that this is a matter of high Government policy and I ask him to put the question on notice.

MILE POSTS.

The Hon. C. R. STORY: Can the Minister of Roads supply me with the following information: How many miles of highway have been mile-posted to date; what is the average cost of a mile post complete with installation; and does the Minister consider posts placed at five-mile intervals would be sufficient in these days of high-speed traffic?

The Hon. N. L. JUDE: I think that the honourable member's inclination is towards economy, as, I think, it is with everybody. However, if one is caught with motor trouble late at night, on a distant stretch of Eyre Highway, for instance, it would be most upsetting if he had not looked at the preceding mile post and found he had to walk several miles to the next. I believe that the present distance between the posts should be maintained. I will obtain the figures required by the honourable member and advise him shortly.

RAKES AND IRISH HARP ROADS.

The Hon. A. J. SHARD: Has the Minister of Roads a reply to my question of August 7 regarding the widening of the approach of Rakes and Irish Harp Roads to the Main North Road?

The Hon. N. L. JUDE: The Commissioner of Highways reports as follows:

The immediate programme includes the widening of Irish Harp Road in an easterly direction across Prospect Road to Airlie Avenue, and the widening of Rakes Road in a westerly direction to the Main North Road. This work will be carried out as the necessary land has been acquired and some drainage works carried out in Rakes Road. Some restriction may be necessary at the intersection of Rakes Road with the Main North Road, as the acquisition of a hotel is involved to effect the ultimate widening.

BUSINESS NAMES BILL.

The Hon. Sir ARTHUR RYMILL: Can the Attorney-General say whether, in view of the facts that when this rather lengthy Bill was previously before the Council explanatory notes on the various clauses were given to every member, that some of us may have mislaid them in the meantime, and that there are new members in the Council, he will re-circulate the notes?

The Hon. C. D. ROWE: On perusing my files I find that I have a copy of the explanatory notes relating to the clauses of the Bill that were tabled when the Bill was last before the House. I can appreciate the suggestion that it would be helpful if copies were made available and I shall endeavour to see that that is done.

APPEALS REFEREES.

The Hon. S. C. BEVAN: Has the Minister of Local Government any further information regarding the question I asked last week about the appointment of referees under the Local Government Act, and the matter of calling them together?

The Hon. N. L. JUDE: I have obtained the following report from the Chairman of the Building Act Advisory Committee:

Part VIII of the Building Act provides for the appointment of referees and defines their jurisdiction. The Act requires two referees to be appointed for every council area to which the Building Act applies. One referee is appointed by the Minister and the other by the council. Referees are invariably architects or civil engineers who are of the professional standard and have the knowledge of the Building Act to enable them to carry out their duties. An appeal lies, in general, against any decision of the council under the Act and, in addition, the referees' jurisdiction can be invoked, in effect, to interpret technical provisions of the Act and to deal with certain other matters. The appeal is commenced by an appellant lodging his appeal with the clerk of the council, together with a fee of £6 6s., that is, a fee of £3 3s. for each referee. As any appeal invariably takes several hours and some last for days, it is obvious that, with a fee of £3 3s. an appeal, a referee is inevitably out of pocket. I would add that, in my opinion, the referee system is an effective, expeditious and inexpensive system for disposing of appeals under the Act.

PARKSIDE MENTAL HOSPITAL.

The Hon. A. J. SHARD: On August 1 I asked the Minister of Health a question regarding expenditure on improvements at the Parkside Mental Hospital, and he finally agreed to get a detailed report and make it available to the Council. Has he obtained the report?

The Hon. Sir LYELL McEWIN: Yes. The honourable member asked a question and I

gave him a reply at the time and said I would get the details of the latest information available. A summary is as follows:

	£
1. Contracts completed or in progress:	
Paving and drainage to airing courts. Men's K, 1, 5 and 6 wards. Women's 1, 5 and 6 wards	61,000
Air-conditioning—Y, women's O, B and X and men's K wards	12,000
New workshop and garage	12,000
2. Equipment supplied	14,000
3. Departmental work—alterations, additions, furniture and furnishings	25,000
	£124,000

The details as to how the amounts are made up are in the file and I will make it available for the honourable member to peruse.

NEW PRIMARY SCHOOLS.

The Hon. L. R. HART: Has the Minister representing the Minister of Education a reply to the question I asked last week about new primary schools?

The Hon. C. D. ROWE: On August 7, 1963, the Public Works Committee recommended the erection of schools at Athelstone, Elizabeth Field, Hawthorndene, Parafield Gardens, Pooraka and Steventon. Subject to Government approval to proceed with the work, the Public Buildings Department will arrange for the preparation of the detailed planning and contract documents. It is anticipated that tenders will be called in 1964. The majority of these schools should be available for occupation at the beginning of the 1965 school year. The proposed new Brahma Primary School will be a standard two-storey 12-classroom primary school, similar in design to the recently erected school at Magill. It is anticipated that tenders will be called early in 1964 and that this school will be ready by the beginning of the 1965 school year.

PORT WAKEFIELD ROAD.

The Hon. M. B. DAWKINS: With the recent zoning of the Main North Road, which has been much appreciated, an anomaly now exists, for motorists can travel from Gepps Cross to Pooraka North at 45 miles an hour, whereas on the Port Wakefield Road, where there is less traffic, there is a restriction of 35 miles an hour up to a point north of Dry Creek. Will the Minister of Roads favourably consider a review of the speed limit on that road?

The Hon. N. L. JUDE: Yes. I give an undertaking to the honourable member that that will be done. I must draw his attention to the fact, and I think I am right in saying this about the particular area, that there is a difficult problem, because of a rather long intersection, a diagonal intersection at the Cavan Arms Hotel, and also a long narrow railway bridge. This does not occur on the Main North Road at the moment. I assure the honourable member that the matter will be looked at.

FISHERIES ACT.

The Hon. K. E. J. BARDOLPH: Has the Minister representing the Minister of Agriculture a reply to the question I asked on July 23 regarding a statement made by a stipendiary magistrate in connection with the size and weight of fish?

The Hon. Sir LYELL McEWIN: I am sorry that I have not got a reply from the Minister concerned. I will give it to the honourable member when I have it.

ABATTOIRS CHARGES.

The Hon. W. W. ROBINSON (on notice): What are the slaughtering and treatment charges at the Metropolitan and Export Abattoirs, in respect of the following stock:—(*a*) cattle; (*b*) sheep; (*c*) export lambs?

The Hon. Sir LYELL McEWIN: The replies are:

(*a*) and (*b*) Current charges for slaughter and treatment of stock for local trade as provided in regulation 65 of regulations under the Metropolitan and Export Abattoirs Act, 1936-1962, are as follows:

(*a*) Cattle: 2.26d. per lb. dressed weight (after allowing credit for offal retained by the board the net charge is 2.15d. per lb.).

(*b*) Sheep: 2.71d. per lb. dressed weight (after allowing credit for offal retained by the board the net charge is 2.32d. per lb.).

(*c*) Current charge for export lamb is 3.16d. per lb. dressed weight. In this instance, the board provides 28 days cold storage without additional charge.

BOTANIC GARDEN HERBARIUM.

The PRESIDENT laid on the table the final report by the Parliamentary Committee on Public Works on the Herbarium Building, Botanic Garden, Adelaide, together with minutes of evidence.

POLICE REGULATION ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Police Regulation Act, 1952-1955. Read a first time.

TOWN PLANNING JOINT COMMITTEE.

The Hon. C. D. ROWE (Attorney-General) moved:

That, pursuant to Joint Standing Order No. 1, the Legislative Council request the concurrence of the House of Assembly in the appointment of a Joint Committee with power to adjourn from place to place, to inquire and report what action should be taken in respect of any report of the Town Planning Committee laid before both Houses of Parliament pursuant to section 13a of the Town Planning Act, 1929-1957.

That, in the event of the Joint Committee being appointed, the Legislative Council be represented thereon by three members, two of whom shall form the quorum of Council members necessary to be present at all sittings of the Committee.

That a message be sent to the House of Assembly transmitting the foregoing resolutions.

That the Hon. Sir Arthur Rymill, the Hon. K. E. J. Bardolph, and the Attorney-General be representatives of the Council on the said Committee.

Motion carried.

LOTTERY AND GAMING ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is, clearly, to take care of a situation that has occurred this year during the very wet winter, in the course of which some race meetings have had to be transferred to another course. That means that the licence held by a club under the Lottery and Gaming Act for that day is lost to it; unless it is replaced, it is lost. This Bill has a very simple purpose. It will enable the Chief Secretary to increase the number of totalizator licences in respect of any racecourse in the metropolitan area on condition that a corresponding decrease is made in the number of licences available to another racecourse in the metropolitan area. That has happened at Morphettville, with the South Australian Jockey Club transferring to Victoria Park. Section 19 of the principal Act sets the limit of totalizator licences for Morphettville at 17 and for other metropolitan racecourses at 16 days a year.

Leaving aside the next two paragraphs of the section, which deal with the South-East and an area within 50 miles of Barmera, I refer to paragraph (b), which limits the number of licences on racecourses other than those in the metropolitan area, the South-East and the Barmera area, to eight days a year. However, it contains a proviso to the effect that on the application of the clubs concerned and the recommendation of the Commissioner of Police the Chief Secretary may increase the number of licences for any racecourse if a corresponding reduction is made in the number for any other racecourse to which paragraph (b) applies. This proviso does not relate to the metropolitan area.

This Bill will by clause 3 add a similar proviso in paragraph (a). Its effect will be to authorize the Chief Secretary to increase the number of licences for, say, Morphettville by one if the number of licences for some other metropolitan course is reduced by one; the sixteen days on a metropolitan racecourse other than Morphettville could likewise be increased with a corresponding decrease for Morphettville or some other metropolitan course; again the number of sixteen for a metropolitan course other than Morphettville could be increased if another metropolitan course (other than Morphettville) were correspondingly decreased. I believe that members will appreciate that occasions arise when for one reason or another—for example bad weather—it becomes impossible for a race meeting to be held on a particular course. In such a case the club concerned could apply for the right to use another course in the metropolitan area for the purpose of its meeting, in which event with the other club concerned it could make an application for the necessary additional licences for that other course. The Chief Secretary would be empowered to grant it but only on the condition that the number of licences for the course that could not be used were reduced. In other words the effect will be to give the Chief Secretary the discretion he already has in country areas other than the South-East and Barmera district. The overall number of licences would not be increased in any one year.

This provision will simplify the position where this condition arises. It has happened before and has meant that the course has had to be used on some other day to make up its number of meetings. Under this provision racing will continue to function regularly every weekend. I have pleasure in commending the Bill to this Chamber.

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

HECTORVILLE CHILDREN'S HOME.

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

That this House resolves that the following purpose shall be a public purpose within the meaning of The Lands for Public Purposes Acquisition Act, 1914-1935, namely—The establishment pursuant to the provisions of the Maintenance Act, 1926-1958, of a home or other institution at Hectorville for the reception, detention, education, employment, training or reformation of State children.

The object of this motion is, briefly stated, to enable the Government to acquire compulsorily certain land at Hectorville for the purpose of the erection of a proposed children's home. The Government has already acquired by other means a piece of land of some eight and three-fifths acres but as I shall explain later requires a further one and two-fifths acres adjoining it in order that the total area will be sufficient for requirements. As honourable members know, the work of the Children's Welfare and Public Relief Department in caring for neglected children and child offenders has increased considerably. Between 1954 and 1961 the number of children committed to the board more than doubled and since 1961 has increased still further. The total number of cases excluding 51 children on remand under supervision on June 30 this year was 2,891.

In order to cope with the greater number of children it has been necessary to expand the staff and facilities of the department. The trends suggest that the increases will continue and that still more staff and facilities will be needed in future. It is likely that the number of children under care will again double within the next 10 years. In 1954 there were three reformatories, two larger institutions for neglected children and five medium-size homes for special groups. On June 30 of this year the department also had an additional institution and six separate cottage homes for small family groups. Proposals for the immediate future include a major new building for Vaughan House (partly constructed), the rebuilding of the boys reformatory at Magill, a junior boys reformatory at Campbelltown, and a remand home at Glandore. All of these proposals have been recommended by the Parliamentary Standing Committee on Public Works. The projects will be completed as soon as possible.

Other plans include a new institution at Hectorville for about 90 neglected boys. This will replace the present Glandore Children's Home, the building of which will then be used for boys intermediate in type between those who are neglected and those who need reformatory training. It is proposed that the new institution at Hectorville will comprise cottage homes for accommodation of the boys in small family group units. There will be central buildings (offices, hall, etc.), for group activities. Preparation of preliminary plans for this institution show that the site now available is too small to accommodate, properly, the children on a cottage home basis. The area available is about eight and three-fifths acres. If an adjoining area of about one and two-fifths acres were acquired the department would have a sufficient area for its purpose. The shape of the enlarged site, which is a regular rectangle, would also be more convenient.

The department obtained the portion of the land now available to it in 1952. At that time it was exchanged by the Electricity Trust of South Australia for land previously available to the department containing about 10 acres, which was needed by the trust. The lesser area was not then a disadvantage because the department had proposals to use the land for a smaller special institution. With the very considerable rise in the number of children needing care, it is now necessary to use the land for accommodation of a general group of neglected boys. With the expected future increases in numbers the proposal is becoming more urgent. In 1952 the Electricity Trust had recently acquired the land at Hectorville from the person who owns the land which it is now proposed to acquire. The owner was not then prepared to sell all the land and decided to retain a portion. The value of the land secured in 1952 was £600 an acre, so that the value of the eight and three-fifths acres then acquired was something more than £5,000. In its efforts to obtain the remaining one and two-fifths acres for the department the Government recently offered the owner's agents £6,000 for the smaller portion. The offer was refused and the agent counter-offered to sell the area for £15,000, a figure which appears to be excessive. Even if the owner were able to subdivide the land he would have only six housing blocks for sale. Any such subdivision would involve him in cost.

In order that the Government may further negotiate about the price on a reasonable basis, it is necessary to have recourse to the Lands for Public Purposes Acquisition Act, 1914-1935. Action under this Act can only be

taken in the present case pursuant to paragraph III of section 4 of the Act. This paragraph requires resolutions by both Houses of Parliament that the purpose of establishing an institution at Hectorville for the Children's Welfare and Public Relief Board under the Maintenance Act, 1926-1958, shall be a public purpose within the meaning of the Lands for Public Purposes Acquisition Act. Honourable members are aware of the provisions of the Compulsory Acquisition of Land Act relating to procedure to be adopted when the Government compulsorily acquires property and the assessment of compensation. That Act does not, however, itself confer any power of acquisition, which is always conferred by a special Act. The Children's Welfare and Public Relief Board has no power of compulsory acquisition. However, the Land for Public Purposes Acquisition Act, which is of a general character, empowers the compulsory acquisition of land for any purpose proclaimed by the Governor. The Governor may, however, under section 4 of the Act declare only certain specified purposes to be public purposes. Section 4 defines these purposes under three headings.

The first relates to the providing of offices, buildings and premises for carrying on the Government of the State or any of its departments. The Crown Solicitor has advised that the Children's Welfare and Public Relief Board is not a department of the Government of the State. While the Children's Welfare and Public Relief Department is clearly a department of the State, land for a children's home to be carried on by the board cannot be said to be required for carrying on the department. The second paragraph of section 4 covers any work or undertaking which the Government is by law empowered to carry out but for which there is no power to acquire land. Although section 152 of the Maintenance Act empowers the Governor to establish homes, the Government of the State is not the Governor. Paragraph III of section 4 empowers the Governor to declare as a public purpose any purpose which both Houses of Parliament resolve shall be a public purpose and it is under this paragraph that the present resolution is introduced.

If the resolution is carried in this Chamber and in due course in another place, the Governor may then by proclamation declare the purpose set out in the resolution to be a public purpose. On the making of the proclamation the purpose is deemed to be an undertaking within the Compulsory Acquisition of Land Act and proceedings may accordingly be taken in accordance with the procedure prescribed by the Act. In other words, the Government would be in a position if it so desired to acquire the land compulsorily. I need hardly add that the Government is prepared to negotiate with the owner concerning price on a reasonable basis. Honourable members will see that if the Government is not in a position to acquire the land compulsorily it will be unable to continue with the project at Hectorville except at very high cost.

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

OFFENDERS PROBATION ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It is designed to clarify certain provisions of the principal Act and to remove certain anomalies and difficulties to which the Government's attention has been drawn by various magistrates and by the Crown Solicitor and the Commissioner of Police. The main provisions of the Bill concern problems associated with the application of sections 8 and 9 of the principal Act. One of the main objects of the principal Act is to enable a court before which an offender is charged with, and found guilty of, an offence in appropriate cases to discharge the offender (either without recording, or after recording, a conviction against him) upon his entering into a recognizance to be of good behaviour and to appear before a court, when called upon, for sentence, or for conviction and sentence. When an offender is so discharged, he is referred to in the Act as a probationer and a court before which a probationer is bound by his recognizance to appear for sentence, or for conviction and sentence, is referred to as a probative court.

Section 8 of the principal Act confers on a probative court power to vary the conditions of, and to discharge, a recognizance but provides that the conditions can be varied by the court only on the application of the Minister or a person authorized by him while a probationer himself is given no right to apply for such a variation. On the other hand the section does not say on whose application a recognizance may be discharged by the court. Clause 4 of the Bill remedies this situation by re-enacting section 8 so as to give a right not only to the Minister but also to a probationer to apply for variation of the conditions of a recognizance and to give a probationer the right to apply for the discharge of his recognizance. The clause also provides that, in the

case of such an application by or on behalf of the Minister, reasonable notice thereof must be given to the probationer, and in the case of such an application by the probationer, reasonable notice thereof must be given to the Minister. In either case, the party entitled to receive the notice is also given the right to appear and make representations at the hearing of the application.

Section 9 of the principal Act sets out the procedure to be followed for bringing a probationer who fails to observe the conditions of his recognizance before a probative court and empowers the probative court, on being satisfied that such failure has occurred, to sentence or to convict and sentence the probationer for the original offence. The section presents two difficulties both of which can occur only where the probative court is a court of summary jurisdiction.

The first difficulty stems from the view taken by some magistrates that a probationer who has been released on a recognizance by a court of summary jurisdiction and fails to observe the conditions of his recognizance must be brought before and dealt with by a probative court constituted by the same justices or magistrate who constituted the court before which he was charged with the original offence. This view has been generally adopted in practice by courts of summary jurisdiction and, where the justices or the magistrates who constituted the trial court are not available to constitute the probative court, the courts have taken the view that they are without power to deal with such a probationer. This situation is clearly not in accordance with the intention of the Act and illustrates the urgent need for clarifying its provisions. Clause 4 (a) accordingly inserts in section 4 of the principal Act a new subsection (1a) which provides in effect that a probationer who is bound by his recognizance to appear for sentence, or for conviction and sentence, as the case may be, before a probative court that is a court of summary jurisdiction, shall be deemed to be bound thereby to appear before any court of summary jurisdiction so constituted that such court would have had jurisdiction summarily to hear and determine the charge in respect of the original offence.

The second difficulty arises where a probationer who was under the age of 18 years when found guilty by a court of summary jurisdiction is over that age when brought before a probative court upon his failure to observe the conditions of his recognizance. The justices or the magistrate constituting the trial court could well have assumed jurisdiction in such a case to hear and determine the charge for the original offence only because the offender was under the age of 18 years and consequently not liable to be sentenced to a term of imprisonment. However, the probationer being over the age of 18 years when brought before the probative court, on breach of his recognizance, for sentence or for conviction and sentence for the original offence, committal to an institution at that stage would, in most cases be inappropriate and the probative court is in such cases left in a position where it could not make an appropriate order to meet the circumstances.

Clause 7 accordingly re-enacts section 9 so as to clarify its existing provisions and to include a provision to the effect that, where a probationer was under the age of 18 years when tried for an offence by a court of summary jurisdiction but over that age when brought before a probative court of summary jurisdiction, the probative court shall, subject to the ordinary limitations on the powers of punishment imposed on courts of summary jurisdiction by section 129 of the Justices Act, sentence him or convict and sentence him, as the case requires, for the original offence as if he had been over that age when found guilty by the trial court and as if he had been lawfully found guilty by a court of competent jurisdiction. It should here be mentioned that the punishment that can ordinarily be inflicted by a court of summary jurisdiction is limited by section 129 of the Justices Act to a maximum of two years' imprisonment or a fine of £100.

Clause 3 merely clarifies the definitions of "court" and "probative court" for the purposes of the above amendments. Clause 4 (b) is only a grammatical amendment to subsection (2) of section 4 of the principal Act. Clause 4 (c) raises the maximum sum that could be awarded by a court of summary jurisdiction as compensation from £25 which was fixed in 1913 to £200 which is a more realistic amount having regard to present day values. Clause 5 is complementary to clause 6.

Section 11 of the principal Act provides that nothing in the Act shall affect the Maintenance Act. Section 113 of the Maintenance Act provides that if a child (being a person under the age of 18 years) is found guilty of any crime or offence punishable by imprisonment, the child shall not be sentenced to imprisonment. As subsection (5) of the new section 9 as re-enacted by clause 7 expressly provides for the case of a probationer who was

under the age of 18 years when found guilty of an offence but over that age when brought before a probative court, there would be an inconsistency between that subsection and section 11 of the principal Act unless the subsection is removed from the operation of section 11. Clause 8 accordingly removes that subsection from the operation of that section.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 8. Page 403.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the Bill. The explanation given by the Minister of Local Government was more comprehensive than has been the case with recent second reading explanations in this Council. It has become the practice to explain amendments in a way that was not done when I first became a member of the Council. Be that as it may, I am always prepared to give credit where it is due, and in my opinion the explanation on this occasion was most comprehensive.

I do not need to go over all the proposed amendments. The main objects of the Bill are, firstly, to enable an incorporated association to transfer all its property to the municipal or district council or other local government authority for the area within which the property is situated; and, secondly, to bring the provisions of the principal Act relating to the use of names by incorporated associations into line with the corresponding provisions of the Companies Act, 1962. As the Minister pointed out, an authority appointed under the Local Government Act has power to accept a gift of property, but the incorporated association has no power to transfer it to the local government body. The provisions of the principal Act are brought into line with corresponding provisions of the Companies Act, 1962, and this deals with the winding up of an incorporated association for the payment of its debts. I do not need to review the Bill further, but I want to ask some pertinent questions. Why were the amendments promulgated, and at whose request were they proceeded with? Does the transfer of property of an incorporated association conflict with any benefaction that may have been vested in the association? On the passing of these amendments will there be any conflict with the wishes of deceased persons who willed their properties for use as playing areas? Is there a provision safeguarding the wishes of these people?

The Hon. G. O'H. Giles: Do you mean to meet the wishes of deceased persons?

The Hon. K. E. J. BARDOLPH: If the honourable member were to leave part of his Mount Compass property in perpetuity he would not like an incorporated body to transfer it for some other purpose. Are there safeguards under existing legislation to prevent hasty or ill-considered transfers of properties in this way? The Bill provides for transfers to be made by an incorporated association. I think there should be a statement as to whether existing legislation prevents its being done in a hasty manner. This is a machinery measure and I support it.

The Hon. C. R. STORY (Midland): I, too, support the Bill. I have read it in conjunction with the principal Act and I think it tidies up some matters that were not dealt with when the original Bill was considered, as sometimes happens with legislation introduced here. The Hon. Mr. Bardolph has raised some interesting points, but I do not think they should worry us unduly. I think it is proper for an incorporated association to be able to vest land in local government, for that will encourage people to vest land in that way. Some of this land has for many years not been used as the original donors thought it should be used, and it may be covered now by weeds. A group of people may have vested land, which is now not used to any extent. If land were vested in a proper authority much more use could be made of it. We are looking for such land, and some people and associations are generous enough to donate land for the benefit of the community. I cannot see anything in the Bill to worry us unduly, and I support it wholeheartedly.

The Hon. L. R. HART (Midland): I support the Bill. I have had some experience in relation to the matters dealt with under the legislation. When I was President of the Two Wells Agricultural Society, which had not been functioning for a number of years because of the war, under the Act its assets should have reverted to its financial members. However, as it had not functioned there were only three members who had kept up their subscriptions, so the assets, which were considerable at that time (about £600), should have been divided amongst those three members. It was felt, however, that this was not

in accordance with the Act and an application was made to the Supreme Court by the society to have the assets transferred to the District Council of Mallala and the Virginia Recreation Committee, both corporate bodies. To do this it was necessary to convince the court that they were bodies similar to the original body. We had to stretch things a little to prove that they represented the sections of the community that the society represented, but we were able to have the assets divided between the bodies as desired. If the amendments contained in the Bill had been in the legislation at the time the matter of dividing the assets would have been dealt with in a much better way. I have much pleasure in supporting this Bill.

The Hon. C. D. ROWE (Attorney-General): I am indebted to honourable members for the consideration they have given this measure and also to the Hon. Mr. Bardolph for his kind remarks about the explanation of the Bill. He raised three points. First, he asked why the amendment was promulgated. The answer is that this matter was brought to my notice by members of my own profession who had had a request from a certain party in this State to transfer an incorporated body's property to a council, as it was felt by all present that that was the best way to ensure that this body would be properly run and managed in the future. On investigation it was found that there was no power under the Associations Incorporation Act to enable that to be done, and it was felt that councils and corporations should have power to take over associations of this kind within their respective areas. It was as a result of that specific instance that the amendment was promulgated.

The second point raised by the honourable member was: if any individual in a community had bequeathed property to an incorporated association, what would be the position (I understood this to be the point at issue) if between the time of his making his will and his death the association was transferred and placed under the control of a district council? I presume that in those circumstances the council would take the body subject to the terms and conditions under which it had been incorporated. So the rights and wishes of the benefactor in that instance would be properly looked after.

The third point raised by the honourable member was: were any provisions written into the Bill to ensure that an incorporated association should not hastily and ill-advisedly transfer its assets to a district council? The answer is that there has always been power under the Associations Incorporation Act to allow a body to be transferred to another body with objects similar to its own or with charitable objects similar to those of the incorporated association. All we are doing is extending this power to transfer to a local government body. First, we have to assume that the management of the association is efficient and satisfactory and that it would act in the interests of the association. I imagine its members would see that it did. Secondly, we are entitled to assume that a local government body is a responsible body, representing local people and knowing the problems of the area, and that it would not accept the transfer of a property of an incorporated association unless it felt it was wise for it to do so and that it was in the interests of the objects of the association.

The Hon. K. E. J. Bardolph: There may be a change of personnel controlling the incorporated association.

The Hon. C. D. ROWE: That may be so, but I think that generally the position is adequately protected. I thank honourable members for their contributions and their support of the Bill.

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

CHURCHES OF CHRIST, SCIENTIST, INCORPORATION BILL.

Adjourned debate on second reading.

(Continued from August 8. Page 403.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill but do not wish to discuss it at length as it will be going before a Select Committee. I agree in principle with the contents of the Bill. It is good that a religious body, particularly of this nature, has a set of rules by which it can work to its complete satisfaction. I do not intend to hinder the passage of the Bill; I content myself by merely supporting it and reserving any further remarks I may have to a later date.

The Hon. C. R. STORY (Midland): I, too, support the Bill to enable it to go before a Select Committee. This legislation is unique in the time I have been in this Chamber, although I know other legislation has gone to a Select Committee. The First Church of Christ, Scientist, Adelaide, will be set up under this Bill if passed by Parliament. We are all aware that this religion is functioning in

this State, and has been for some time, under the original edicts of Mary Baker Eddy. There are not many religions of which I am aware where the terms and conditions of membership are laid down so clearly as they are in the First Schedule to this Bill. When people join the organization, they know exactly where they are going. If they do not observe the rules and fit in with the views held, there is power under this Bill to expel them, re-admit them or accept them in the first place.

The religion is based upon faith. Some of the early Christian teachings practised in many religions we have handed over, largely, to the medical profession, whereas this particular group has continued with them, helped by prayer. I believe that in supporting the Bill we shall afford an opportunity for this body to be regarded by Parliament as equal to other religions. I shall certainly have more to say about this when the Select Committee has reported its findings. There are one or two questions I shall raise then to clarify some points.

Bill read a second time and referred to a Select Committee consisting of the Hons. C. R. Story, Jessie Cooper, A. J. Shard, A. F. Kneebone and the Attorney-General; the Committee to have power to send for persons, papers and records, to adjourn from place to place, and to report on Tuesday, August 27, 1963.

BALHANNAH AND MOUNT PLEASANT RAILWAY (DISCONTINUANCE) BILL.

Adjourned debate on second reading.

(Continued from August 8. Page 404.)

The Hon. A. J. SHARD (Leader of the Opposition): I rise to support the Bill because I have no alternative. The need for this Bill gives us much food for thought. In effect it is introduced because of the closing of the Balhannah to Mount Pleasant railway line which the Railways Commissioner has full authority to do, I believe, after referring the matter to the Public Works Committee. That having been done and the line having been closed, the Railways Commissioner wants the right to authorize the removal of the line and stations to try to save something from the wreck. I am not a country person but it worries me to think that a line extending from Adelaide to Mount Pleasant has to be closed for the want of patronage by people who possibly advocated its construction in the early days.

The Hon. C. R. Story: Their grandfathers may have agitated for it.

The Hon. A. J. SHARD: That may be so. There may be many people who prefer to use the roads rather than the railways nowadays.

The Hon. C. R. Story: I said their grandfathers agitated for it.

The Hon. A. J. SHARD: They are not the grandfathers today who are advocating its closing. It is a pity that a railway must be discontinued because people will not use it because of the advent of motor vehicles, which are more convenient. Many people living in the country buy their own vehicles and transport their stock or produce far more efficiently than can the railways. I think it is logical that this question will arise again in the future; we must take a definite view on it. The Transport Control Board has to take a realistic view of this situation and either allow road transport or compel a person to transport his produce by the railways.

I was surprised that the railway should be closed on the Adelaide side of Oakbank. I do not know what the resulting financial loss was, but it could not have been huge, bearing in mind the large number of people who go to Oakbank racecourse one weekend a year. Last year, I understand, was the first year this line was not available for this purpose. It is some years since I have been to Oakbank, but the last time I was there—six or seven years ago—there were nine or ten trains at Woodside waiting for passengers on the return trip.

The railways would not have run those trains unless they were full, and they must have earned much revenue, but whether it was sufficient to keep the service going or not I do not know. Apparently the Public Works Committee thought it was not, because it agreed to closing the line. If the railways were to close lines at every section where it lost £14,000 to £17,000 a year there would be many more sections of line closed, because there must be numerous lines in the outback that lose a greater amount than that.

In the Railways Commissioner's report we see a total loss of approximately £4,000,000 a year, but to me the loss on the Mount Pleasant line is a comparatively small amount and I was wondering whether enough consideration was given to those people who patronized that line at least once a year to go to Oakbank. I agree that having reached the decision that the line must be closed the sensible thing to do would be to remove it, thus saving maintenance costs,

and possibly producing some revenue from sale of assets, rather than allow the line to deteriorate. I support the Bill.

The Hon. C. R. STORY (Midland): I rise to support the Bill and in so doing I draw attention to one or two things about this and other railway lines that the Hon. Mr. Shard mentioned a moment ago. He said it was a pity that country people could not keep the railways going, but I point out that those railways have played a very important part in the development of this State over many years. In fact much of the outback would not have been populated as early as it was if it had not been for the railways. In this atomic and motor car age we cannot always leave the old monuments exactly where they are. Sometimes things have to be moved around in the course of progress. This line is an example.

I read the report of the Public Works Committee on the closing of the Balhannah-Mount Pleasant railway line. I found, in answer to the honourable member's problem concerning passengers travelling to Oakbank once a year, the following figures: in 1956 there were 4,849 tickets issued and there were 228 single tickets, making a total in round return journeys of 4,963. I shall not weary the Chamber with all the figures, but in 1961 the number had dropped to 2,389 with 122 single tickets, a total of 2,450; in 1962 it rose to 2,626 with 130 single tickets, totalling 2,691.

Even if the fare were a couple of pounds a head it would not contribute very much once a year towards the retention of this line. It is apparent from the committee's report that this matter has been carefully considered and that this line is a dead duck. I agree with Mr. Shard that there are other dead ducks, and the sooner some of those are closed the better it will be for the State, but I make one proviso —and I find it in the committee's conclusions, and I laud it for what it said:

In paragraph 39 of the Board's report it is stated that in the event of the line being closed applications would be called for a road service to and from Adelaide for all types of goods and livestock. The committee is of the opinion that where a district loses a railway service all restrictions on road transport should be removed.

We would really be getting somewhere if we closed down certain railway lines and gave the people in those areas some freedom of transport outside of the control of the board. A railway line is no longer an encumbrance on the State if it is closed. As I understand it, the whole purpose of the Transport Control Board was to see there was no open competition with the railways, but a great loss on the country would not occur by trucks operating in competition. When the competition is removed, surely we can revert to the old system; I think the committee's report is quite correct in that regard. Although the Minister has not spoken yet, there is nothing to make me believe that the Transport Control Board will not persevere with its suggestion that it would call applications for a road service to and from Adelaide for all types of goods and livestock in the event of the line being closed. As Parliament is approving the closing of this line, I believe another look should be taken at the recommendation of the Public Works Committee. The Government has seen fit to accept the recommendations this far and I believe it should have a further look and see whether we cannot do this as a first principle in closing this line, as I believe other lines will be closed before very long. I support the Bill and I should like the Minister to answer those questions in the Committee stage.

The Hon. G. O'H. GILES secured the adjournment of the debate.

BUSINESS NAMES BILL.

Adjourned debate on second reading.

(Continued from November 1, 1962. Page 1890.)

The Hon. C. D. ROWE (Attorney-General): Perhaps there are one or two things I should say in explanation about this Bill before we proceed with the debate. As honourable members know, it passed the House of Assembly on October 24 last year and the second reading was given in this Chamber on October 30. I believe the Hons. Mr. Kneebone, Mr. Potter and Mr. Story spoke shortly about the provisions of the Bill, but it did not proceed to its final stages. It has now been restored to the Notice Paper, which means that any member, even though he may have spoken previously, is at liberty to speak again in the second reading debate. My second reading speech is recorded in *Hansard* on October 30 last year. I undertake to provide honourable members with a copy of the explanatory notes on the Bill as I did last year and, therefore, I will be happy if an adjournment is obtained for me to obtain them.

Briefly, the provisions in this Bill about the control and use of business names are similar to those set out in the Companies Act, which

was before us last year. Generally, the provisions are to tighten up the use of names and to ensure that the register, which the Registrar of Companies keeps on business names, is kept up to date and in order so that people can get information from time to time as to who, in fact, are the proprietors of registered businesses. I do not propose to mention other aspects of the Bill because they are all set out in detail in my speech on the second reading, but I believe the information I have given will be helpful to honourable members in refreshing their memories and allowing them to know exactly what are their rights in speaking on the debate.

The Hon. R. R. WILSON secured the adjournment of the debate.

ADJOURNMENT.

At 3.40 p.m. the Council adjourned until Wednesday, August 14, at 2.15 p.m.