LEGISLATIVE COUNCIL.

Wednesday, October 30, 1963.

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

QUESTIONS.

WHEAT PRODUCTION.

The Hon. K. E. J. BARDOLPH: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. K. E. J. BARDOLPH: In this morning's *Advertiser* appears the following report from the annual conference of the Australian Primary Producers' Union:

Any attempt to curtail Australian wheat production by offering growers less for their wheat would finally reduce them to the state of peasantry found in most under-developed countries, the annual conference of the Australian Primary Producers' Union was told today.

The warning was given by the union's federal wheat committee, in its annual report.

The committee said: The Australian Government has never given a direct answer to the question, should we continue to expand our wheat production?

As South Australia is a large wheat-producing State and in view of the large amounts of money invested in wheat production by the farmers, will the Government approach the Commonwealth authorities with a view to having a decision made whether the wheatgrowers should expand production in this State and other States?

The Hon. Sir LYELL McEWIN: I do not know quite what is meant or even implied in the report that the honourable member refers to. Broadly, the Government's position is that it stands for stabilization, and that is fixed by certain formulae of costs of production plus profit. Legislation will be introduced shortly to deal with the new agreement.

The Hon. K. E. J. Bardolph: In this State?

The Hon. Sir LYELL McEWIN: Yes.

KESWICK BRIDGE.

The Hon. S. C. BEVAN: Recently, I directed a question to the Minister of Railways about the reconstruction of Keswick bridge, and the spur railway line to the showgrounds. Yesterday he told me that it was intended, if the bridge was reconstructed, to remove the spur line. Has the Minister given any consideration at all to alternative transport for the general public at show time?

The Hon. N. L. JUDE: I realize the honourable member's interest and should like to add to the remarks I made yesterday by saying that the removal of the spur line is part of the general plan. The economics or the desirability of providing alternative transport to the showgrounds has not, I understand, been considered. It is no more than a plan on the drawing board at the moment.

CITY OF WHYALLA COMMISSION ACT AMENDMENT BILL.

Read a third time and passed.

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 29. Page 1265.)

The Hon. F. J. POTTER (Central No. 2): I rise to support the second reading of this Bill which, as some honourable members have already said, is a record Budget of expenditure for this State, reaching £103,000,000. It is, I suggest, a very satisfactory Budget and in these days when we are so dependent on the Commonwealth Government for our revenue it is difficult to describe a State Budget in any other terms. It is difficult, I think, to talk about a State Government Budget being a good one or a bad one in the same sense that people talk about the Commonwealth Budget. Of course, we have to look carefully at our State Budget on the expenditure side: this Bill, with the Budget behind it, makes the expected grants, subsidizes the usual worthwhile community organizations, and generally follows the traditional pattern.

Nobody, I suggest, is entitled to become very excited about any particular line on the Estimates and nobody is plunged into any gloom in respect of any particular line. The debate in another place was tackled this year with a good deal of zeal but I do not think that much could be accomplished in this Chamber by looking at the Budget line by line. However, I want to take the opportunity on this occasion to refer to a matter—and I shall confine my speech to this one aspect—that directly involves the State Budget and on the whole is something about which I have been greatly troubled for some time. It is not often that we can see what may be called a social revolution taking place before our very eyes. Such things are usually seen in retrospect when the whole change in our society has been established. I suggest that if we have the eyes to see there is a profound social

revolution taking place in this country. It has arisen from economic changes in salary and wage structures that are both wide and deep. I predict that when more people in our community have the scales lifted from their eyes and can see the picture more clearly there will be a strong reaction from a very vocal section of our community.

In one sense the Budget is unrealistic because although it provides for an expenditure of about £103,000,000 it is already completely out of date with regard to some major items. I wish to refer honourable members to the facts that make these items largely out of date. On May 28 the South Australian Public Service Arbitrator granted to male clerical officers in the Public Service (which is a pretty large group), an increase of £54 a year at the top of the automatic scale and above that increases to classified officers ranging up to £300. The Arbitrator based his findings on interstate comparisons and made some reference to the 10 per cent margin increase in the Metal Trades Award granted one month earlier. On October 9 the Arbitrator granted further increases to substantially all classified officers in the Public Service ranging up to about £300 a year to officers on higher scales. His reason on this occasion was almost completely based on the 10 per cent increase in the Metal Trades Award. Last week the Arbitrator delivered a judgment in connection with what is known as the graduates' scale in the Public Service and granted increases up to £250 a year.

I do not know whether honourable members are aware of the existence of this scale, but it was designed originally to reward public servants who obtained professional qualifications. To put it simply, it was really an automatic scale of salaries for young professional officers. I remember that when it was introduced about 15 years ago the concept was that it would stimulate officers to obtain professional qualifications by engaging in various courses of study. It seems to me that over the years the original concept has changed somewhat because, owing to the influence of decisions by other courts, particularly those of the Commonwealth Arbitration Commission, the scale has been applied not only to people who have graduated with degrees from universities but also, in some instances, to people who have only earned diplomas, in particular in the field of engineering.

Those three salary increases by the Arbitrator have already come into force. It is known that there will be applications for increases by teachers and that the Arbitrator has yet to deal with the professional members in the service. Of course, it is no secret that before long a Bill will be introduced to increase Parliamentary salaries. In addition, nurses have already received their marginal increase. The whole point is that these matters have very materially affected the expenditure side of the Budget. It is very difficult for anybody outside the Treasury to supply his own estimates but it has been reported in the press that altogether the total effect of the increases in salaries already provided will be about £2,000,000 a year. If this estimate is correct fairly large Supplementary Estimates will have to be placed before Parliament. I want it to be clearly understood that I am not in any way criticizing the increases awarded by the Arbitrator. I believe they were quite fair and just and inevitable.

I wish to pose these questions to honourable members: just where did this mad move for higher marginal increases commence and what is this inbuilt mechanism ticking away in our economy? If these questions are to be answered, one must go back to a series of decisions by the Commonwealth Arbitration Commission. To refresh the minds of honourable members I should say that over a number of years there has been a continuous process of wage increases handed out by that commission, and it started, ironically enough, on Guy Fawkes Day, November 5, 1954, when the Commonwealth Arbitration Court (as it then was) hit on the idea of increasing wage rates by a percentage of margins above the basic wage. In that decision the commission increased margins under the Metal Trades Award by 2½ times the 1937 margin. I suggest that until then, and even today, people on higher salaries never thought of their salary as the basic wage plus a margin. They think in terms of a total wage.

I suggest that in 1954 an anomaly was created. Once we began to increase margins by a percentage, the larger the salary one receives the larger is the percentage increase in total salary. If a man is on the basic wage, and there are not many on it today, he gets no increase. If he is on a salary of £2,000 a year, and it is now conceived that that is the basic wage plus a margin, he receives a very substantial benefit. If we follow the story right through, in 1959 the commission increased margins again by 28 per cent. On April 18 this year it granted a further 10 per cent increase in the margins. True, in April this year the commission said that the 10 per cent increase

was not to be regarded as automatic and be carried through to all other awards. Conciliation commissioners attached to the commission, however, went merrily ahead and made increases in all other awards, and what is more important the Commonwealth Government made a 10 per cent increase in margins to members of the Public Service and offered to its employees a further increase of up to £45 a year. I am recounting the history of the basic wage and the marginal increases.

The Hon. Sir Arthur Rymill: In effect, you mean that the man receiving near the basic wage got an increase in salary of about 1 per cent after the 10 per cent marginal increase and that the man on a much higher salary got almost a 10 per cent increase?

The Hon. F. J. POTTER: I intend to give figures on this matter. As if this was not enough, something else had been going on on the sideline, and I refer to a matter which drastically affected our State Government. An application for increases was made to the commission by professional engineers, and not long ago the Commonwealth tribunal dealt with their case. The position was examined and the commission handed out large increases. If members read the judgment they will see that the increases were made for two reasons. It was said that the professional engineers had high academic qualifications and had spent long periods in study in order to get their degrees. Secondly, it was said that professional engineers had for some time been out of their right place in the community. That sounds good, and it seemed as though the commission had given the matter much consideration. It sounded fair that people with high qualifications should get high rewards. The professional engineers received grants up to £1,000 a year, and some classified engineers received even more. When we remember what the commission said, many people were surprised that the increases were granted not only to engineers with university degrees but to engineers who had done only a three-year diploma course.

What happened when all this hit South Australia? Not long ago our *Government Gazette* contained a list of about 100 names of people who received large increases. Some of those named received an increase of over £1,000 a year. The list was not confined to people with degrees, but included people with diplomas, and that was inevitable because of what the Commonwealth tribunal had done. More surprisingly still, some of the people listed did not have any academic qualifications at all. I am not in any way criticizing the engineers or the increases given to them. The State had to do it because of what the Commonwealth tribunal had said and done. Surely it was not surprising that other sections of our Public Service, particularly professional people, should say, "What about us?". Recently the anomalous position was substantially corrected by our own Public Service Arbitrator, who granted increases to veterinary surgeons, agricultural scientists, architects and lawyers. Large increases in salaries were involved, but there are still people in the Public Service holding degrees and accountancy and other diplomas, such as a diploma from the Roseworthy College, who got nothing.

I come now to the core of what I am trying to say. Recently I looked at the *Monthly Review of Statistics* for August last and learned that the average weekly wage in South Australia was £21 17s. 6d. a week. It must not be forgotten that the average wage includes overtime payments. That is not a princely figure, and it is obvious that most of the workers in South Australia are not on a princely salary or wage. I raise this point because, as I said earlier, it is a matter of concern to me as an individual and as a member of the Liberal and Country League, a Party that stands, and proudly says that it stands, for the interests of all sections of the community. This whole process can, no doubt, be laid directly at the door of the Commonwealth Arbitration Commission, for it has brought about a situation here in our community that is completely unfair to a large section of the people of South Australia, who are receiving that average wage or less.

I give an example. The fitter who prior to that great day, November 5, 1954, was earning £14 3s. a week, today, after the application of the two-and-a-half-times formula to the margin in 1954, the 28 per cent in 1959, and the latest 10 per cent this year, is receiving £19 9s. a week; in other words, he has had an increase in his total salary over that period of 37 per cent. By comparison, a man in the State Public Service, who prior to November 5, 1954, was on a salary of £1,728 per annum, today sitting at the same desk and doing the same job is on a salary of £3,150, an increase over the same period of 82 per cent. In my book that is not wage justice. It is surprising to me that the members of the Labor Party in this Chamber and in another place have not long since raised this issue and stood up on their hind legs and said, "This is wrong in our community", because it is wrong. It is not only wage

injustice, it is not only economically bad for our community but I think it is almost morally wrong. I want to ask my friends in the Labor Party, and I hope a few other people who may be tempted to support them on November 30—

The Hon. K. E. J. Bardolph: You are making an election speech!

The Hon. F. J. POTTER: —What is wrong with the unions and the Labor Party which supports those unions when they continually go to the Arbitration Commission and press for percentage increases in margins? Why don't people in our community, people who are earning £22 a week and less, realize that they are being sold by the unions and the Labor Party the greatest pup that ever existed? We have reached a situation in this country almost like a Gilbert and Sullivan opera. The tradesman under the Metal Trades Award who has just finished his apprenticeship gets, as I said a moment ago, £19 9s. a week, and by this latest 10 per cent adjustment he got an increase of 10s. a week. Some of the cleaners under the Cleaners' Award with a narrow margin got 2s. a week. The Commonwealth public servant got hundreds of pounds. Some engineers got over £1,000 per annum, and the process has gone on and is going on. It will be in time a tremendous headache—

The Hon. A. F. Kneebone: You can't blame the unions for that. An application was made for a much higher sum than they received, and the commission made that decision.

The Hon. F. J. POTTER: The whole position can never be changed or cured until the Labor Party and the unions wake up to the fact that they should stop going to arbitration courts seeking percentage increases in margins. It is only helping the rich to get richer and the poor to get poorer. The only way out of it, it seems to me, is that the Arbitration Commission must learn and must be asked by the people who approach it to look at a man's total wage and get away from this ridiculous Gilbertian idea of a basic wage and margins above it. Many of us never think of our salaries in this way. The present situation is one that this Government finds, and future State Governments will find, very serious if the process is not arrested. I hope that what I have said here may bear some fruit in the halls of the trade unions and the Labor Party and that we may have an end to this ridiculous position which already accounts for an increase of £2,000,000 in our own State Budget for this coming 12 months.

The Hon. S. C. Bevan: You cannot blame the unions for that; it is the Commonwealth Government.

The Hon. F. J. POTTER: I have pleasure in supporting the second reading.

The Hon. G. O'H. GILES (Southern): I too, support this Bill. I have only one or two brief comments to make. Before doing so, I take advantage of this opportunity (after, of course, duly congratulating him) to refer to Mr. Bardolph's contribution to this debate wherein he dealt largely with some aspects of education. From the pamphlet recently produced after the Convention of the National Educationa Congress in Melbourne in May of this year, it appears that no State emerges from the problems of capital investment in education in its various forms as well as South Australia does. Most members of this Council notice and acknowledge it, I am sure.

The Hon. C. R. Story: Does Mr. Bardolph?

The Hon. G. O'H. GILES: I think he does.

The Hon. C. R. Story: He did not admit it.

The Hon. G. O'H. GILES: He did not admit it but he does make it quite plain. If you, Mr. President, look at the various conclusions drawn in that pamphlet where different States are referred to, you will come to the inescapable conclusion, to which I and many other honourable members have come, that we must acknowledge the great job of work done by both the present Minister of Education in South Australia and his department. I am sure that, as we drive through the suburbs and the countryside of this State and see new schools mushrooming where there were none before, we appreciate even more keenly that this is the case.

It is a good idea in a debate of this sort to point out the efforts at tertiary level education made through funds gleaned in places other than this—in fact, in places other than in another place. This need for expansion in educational facilities, I have no doubt, will remain as great for years to come because of the rapid population expansion and the increase in the number of children who need higher education. I noticed that the Hon. Mr. Kneebone also referred once or twice to certain aspects of the Education Department. One aspect that interested me in particular was his comment on recreation grounds and improvements. May I point out to the honourable member through you, Mr. President, that already at least two procedures are available relating to recreation grounds and ovals for schools throughout the length and breadth of South Australia. First, there is an Act

that enables local government authorities to obtain a pound-for-pound subsidy with the Education Department for the purchase of additional grounds, playing fields and recreation areas and everything connected with the establishment of the magnificent new schools that are being erected in areas that we all know well. Secondly, there is the opportunity for parents' associations or school committees to arrange with the Education Department for a pound-for-pound subsidy for all sorts of capital expenditure in connection with ovals. Many examples spring to my mind where this has already been the case and capital funds have been available for the purchase and planning of an oval, and surroundings.

The Hon. A. F. Kneebone: For only the establishment, not the maintenance.

The Hon. G. O'H. GILES: I would remind the honourable member that there must be a beginning and having had a beginning funds are available and used (in many instances quite well known to me) to aid in the maintenance of those grounds.

The Hon. C. R. Story: Who pays for the water?

The Hon. G. O'H. GILES: That is a good question. I was coming to that point under the heading of "maintenance", on which the Hon. Mr. Kneebone for some reason or other has just pulled me up.

The Hon. C. R. Story: Who pays for the mower?

The Hon. G. O'H. GILES: I would ask my honourable friend to wait a moment. I am referring to the help given for the purchase of the oval, for irrigation and water, in the case of one oval for the fluming (irrigation pipes) and for the mower to cut the grass.

The Hon. A. F. Kneebone: Who does the work?

The Hon. G. O'H. GILES: I shall even answer the honourable member on that. In one case I know of a tractor does the work, through a pound-for-pound subsidy by the Government. If this is not maintenance, what is maintenance? If we look at this in just a little broader fashion, isn't it reasonable to suppose that parents who have a pride in their children and their schools would wish to do something to help, particularly in the establishment of a newer school, so many of which we see in the areas that I represent? I appreciate the honourable member's problems; he is probably living in an area where it is difficult to receive co-operation and help, but this does not destroy the principle. The principle is that one can obtain loyalty, co-operation and help in connection with the maintenance and personal care of these grounds. One does not obtain anything merely from an Act of Parliament or by asking some uninterested person for co-operation. One must obtain careful, individual care and attention and I take my hat off to all parents' associations that do this inspired work and greatly help their own schools.

This is a very real donation to the education system in South Australia today. If it falls down in any way that is unfortunate. Perhaps the time will come when South Australia is a settled community with a set economy, when expansion is not so rapid and we get to a stage that has been reached in say, France, the Scandinavian countries, or Great Britain, when it would be proper to channel funds into all sorts of categories to help relieve the onus on individual members of the community. However, the Party I stand for thinks that funds should be properly spent to obtain the maximum result and I would not be in favour for one minute of spending education funds in such a non-productive fashion as the honourable member suggests. The more education funds that go to the building of schools, the training of teachers and proper amenities the happier I shall be, and I do not think there is a case at all for using funds in a non-productive fashion.

However, I admired the honourable member, who concluded his speech with a little playing of politics: before he finally sidled into his seat he put in a short dig or two that I was not able to counter in spite of several efforts to do so. Nevertheless, we must allow him his little game and if he thinks that all sorts of dire calamities are to happen I would point out that this is not my opinion. One of his comments was that he doubted the Chief Secretary's remark that some items which showed an increase in the Budget this year would further increase in the ensuing year. I do not know where the honourable member gleans such inside information that is not available to the likes of an ordinary back-bencher like myself. Indeed, I do not know where the honourable member would glean such information that is not available to the Chief Secretary as the Leader of this Chamber.

The Hon. K. E. J. Bardolph: He used his brains.

The Hon. G. O'H. GILES: I do not know about that, but he used a bit of guile, for before he could be tackled he was sitting in his chair and I admired him because he was pretty quick about it. With the sanction of

the Chamber, of course, I should now like to deal with a subject matter that is rather close to my heart, and that is the future of transport regulation and control in South Australia. We all know—and it is being said in the corridors at present—that in time to come we may have a ton-mileage system of taxation on certain road hauliers. We all know that the position at present is not entirely satisfactory. I remember more than one speech made on this subject in the past—one in particular, and very good it was, too. I would say that at this stage the control of transport leaves much to be desired. There is no shadow of doubt that it must be a waste of taxpayers' funds when we are forced to use a less economic method of transport and cartage than could be available, but which the regulations make illegal.

There are numerous cases where business firms and primary producers are forced to take uneconomic action as the result of regulations that are in force today. I hope—and this is the main purpose for which I rise to debate the Appropriation Bill at this stage—that, with the advent of a ton-mileage system or some such basic method of taxing heavy vehicles that use the roads to such a great extent, this will open up the field and thus overcome some of the anomalies that exist today. However, another reason why I rise to my feet is that I am not completely in accord with some comments I hear from time to time dealing with the complete abolition of all control. I take the attitude—and I think honourable members will realize that I am being consistent on this matter—that where railway lines exist I think all control should be withdrawn in the case of road hauliers and loadings at present controlled. In other words, I acknowledge the sort of policy in which my Party believes. If more than one facility is provided for moving freight that amounts to competition and I am sure that competition will be the means of better service for the consumer. I have many authorities which support my contention, such as the Australian Transport Advisory Committee, *Road Transport Costs* (*Part II*), which deals with the railway position, and the Bell report, which is not over-polite to our Railways Commissioner. It is apparent that up to 90 per cent of the goods moved by road haulage is not in competition with the railways. This runs foul of some of the ideas that have been expressed in certain quarters. The Minister of Railways looks rather alarmed at my contention. However, as a miserable backbencher I must accept the facts put forward by these experts.

I bring this matter forward because if such a small degree of competition exists, at least 50 per cent of freight carted by road hauliers may not be in competition with the railways. I suggest that the case be put forward for allowing competition to exist on certain controlled routes as it does today. Among industries established in country areas is one at Murray Bridge. This firm must offset an outlay of £17,000, which it would be committed for under normal transport budgeting. The industry processes steel and uses its own trucks to bring it from Adelaide. Imagine the problem when this industry is not allowed to transport commodities such as fruit, including oranges, from Murray Bridge to the metropolitan area. Marketing bodies in Adelaide would appreciate the use of such a service in the transport of fruit and vegetables, which would arrive earlier and in better shape. However, now the industry must bear the added cost of loading only one way. I hope the Minister and the Government will give serious consideration to allowing free competition on some of these controlled routes.

I believe several sweeping statements have been made, with which I do not agree, about applying this same principle to areas not served by the railways. I can quote many examples that have occurred this year in my district where, I believe, carriers are overcharging. I maintain that if free interplay were allowed in areas where there was no railway, there would not be competition. In such cases a certain degree of control should be exercised. Not the least of my reasons for saying this is that where a satisfactory carrier service is established in country areas it seems little short of foolish to allow itinerant one-man truck operators who have a full load to conduct a service once in a while when it suits them. By allowing this, the regular service already available in the area running to, perhaps, Adelaide, would suffer. I realize that my feelings will not be shared by all honourable members. I do not intend to comment on the transport of passengers, as this seems to be very much a matter on which city members would be more qualified to speak. It is easy to appreciate the commonsense adopted in this case by the much-maligned Transport Control Board when it points out the need to retain control over passenger services, which it considers necessary in the public interest. It sets out the requirements that all operators under licence from the board are required to possess. The requirements are listed as follows:

(*a*) Vehicles examined each six months and passed as road-worthy.

This is obviously necessary, as people's lives may be at stake. Some form of control must be exercised if there is any widening of the Act.

(*b*) All drivers tested by the South Australian Police Advanced Driving Wing to determine ability to drive a large passenger coach.

Drivers must be qualified before undertaking the onerous work of driving coaches full of passengers.

(*c*) All drivers medically examined on engagement with subsequent medical examinations at ages 45, 50, 55 and each second year thereafter.

(*d*) All fares approved by the board.

(*e*) Time tables approved by the board.

(*f*) Proper provision for luggage to obviate inconvenience or discomfort to passengers.

These people are providing a facility for which they have been given a partial monopoly and in this case they should be expected to provide proper time tables and proper provision for luggage. This supports the contention that a certain amount of control should be kept over passenger routes, services and time tables. They are my feelings on the matter of transport control.

I shall now gaze into the crystal ball and look at the future in the hope that I may raise some matters of interest to honourable members. First, the modernization of South Australian railway lines has already been excellent. Some problems have been overcome and others are about to be overcome. I refer to the great impact on railway costs that uniform gauge changes will effect. Consider the amount of handling that occurs in transporting goods from the Yorke Peninsula area. They must be transported by road for many miles and then off-loaded to a railway truck and taken to Adelaide, where they are unloaded and put on a motor truck and transported to their final destination. That is the sort of thing that happens with a change of gauge. When we get some degree of uniformity we shall have gone a long way towards modernizing our railway system to enable it to compete with other forms of transport. We could talk of modern techniques in automation, and of modern techniques in waggons, and containers that can be transhipped on to semi-trailers for quick and easy delivery. We could talk about cuts in transport costs. This would advantageously affect every section of the community, whether it be the manufacturer or the primary producer, both of whom are vitally involved in costs of production.

The moving of freight from one place to another is a vital matter. It is so vital that it makes me wonder why past Governments have not concentrated on this aspect of the problem. I am not talking so much about State Governments as the Commonwealth Government. There is an obvious waste in the national product with funds being used that could be used to a far better degree, but I suppose that is the way life goes. I commend the Minister of Railways for the rapid advance our Railways Department has made. We all know of the advance that has been made, but sometimes it has been due to the protection afforded to the department. We hope that in the immediate future our railway system will be further modernized. There should be further investment of money in our Railways Department to enable it to compete with other forms of transport in the same way as is done in other parts of the world. I have pleasure in supporting the Bill.

The Hon. M. B. DAWKINS (Midland): It gives me much pleasure to support the Bill. At the outset I join with other members in extending congratulations to the Treasurer on presenting his 25th consecutive Budget. As all members know, he has done an outstanding job in guiding the progress of the State over the last 25 years.

The Hon. K. E. J. Bardolph: Is that the unanimous opinion of your Party?

The Hon. M. B. DAWKINS: I am sure that it is, and probably it is the opinion of some members of the honourable member's Party. I am sure all members realize the great job he has done in bringing South Australia from what was a small, somewhat inconsequential and mendicant State, almost wholly dependent on primary industry, to the virile, well-balanced and progressive State of today. During the year that has passed we have reached a total of 1,000,000 people, and also this year, for the first time, we have a Budget of over £100,000,000. It is, of course, a record Budget as other members have said.

I was recently in Western Australia and it is interesting to note that there is a population exceeding 800,000 in that State and the Budget this year, which was presented to Parliament while I was there, was for a total expenditure of £83,000,000. In that respect, the development of the two States would seem to be similar. However from there onwards, in

some ways at least the comparison is no longer parallel. I spoke to a Western Australian (and the sort of reaction I will quote is by no means an isolated case. It is somewhat typical in W.A.). He eulogized his own State, which is natural enough, and referred to South Australia as the Cinderella State. I took some pains to correct his thinking on this score. I pointed out that in terms of population and present financial resources we were at least 20 per cent bigger than W.A. and that from an industrial viewpoint we were very much bigger and far better placed from the point of view of securing interstate markets. But the point which I wish to make is that but for the efforts of our Government this Western Australian could be quite correct in saying that South Australia was the Cinderella State.

South Australia is the driest State. It is immeasurably drier than Queensland and much drier than parts of the South-West of Western Australia. It has very much less land left, which is capable of economic development, than either of these States. But despite the fact that we are the driest State, we have the best water reticulation system, and the rates are much lower than those in other States. Despite the fact that we have less broad acres left to develop than other States, we have pushed ahead with undiminished vigour with land development and our programme will stand up to examination and favourable report alongside those States with more natural resources.

Our industrial progress has been quite remarkable and is a lasting tribute to the Premier and his notable ability to attract industries. The progress of the electricity undertaking also has been a very great achievement and the provision of power for the man on the land has been matched by the provision of power for industry under conditions which have brought many valuable activities to this State.

I do not intend to deal with the Budget in great detail, but there are some specific items to which I must refer. I notice that motor vehicles taxation is estimated to bring in over £5,000,000, which amount, less administration costs of the Highways and Motor Vehicles Departments, will be transferred to the Highways Fund for road purposes.

I congratulate the Government on the progress being made with our road system. I am aware that we have less miles of sealed road than some other States. If Western Australia's sealed mileage could be transferred here, for example, we would already have our roads to Broken Hill, Ceduna and as far north as Hawker sealed, but I am sure that, in the main, they would not be done as thoroughly as we are doing our roadwork today. If we take a long term view we will realize that some years ago we had many poorly sealed roads on an inadequate base. That situation was really brought home to us in the wet seasons of the early fifties, but it has been remedied.

Our main highways today are excellently constructed with an adequate base and well sealed. Our secondary main roads are also being done very thoroughly. We still have some (but, fortunately, very few) sealed roads which are a "hangover" from the old methods and which are "found out" when they are subjected to heavy traffic. They are an object lesson in how not to do the job. An example of this is main road No. 410, over which I have to travel frequently. It runs from Bolivar to Angle Vale, was sealed "on the cheap" and has recently been subjected—

The Hon. N. L. Jude: Where is that?

The Hon. M. B. DAWKINS: As I said, it runs from Bolivar to Angle Vale and it has been recently subjected to heavy carting by Ministry of Works contractors for the Bolivar sewage project. It is cracking up under the strain, is always being patched and is a good example of how not to seal a road. However, apart from these isolated instances, I should like to congratulate the Minister upon the progress being made with first-class road construction. I have looked at the roads in some other States and find that our Highways Department's road construction work compares favourably with that in other States.

With reference to the amount supplied for the Engineering and Water Supply Department, I indicated earlier that we have a good reticulation system that is a credit to the Government and to the departmental officers; but in a system so complex and widespread various items are constantly cropping up for replacement, and in this fast-growing State there are services still to be provided. In the first category (replacements and renewals) I wish to draw attention to the necessity of replacing many of the older mains that have rusted and corroded and become inefficient: in other words, because of the rust and corrosion, the capacity of these mains is less and, because of increases in activity in the State, the connections to the mains, and therefore the demands become greater. Just one example of this is the main that travels from Gawler to Two Wells via Lewiston, which, I believe, is about to be replaced.

In the second category (services to be provided) we have in the Midland area people still seeking water in the Murray lands and Southern Yorke Peninsula areas. Nevertheless, the Engineering and Water Supply Department has done and is doing a remarkable job in supplying this dry State with water.

The need for sewerage in some cases is little short of desperate, though here again this need must be brought forward in the knowledge that the record of the department is good. I was speaking to somebody only yesterday and the observation was made that a very high percentage of the population was connected to the sewerage system in South Australia compared with what applies in other States. This good record, however, does not alleviate in any way the need of some people in areas where septic systems are ineffective. Recently, I had to draw the attention of the Minister of Works to conditions in a considerable part of the town of Gawler where the efficient drainage of septic systems is practically non-existent. Yesterday, in company with the member for Barossa (Mr. Laucke), I was shown similar conditions by Mr. Eldred Riggs, Chairman of the Munno Para District Council, together with his assistant clerk, Mr. David Roediger, and their health inspector. The conditions that we were shown in Evanston South in a Housing Trust area are a menace to public health and a danger to small children, and cannot be tolerated today. I am quite aware that the position cannot be righted overnight, but conditions in which evil-smelling sewage effluent is lying around for small children to play in, with no practical means of draining it away in this flat low-lying area, need immediate investigation and some interim scheme pending connection to the mains.

The Hon. R. C. DeGaris: There is no swimming pool?

The Hon. M. B. DAWKINS: No.

The Hon. K. E. J. Bardolph: But what about the council giving permission to the Housing Trust in the selection of sites?

The Hon. M. B. DAWKINS: I do not know that the Housing Trust is completely to blame. It has done a splendid job but as I said earlier this session, it has not always selected its sites with sufficient care. I think it should be in a position to select its sites with care, this particular site being a case in point.

The Hon. K. E. J. Bardolph: But would not the council know the disabilities attaching to that from the point of view of drainage?

The Hon. M. B. DAWKINS: I do not know about that but I know the situation as it exists today. The trust on several occasions has built houses in low-lying areas in conditions where one can drill a hole 20ft. deep, which will fill up and hold like a bottle. The trust should show a little more foresight before selecting sites like that on which to build houses when it knows that there is no immediate possibility of connection to the sewerage mains.

I wish to commend the Government for the establishment of the Para Wirra National Park, but this has posed an immediate transport problem as the park has quickly become popular and the roads and bridges leading to the area are narrow and dangerous and completely inadequate for the traffic that now goes there, particularly at holiday times. Earlier, I said something about the excellent roads that we are constructing today and, in turning to the field of education and school buildings, I must say that the new solid construction schools being built are a great credit to the Government. Its record in education matters generally is very good but I wish today to refer particularly to the new schools being erected. Recently, in company with Mr. Harding, the member for Victoria in another place, I had the pleasure of being shown over the new Penola High School by the headmaster, Mr. Rupert Goldsworthy. This high school is a splendid structure containing every conceivable facility needed for first-class secondary education. It is a great credit to the people who built it. Also, while I was in that locality I saw the Naracoorte South Primary School. These new schools are excellent and must give great satisfaction to the local member of Parliament and the members for Southern District in this place.

Yesterday I inspected the new Gawler High School, which is nearly complete. It, too, is an excellent school and a tribute to the foresight of this Government in building schools of this quality. Before concluding, I wish to refer briefly to the amount allocated to the Hospitals Department, and to express my satisfaction that the health services and hospitals in this State are continually being expanded and improved. I am particularly gratified that the situation in regard to mental health, referred to by the Hon. Mr. Story, is receiving further attention. With him, I believe that we are making real progress under the present Director of Mental Health. I know that the Government has plans for further improvements in the future. In conclusion, I congratulate the Government upon its achievements, and I am sure that this State has made and will continue to make remarkable progress

under it. I have pleasure in supporting the Bill.

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

On the motion for the third reading:

The Hon. K. E. J. BARDOLPH (Acting Leader of the Opposition): I do not desire to take up the time of the Chamber and delay the passage of this Bill, but there were one or two remarks made by the Hon. Mr. Potter that I think need some reply. He made a scathing attack upon the Commonwealth Arbitration Commission. The Arbitration Act of Australia was introduced by a Labor Government. The first President of the Commonwealth Arbitration Court was Mr. Justice Higgins, who made the famous award concerning the first basic wage. The arbitration system, as we know it, has had something of a chequered career and it was left to the Chifley Labor Government to appoint arbitration and conciliation commissioners who functioned remarkably well under the Arbitration Court until there was a change of Government in 1949, when the Arbitration Court became the Commonwealth Arbitration Commission. I suggest that, instead of attempting to flagellate the trade union movement and the Labor Party, the Hon. Mr. Potter this afternoon should have castigated the Government of his own political complexion in the Commonwealth Parliament.

The Hon. F. J. Potter: Isn't your Party going to make another application to the commission?

The Hon. K. E. J. BARDOLPH: I let the honourable member tell his story in his own way and I would ask him to let me tell mine in rebuttal of some of his remarks. All the criticism that was levelled against the commission, I suggest, should be levelled against the Menzies Government in the Commonwealth Parliament. The Hon. Mr. Potter concluded this afternoon by attempting to compliment that Government after flagellating the brain child of that Government in relation to arbitration.

The Hon. C. R. Story: Who is that?

The Hon. K. E. J. BARDOLPH: I remember that when the Hon. Sir Collier Cudmore was in this Chamber he often referred to "parrots", and I should not like to use that term in relation to the honourable member. This is the first time I have heard the Hon. Mr. Potter claim to represent the interests of the workers. He confirmed a remark by the Hon. Sir Arthur Rymill that the man on the basic wage received an increase in salary of only about 1 per cent and the man on the top salary received a much greater increase.

The Hon. Sir Arthur Rymill: That is true.

The Hon. K. E. J. BARDOLPH: I am not denying that. The Hon. Mr. Potter should know well, being a member of the legal profession, that these awards are determined in many instances on the applications made and I submit that that applies to every application—and unions have consistently made applications—to the industrial and conciliation commissioners and then to the Industrial Commission for an increase for those lower paid employees to whom Mr. Potter referred. No blame can be attributed to the trade union movement and its advocates for the low margins that have been awarded by the commission and conciliation commissioners.

The Hon. F. J. Potter: You believe in this system of marginal increases?

The Hon. K. E. J. BARDOLPH: Why not?

The Hon. F. J. Potter: You do not think it has had an adverse effect?

The Hon. K. E. J. BARDOLPH: I point out that there are grades of legal practitioners in law. One can go to an ordinary practitioner and receive an opinion and when one seeks the opinion of a practitioner who is a Queen's Counsel he is charged more. I submit that the margin for skill is the basis on which the other margins are regulated. If my friend has any alternative to offer I submit he should have offered it this afternoon. I said that I did not intend to delay the Chamber in passing this measure because my colleagues and I realize that it is necessary to have the funds to pay the salaries of employees, but I should like to quote from *Public Service*, the official journal of the Public Service Association. The Hon. Mr. Potter went to some pains concerning the application made by engineers, and concluded his speech by paying the Government a great compliment. He has every right as a member of the L.C.L. to do that, but he mentioned that there were thousands of employees in the State Public Service. This is what the State Public Service Association thinks of the Government:

It became embarrassingly apparent to our delegates that the widespread opinion in all the other States is that South Australian salaries are well out of line and far below the general levels in all other States; so much so that all States now no longer have regard to South Australian salaries—and put them aside as being too low. Confronted with this Australia-wide view, this Association will continue, with added vigour, to fight for salary justice.

The caption of that article is *Australian Public Service Federation Conference reveals South Australia as the lowest wage State.*

The Hon. F. J. Potter: What is the date of it?

The Hon. K. E. J. BARDOLPH: October, 1963.

The Hon. F. J. Potter: That is not the date of the article.

The Hon. K. E. J. BARDOLPH: It is October, 1963, and the point is, I suggest, that instead of my honourable friend attempting to delve into industrial matters he should keep to his practice of his own legal profession.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The amendments made to the Motor Vehicles Act by this Bill concern mainly matters of an administrative nature. Under section 12 of the principal Act a tractor may be driven without registration on roads within 25 miles of the owner's farm for the purpose of drawing farm implements. Some modern tractors are fitted with an attachment whereby such implements may be carried, and clause 4 extends the operation of the section to a tractor carrying implements in this manner. Clause 5 inserts a new section in the principal Act to enable motor vehicles, commonly known as "biddies", to be driven on a wharf for the purpose of loading or unloading cargo. These vehicles are required to be insured (clause 14 (*a*), (*b*) and (*c*)), but no driving licence is required for a person who drives them (clause 10). Under section 40 of the Act a person who has registered a vehicle at a reduced fee may pay the balance of the fee and obtain unrestricted use of the vehicle, but there is no provision for the converse to apply; in other words, a person who has paid the full fee and becomes eligible for the reduced fee cannot obtain any refund, except by cancelling the registration, obtaining the full refund and then applying for registration at a concession rate. For administrative purposes this is obviously inconvenient, and clause 6 provides for a refund in such cases, in the same terms as section 45 which allows for a refund when a vehicle is altered during the period of registration.

Section 51 of the Act empowers the Registrar of Motor Vehicles to issue a duplicate label if he is satisfied that the original has not been received or is lost or destroyed. If there is some unavoidable delay in the receipt of the original it would be quite inappropriate and often impracticable to issue a duplicate label. Clause 8 provides that a temporary permit (of the type that may be issued by the police under section 50) may be issued in such a case. Section 61 of the Act provides for the duties of a hire-purchase company on repossession of a vehicle. Under the Hire-Purchase Agreements Act a hirer has certain rights of redemption after repossession. Clause 9 provides that the owner's duties under section 61 will be suspended until those rights are extinguished. New subsection (4) of that section provides for the duties of the owner and hirer where a vehicle under a hire-purchase agreement is voluntarily surrendered. The subsection also covers the growing practice of firms hiring vehicles from finance companies, in keeping with the principle that a motor vehicle should, as far as possible, be registered in the name of the person entitled to possession of the vehicle.

Section 80 of the principal Act provides for the issue of a learner's permit where desirable in the opinion of the Registrar. There is no provision for the issue of temporary permits, which would be more appropriate in the case of aged persons or interstate visitors taking their vehicles to the driving wing at Thebarton for a test. Clause 11 makes such provision. Under section 79a of the principal Act the Registrar may accept a driving test conducted by an approved public authority instead of the police in the case of a person who has not previously held a licence, but there is no corresponding power in the case of a person who holds a restricted licence and applies for a full licence. Public authorities like the Electricity Trust, Tramways Trust, Engineering and Water Supply Department, etc., all have competent persons on their staff conducting such tests and the Registrar considers it desirable that certificates of those authorities be acceptable. Clause 12 provides accordingly. Clause 13 effects a minor drafting improvement to section 98a of the principal Act.

The principal Act provides that in a prosecution for driving an uninsured vehicle the prosecutor may aver that the vehicle is uninsured. Other offences against the Act exist in respect of an uninsured vehicle, and it is desirable that in those cases the prosecutor have the same power of averment. Clauses

14 (*d*) and 16 so provide. Under section 173 of the Road Traffic Act, the disqualification of a licensee for an offence against that Act may be suspended pending an appeal against the disqualification. No corresponding power appears in the Motor Vehicles Act in the case of an offence against that Act. Clause 15 inserts a new section accordingly, in the same terms as section 173 of the Road Traffic Act.

Clause 17 introduces two new paragraphs into section 145 of the Motor Vehicles Act concerning the making of regulations. The second of these will expressly empower the making of regulations prescribing circumstances under which motor vehicles may be driven without registration labels or permits. Members will remember that last year section 48 of the principal Act was amended to enable the driving of a motor vehicle, after destruction of the registration label, to a place of storage. It was considered that the amendment then made imported the power to make the necessary regulations on the subject. However, some doubts have been expressed by the Crown Solicitor on this point and, to place the matter beyond all doubt, a new paragraph (*c*1) is inserted in the regulation-making powers.

I deal lastly with clauses 7 and 17 (*a*). The second of these provisions will enable the making of regulations providing for the Registrar to determine load capacities of motor vehicles and insertion in registration certificates of such load capacities. Hitherto it has not been the practice to insert load capacities in certificates of registration, but provision to this end is made in the Eastern States. From time to time our own authorities are asked by other State authorities for this information regarding vehicles registered in South Australia. These requests are made mainly in connection with the collection of road maintenance charges. Members are aware of the Government's intention to introduce road maintenance charges in this State, and it is obviously desirable that any legislation enacted here should correspond with legislation the validity of which has been upheld. The new paragraph (*a*1) will enable the necessary action to be taken in this behalf. Clause 7 makes what is, in effect, a consequential alteration in that it will require owners to notify the Registrar in writing containing particulars of alterations or additions by which the load capacity of a motor vehicle may be varied, thus enabling the register to be kept up to date at all times.

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

LOTTERY AND GAMING ACT AMENDMENT BILL (TROTTING).

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

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

That this Bill be now read a second time.

This Bill, which deals with the sport of trotting in this State, is designed to assist that sport and to render its administration and control more efficient. Following representations to the Government by the various trotting interests in the State, the Government made certain proposals which were unanimously agreed to by the South Australian Trotting Club and the South Australian Trotting League, which, as honourable members know, together would represent the trotting interests in the State and this Bill gives effect to those proposals.

Clause 3 merely defines the expressions "the executive committee of the league" and "the league" but the Bill does not alter the constitution of either of those bodies.

Under sections 22 and 48 of the Act a trotting race meeting at which the totalizator is used, or at which bookmakers are permitted to operate, cannot be held unless a permit has been issued by the league, but in subsection (7) of section 22a of the Act it is provided that permits under those sections are to be issued by the executive committee of the league. Clauses 4 and 8 remove those inconsistencies by substituting a reference to the executive committee for each reference to the league in those sections.

Under subsection (7) of section 22a of the principal Act the management and control of the affairs of the league are, subject to directions given by the league, vested in the executive committee. This provision has caused some uncertainty as to the responsibilities of the league and the executive committee. The league generally meets only twice a year and its directions cannot be readily obtained on unforeseen eventualities and the Government feels that in order to ensure the smoother and more efficient administration of the sport the executive committee should be permitted to act freely but within the overall policy and rules framed by the league for the regulation of the sport.

Clause 5 accordingly inserts in section 22a new subsections (4a) (4b) and (4c). Subsection (4a) makes it mandatory for the league to hold two meetings in each year for the purposes of subsection (4b). Subsection (4b)

gives the league power to define the policies, rules, regulations and other conditions under and subject to which any trotting race, trotting race meeting and the sport is to be conducted and controlled, and subsection (4c) recognizes the present rules of trotting, which have been made by the league, as the policies under which trotting races, meetings and the sport in general are to function until new policies have been substituted therefor by the league.

Clause 5 also amends subsection (7) of section 22a to provide that, subject to the Act and to the constitution or any resolution of the league, the affairs of the league are to be administered by, and every trotting race and trotting race meeting shall be conducted under the supervision, control and direction of, the executive committee. In order to enable the executive committee to act with authority a new subsection (7d) is inserted to provide that any act done or direction given by the executive committee in the course of carrying out its functions or duties shall be deemed to be done or given on behalf of the league.

For some time the league has, under powers derived from its constitution, levied certain special contributions to its funds from affiliated clubs for the purpose of subsidizing country clubs and approved training tracks. The burden of this levy has fallen heavily on the metropolitan club and the Government proposes that, in lieu of such a levy by the league, five per cent of the winning bets tax derived from trotting should be made available to the league for the same purpose. The addition of a new subsection (7e) to section 22a will accordingly ensure that such a levy will not be made by the league, and clause 7 inserts a new subsection (3a) to section 44b which authorizes and requires the payment of five per cent of the winning bets tax to the league.

Section 24 of the principal Act makes it unlawful to employ any female in any capacity in connection with a totalizator and prescribes a minimum penalty of £10 and a maximum penalty of £50 for a breach of the section. Racing clubs, particularly in the country, have been experiencing great difficulty in securing competent and suitable casual male staff for manning their totalizators. The shortage of suitable males available for such work is even greater at midweek race meetings. The selling of totalizator tickets and the payment of dividends are duties that could well be carried out by women and the Government feels that both the clubs and the investors on the totalizator would be better served if section 24 were repealed. Clause 6 accordingly repeals that section.

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

INDUSTRIAL CODE AMENDMENT BILL.

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

The Hon. C. D. ROWE (Minister of Labour and Industry): I move:

That this Bill be now read a second time.

Of the Acts of this Parliament which deal with labour legislation the Industrial Code is the most important. It concerns two aspects of relationships between employers and employees. First, it provides the frame-work within which industrial awards and determinations prescribing rates of pay and conditions of employment are made, and secondly, it deals with working conditions in factories and shops.

Although some amendments have been made to this Act since it was passed in 1920, they have, apart from some which were made in 1924 and 1925, been generally of a minor nature or limited to particular matters. Over the last 40 years many changes in industrial conditions have taken place in the State. These changes have given rise to requests from interested parties for amendments, especially since the end of the last war. Generally speaking, such requests have related to specific matters and some of them have been dealt with in a number of the amending Bills that have been introduced since 1947. For some years the Government has considered a general revision of the Code and in 1960 authorized the Secretary for Labour and Industry to discuss with representatives of the United Trades and Labor Council of South Australia, the South Australian Chamber of Manufactures, and the South Australian Employers' Federation, the possibility of obtaining agreement on amendments.

This is complicated legislation in respect of which it is necessary to get the best we can and to secure substantial agreement between the parties most concerned with its successful operation. To this end several conferences had been held in 1960 with representatives of the bodies that I have mentioned, and it was agreed that a number of amendments should be made. Representatives of each of the three organizations agreed to give further consideration to other matters in the light of the discussions which had taken place.

Last year a further series of lengthy conferences took place between the Secretary for Labour and Industry and representatives of

the three organizations. These conferences extended over a period of several months and all aspects of the Code were discussed. As the conferences proceeded, a substantial measure of agreement emerged and, with two exceptions, to which I will refer later, the Bill now introduced embodies the unanimous agreement on behalf of the two employer organizations represented, the United Trades and Labor Council, and the Government. There were many other matters where some, but not all, of the representatives at the conferences agreed that amendments were desirable, but the present Bill contains no amendments on which unanimous agreement was not reached. That the Bill contains over 160 clauses is an indication of the responsible attitude adopted by the representatives of employers and trade unions in the sphere of industrial relations, a matter to which his Excellency the Governor referred in opening this session of the Parliament.

An early draft of the Bill was distributed to members early in June. Following comments received on that draft several drafting amendments were made and have since been agreed to at a further conference. Shortly after the draft Bill was distributed a printed explanatory memorandum of the principal amendments made by the Bill was also circulated to all members. In view of the fact that this general explanatory memorandum has been distributed, it is unnecessary to refer to all of the amendments in detail, and I confine my remarks to the main ones.

Clause 2 of the Bill provides that it shall commence on a date to be proclaimed, and clause 10 provides that the amendments made by the present Bill shall not be construed so as to make any existing award or order binding upon any association or person not already bound unless the court otherwise orders. Clauses 12 and 13 cover the two matters that were not discussed with representatives of employers or unions since they relate to the alteration of the pension rights of widows of the President and Deputy President of the court and the status of the President and Deputy President. The second of these amendments, which is made by clause 12, provides that the President and Deputy President shall be judges of the Industrial Court, while clause 13 raises a widow's pension from one-quarter of her deceased husband's salary to three-tenths thereof and provides £52 a year for each child until it reaches the age of sixteen. These amendments bring the pension rights of widows into line with those of widows in the Public Service.

Before dealing with the principal clauses of the Bill, I shall refer to the drafting provisions designed mainly to tidy up the Code. As honourable members know, the Code contains a number of interpretation sections in its various parts. Clause 6 brings all these definitions of the Code together, with some amendments to which I shall shortly refer. Clauses 4, 5, 7, 8, 9, 30, 52, 59-62, 67, 75-77, 92, 95, 101 (a), 102, 103, 107-111, 112, 116, 119, 122, 128, 129, 131-134, 136, 137-142, 144-148, 150, 152, 155-157, 160, 161 and 164 all contain amendments, either of a consequential nature or designed to remove provisions which are out of date or redundant. Of a similar order are clauses 19, 97, 121 and 162, which relate to the powers and duties of inspectors, all of the necessary provisions on this subject being re-enacted (in substantially the same form) by clause 163 as new sections 378 to 387 inclusive in Part VI of the Code, which concerns inspectors and their duties. This will ensure that the powers and duties of inspectors will be the same for the purposes of all Parts of the Code.

While clause 6 for the most part merely transposes existing definitions elsewhere into section 5, some definitions have been changed or clarified: for example the definitions of "employee" (subclause (*g*)), which will give the Industrial Court (but not industrial boards) the jurisdiction to make an award in respect of any person employed in an industry on a salary, the express inclusion of the Electricity Trust, Municipal Tramways Trust and Housing Trust in the definition of "employer" (subclause (*i*)), and the extension of the jurisdiction of the court to employees in hotels and hospitals not carried on for purposes of gain, by extension of the definition of "industry" (subclause (*n*)). Some additional definitions have been included in section 5.

There are four main Parts in the Code. They concern the Industrial Court, industrial boards, the Board of Industry and working conditions in factories and shops. Clauses 8 to 62 make alterations to Part II, which deals with industrial arbitration, particularly by the court. In addition to the extension of the jurisdiction of the court by the alterations in definitions to which I have referred, the amendments in clause 15 will enable the court to make an award in industries where there are less than 20 persons employed, to appoint boards of reference to deal with matters prescribed by an award and to interpret the Code.

Clauses 16, 17, 18, 22 and 23 are of a procedural nature, while clause 21 makes a drafting amendment. The amendment made by clause 24 (*a*) is consequential upon the repeal of section 269a referring to the quarterly computation of the living wage which no longer operates, while subclause (*b*) inserts a proviso that the provisions of subsection (1) (*b*) of section 45 (which deals with the method of adjusting wages of juniors consequent upon alterations in the living wage) shall not apply in respect of wages that are prescribed as a percentage of the adult rate. Clauses 25 and 26 make necessary drafting and procedural amendments.

Clause 27 will permit the court, in its discretion, to vary an award which has been in operation for three years. At present it is necessary for a new award to be made after this period has expired. Clauses 28 and 29 make necessary drafting amendments. Clause 31 concerns appeals. The amendments enable a majority of representatives on one side of an industrial board to appeal and reduce the qualification for appeal to 20 employees. Clause 32 will permit the court to suspend the operation of a determination of an industrial board or of any part of it, pending the hearing of an appeal. The present form of the section suggests that only the whole of a determination can be stayed. Clauses 34 and 35 are designed to simplify the procedure regarding appeals.

The Bill provides (clauses 38 to 48 inclusive) for a number of amendments to be made in respect of unions which are registered with the Industrial Registrar. The three most important of these are: clause 38, which will enable the Registrar to register unions that are registered in Commonwealth jurisdiction with the same rules; clause 44, which will require registered unions to file annually a list of officers together with the number of members, instead of being required to submit complete lists of the names of all members; and clause 46, which relates to invalidity of rules of organizations and proceedings in respect thereof.

Clauses 49 to 51 inclusive concern industrial agreements, the main alteration being to provide for the term of an agreement in respect of long-service leave to be for a longer period than three years. Clause 53 brings the existing provisions of section 120 dealing with breaches of awards or orders of the Industrial Court into line with the provisions relating to breaches of industrial board determinations (see clause 89 of the Bill). Clause 54 brings the onus of proof provisions in proceedings for offences against Part II of the Act into line with those applying to proceedings under Part III (determinations of industrial boards) as amended by clause 99 of the Bill. New section 120b makes more complete provisions regarding payments to employees engaged in different classes of work that are partly subject to different awards and determinations and corresponds with the amended form of section 201 (clause 81).

Provisions in both clauses 55 and 85 of the Bill alter the present requirement that wages shall be paid in full in money, which is as restrictive as the old English Truck Act. The purpose of the amendments is to allow wages to be paid by cheque or into a bank account if the employee concerned agrees in writing or if he is a Government employee.

Clause 56, enacting three new sections, empowers the court on conviction of an offence to order payment to an employee of any sum that has become due within the preceding 12 months under an award or order of the court; makes it an offence for an employee to acquiesce in a breach of an award or order (new section 121b); and (new section 121c) permits deduction, at an employee's request or if authorised by an award, for specified purposes set out. Some of these deductions have been for many years permitted under section 205 in relation to industrial board determinations. The Bill extends the purposes for which these deductions may be made (but only by the written agreement of an employee) by including subscriptions to medical benefits organizations, insurance or superannuation and other payments. A provision similar to new section 121c is included in clause 84 of the Bill in relation to Part III of the Act.

Clause 58 will permit employers bound by awards to record hours worked by employees, and the wages paid to them on time sheets, time cards or wages records as well as in time books. The amendments made by clause 93 to section 216 will provide for uniform requirements in both Parts II and III in this respect. New section 132b inserted by clause 58 will require that an employer must display a copy of the award applying to his employees in a position where it can be easily read by them. A similar amendment is being made to section 217 of the Act by clause 94. Clauses 63 to 100 concern Part III of the Code which deals with industrial boards. Clauses 63 to 66 make some necessary machinery amendments concerning the appointment of members of industrial boards, which aim to improve the procedure and to ensure that a fair representation of the interests of employers and employees

concerned is obtained. Clauses 68 to 78 make some necessary amendments to the provisions governing the jurisdiction and procedure of industrial boards, mainly of an administrative nature—the most important of the amendments are those made by clause 68 which confers on industrial boards some additional jurisdiction and clause 73 which makes it clear that where there is an equality of votes the Chairman of a board is not to be limited to voting for or against a particular motion or amendment, but can give a decision based on the substantial merits of the case.

Clauses 79 and 80 relate to applications to quash determinations of industrial boards. In substance, clause 79 combines the procedures contained in sections 196 and 197 so that two applications will not be required in respect of the same matter. As section 59 of the Code, which lays down a separate procedure on applications to quash determinations, is being repealed, so also is section 197. I have already dealt with clause 81 in my references to that part of clause 54 which provides for a new clause 120b; this clause deals with the same matter in respect of industrial board determinations. The next two clauses (82 and 83) are designed to make it clear that when an employee is not paid the correct wages as fixed by an industrial board he can recover only any amounts underpaid.

When referring to clauses 55 and 56 I also dealt with clauses 84 and 85 which concern deductions from wages and payment by cheque: these provisions in clauses 84 and 85 in respect of employees subject to industrial boards are similar to those in clauses 55 and 56, as also are clauses 93 and 94 similar to clause 58, with which I have already dealt. Clause 91 re-enacts section 226 in a slightly different form in a more appropriate Division in Part III of the Code. Section 235 of the principal Act requires a defendant charged with an offence under Part III of the Code to prove his innocence. This is a harsh onus to place on a defendant—it does not apply in respect of awards and is removed by clause 99.

Clause 100 will permit a magistrate, on convicting an employer of an offence, to order payment of any amount found due to an employee in connection with his employment and not only amounts for wages, overtime or tea money which are the only amounts which a magistrate can now order to be made.

The only amendments to Part IV (which deals with the constitution and functions of the Board of Industry) are made by clauses 101 to 107. The main amendment is in clause 106. Section 145 of the Act prescribes a procedure for constituting a special board as each occasion arises to decide questions of demarcation of work between employees in different trades, occupations or callings. In practice the composition of such boards has proved unwieldy and unsatisfactory and by clause 106 the Board of Industry, which is considered to be the appropriate tribunal to deal with such matters, has been given this power. The Board of Industry comprises the President of the court and two representatives each of employers and employees. Clauses 104 and 105 make consequential amendments.

A number of amendments which have been made to Part V of the present Act are consequential upon the creation of the Department of Labour and Industry, of which department the Secretary for Labour and Industry is the permanent head, whereas the Chief Inspector of Factories was head of the old Factories and Steam Boilers Department, which department was abolished in 1959 and replaced by the Department of Labour and Industry. The Chief Inspector is still given statutory powers in respect of matters concerning inspection, but the Secretary for Labour and Industry is give those administrative powers at present vested by the Act in the Chief Inspector. (See clauses 20, 33, 96, 98, 120. New section 388 (clause 163) requires him to furnish an annual report to the Minister.)

The remaining clauses of the Bill concern Part V dealing with factories and shops. A number of these clauses apply some of the provisions of Part V, to which I shall later refer, to warehouses and offices. Consequently the heading to Part V is altered by clause 108 to read "Factories. Shops. Offices and Warehouses". Clauses 113 and 114 provide for the registration of factories. Instead of the present requirement that a factory occupier must register within 21 days after occupying a factory, the application for registration will, by subsection (7) of section 283 (clause 113), be required before going into occupation. Before registration the factory will be inspected and this subsection provides for a provisional permit to be issued to a new factory pending registration. Registrations of factories will be renewed annually but separate registrations will not be required for factories and shops carried on in the same building.

Clauses 117 (*b*) and 118 relate to the registration of outside workers and records to be kept by occupiers of factories in respect of such workers. There is at present no requirement concerning the adequate lighting of factories: this is dealt with by clause 123.

Clause 124 makes amendments concerning the manner in which notices are to be given to remedy defects—it provides that any inspector (and not only the Chief Inspector) can give such notices. It further provides that if an occupier is convicted for non-compliance the minimum fine will be £50.

Clause 125 deals with sanitary conveniences in factories, shops, offices and warehouses and permits of regulations being made in respect of these matters. Clause 126 extends the provisions regarding the keeping of doorways, passageways and staircases in factories clear and free from obstruction, to shops, offices and warehouses. The requirements for fire prevention appliances in factories in section 309 are brought up to date and extended to shops, offices and warehouses by clause 127, while clause 130 extends present requirements regarding ventilation in warehouses and shops to offices.

Clause 135 makes provision for the first time for regulations to be made concerning foundries and welding operations. Clause 142 brings requirements regarding health in factories up to date and clause 143 brings requirements as to keeping of records and notices of accidents into line with the provisions recently made by the Scaffolding Inspection Act. Clauses 151, 154 and 158 deal with the maximum working hours for juniors not subject to an award or determination, the maximum loads which may be lifted by females and the maximum period between meal breaks for females and juniors. Clause 159 provides that an employer of more than 50 persons shall provide a dining room for his employees unless exempted by the Chief Inspector. As penalties have not been reviewed since 1920 new penalties have been provided by clause 165 and the Schedule to the Bill.

I commend this Bill to honourable members. It has been brought forward as a result of negotiations which have taken place over quite a considerable period between the Trades and Labour Council, the employers' organizations and the Department of Labour and Industry. I should like to pay my tribute to those people for the way they have worked on this matter and for the satisfactory conclusion that they have reached. In particular I should like to mention the work done by my own Secretary for Labour and Industry, Mr. Lindsay Bowes, who has spent many more hours than most people would imagine in getting the parties to agree on certain aspects and in preparing much of the detail from which the Bill has been drafted.

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

MARKETING OF EGGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 29. Page 1259.)

The Hon. C. R. STORY (Midland): I rise to support this measure. It is a very small Bill containing three clauses, the meat being in the third clause:

Section 35 of the principal Act is amended by striking out the words "sixty-three" therein and inserting in lieu thereof the words "sixty-six".

That provides an extension of three years for the board. I understand that there is some degree of urgency in this matter. There is very little that one can say about clauses such as that and I do not wish to delay the Chamber at all. I also understand that the Minister will bring down a much more extensive Bill in the near future concerning the Marketing of Eggs Act and I am quite sure that honourable members will have plenty to chew on when that comes before the Council.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (POLES AND RATES).

In Committee.

(Continued from October 24. Page 1237.)

Clause 4—"Amendment of principal Act, section 5."

The Hon. N. L. JUDE (Minister of Local Government): Section 5 of the Act defines "ratable property". In the closing stages of the debate on the second reading I mentioned the attitude of the Electricity Trust in regard to the payment of rates and that it did not wish to embarrass councils by the immediate withdrawal of payments under the Act and was prepared to reduce them over a five-year period. Bearing that in mind, the point on which I had some doubt and which was queried by honourable members was new subparagraph (*h*) of section 5 (1) of the principal Act, which was somewhat hard to understand. It is proposed to add subparagraph (*k*), which includes the following:

. . . distribute electricity across through or under or transform electricity upon any land.

The whole subparagraph deals with easements and rights of way or other rights of property or of licence, and that means that the trust would not pay rates on land on which transformer stations were established. Under land values rating, transformer stations would not be taxable at all, but on annual value rating they might be taxed at some fantastic value.

The Hon. G. J. GILFILLAN: I have an amendment on the file in relation to new subparagraphs (*k*) and (*h*) of paragraph (1) of section 5 to clarify the position. New subparagraph (*j*) exempts machinery, plant and other equipment and new subparagraphs (*k*) and (*h*) exempt easements and similar property. I wonder whether the words "transform electricity" are superfluous and confuse the issue. The Minister has promised to get a ruling on these words. I understand that their purpose is to make the position clear in conjunction with his speech on the second reading which said that substations were still to be rated. I understand that these words are intended to clarify the position and make it plain that the land owned by the trust and on which transformers are placed is ratable, whereas the transformer stations on easements are not ratable. If the Minister can confirm that, I will not proceed with my proposed amendment.

The Hon. N. L. JUDE: I am not quite certain, now that the honourable member has raised the point, whether it means only on easements. New subparagraph (*h*) provides:

Easements, rights of way or other rights of property or of licence whereby or whereunder the Electricity Trust of South Australia may transmit or distribute electricity across through or under or transform electricity upon any land.

I imagine "any land" is land owned and not just as an easement. The trust would not pay rates on a transformer station. That is how I would interpret the words.

The Hon. C. R. STORY: This is an extremely important point because in the second reading stages honourable members were told that these substations would pay rates and I, for one, have been thinking along those lines and not that the equipment would be rated. That would be unfair to the trust as it has expended much money in erecting facilities in country areas for the reticulation of power. It may be that the trust will have to pay about £1,400 or £1,500 in rates for one substation but I understood that at least the land on which the substations were erected would be ratable land. If that is not the case I shall have to recast my opinion.

The Hon. N. L. JUDE: I have just re-examined the second reading speech and I will repeat it in part:

This Bill provides that machinery, equipment, poles, wires, etc., of the Electricity Trust, together with easements and rights-of-way over which the lines are carried, shall be excluded from the definition of "ratable property". This is a desirable change which will remove one of the possible hindrances on the extension of the electricity network. I emphasize that the trust will still be liable for rates on land and buildings used for offices, depots, etc. . . . It is proposed that the trust shall continue to pay rates on land or buildings owned by it and used for normal purposes of offices, depots, substations, etc.

Therefore the trust will continue to pay rates.

The Hon. R. C. DeGARIS: Am I right in assuming that the rating will be on the actual land owned by the trust for substations or transformer stations? Will the machinery involved not be rated?

The Hon. N. L. JUDE: That is the position.

The Hon. K. E. J. BARDOLPH: With every respect to the Minister's knowledge, I suggest that he seems to be in a fog. I suggest also that he get proper information before giving a decision. We do not desire to have an amendment to the measure after it has been passed. Already two different opinions have been given by the Minister—one to the Hon. Mr. Gilfillan and the other to the Hon. Mr. DeGaris. Progress should be reported so that proper information can be obtained. What is the correct position?

The Hon. N. L. JUDE: The statement in the second reading explanation is correct. If I were ambiguous in my statement to the Hon. Mr. Gilfillan I apologize. There is no question about it: it is in black and white, and the matter refers to substations. The clause refers to easements held by the trust.

The Hon. G. J. GILFILLAN: I believe this answers my question. I understand that land owned by the trust and used for transformer stations is rated, and that land held under easement, where transformer stations are situated, is not rated. Is that correct?

The Hon. N. L. Jude: Yes.

The Hon. G. J. GILFILLAN: If that is so, I will not move an amendment.

The Hon. Sir ARTHUR RYMILL: I am not entirely satisfied with the position. The clause contains an amendment to the definition of "ratable property". Section 5 (1) of the principal Act says "ratable property, so far as concerns any area in which Division III of Part X is not in operation, means all buildings and land (including land belonging to the Crown) except . . . ". Now two further exceptions are to go in. This means that "ratable property" means all buildings and land etc., except machinery, plant and other things used by the trust, and easements, rights of way, or other rights of property etc. where the Electricity Trust may transform electricity. After a rough legal look at the matter I

would say it excepts land used for transformer stations, but that is contrary to what the second reading explanation said. I think that the drafting of this matter should be looked at further if the second reading explanation is to be borne out. In these days I do not pose as an expert on such matters as this, but I think there is a definite statement that the land is excepted.

The Hon. N. L. JUDE: Under the circumstances I shall get further information on the matter. If honourable members agree, we can proceed with the Bill and recommit it later for further consideration of the clause.

The Hon. K. E. J. Bardolph: Why not report progress?

The Hon. C. R. STORY: A number of points have yet to be dealt with and they need careful consideration. They are tied up with the contents of this clause.

The Hon. K. E. J. BARDOLPH: I agree with the Hon. Mr. Story and the Hon. Sir Arthur Rymill. There has grown up in this Council the practice to proceed with a Bill and then recommit it for further consideration of a clause. I agree that other matters in the Bill are related to the matter before us now. Previously when further explanations were needed and information was required the Minister in charge of the Bill reported progress. I can see nothing wrong with that being done now.

The Hon. N. L. JUDE: I agree with what the Hon. Mr. Story said about this clause being tied up with other matters in the Bill. I am agreeable to progress being reported.

Progress reported; Committee to sit again.

Later:

In Committee.

Clause 4—"Amendment of principal Act, section 5."

The Hon. N. L. JUDE: I move:

In new paragraph (*k*) after "other" to insert "similar"; and in new paragraph (*h*) after "other" to insert "similar".

When this clause was last before the Committee, I gathered there was some doubt about the wording as it stood. We have taken the opportunity to inquire into this, and some members feel it is desirable (and the Parliamentary Draftsman concurs in this) that the word "similar" be inserted in two places. New paragraphs (*k*) and (*h*) will now read, "easements rights of way or other similar rights of property".

The Hon. Sir ARTHUR RYMILL: This is quite a happy solution to the problem and I am satisfied with this amendment. It clarifies the situation completely and should dispel any doubts that honourable members had.

The Hon. G. J. GILFILLAN: The amendment proposed by the Minister covers my point completely so I shall not move the amendment I have placed on the files.

Amendment carried.

The Hon. C. R. STORY: I want to refer briefly to the Minister's second reading explanation when he spoke of a tapering-off over a period of five years. Those councils that have been rating at the present time will not be at all happy about that. I think it is quite justifiable with those councils who had the powers of collecting rates from the Electricity Company prior to the establishment of the Electricity Trust of South Australia. A number of councils recently have been imposing fairly heavy rates upon the trust while other councils have been generous enough to let the rating go and be grateful for having power in their country areas. Those councils who have gone from £33 to £700 have a tapering-off period of five years. They will get a bounty from the Government because we shall pay a subsidy to the trust. That seems to be extremely unfair on those councils who have so far taken advantage of the rates. As from the passing of this provision, they will have no opportunity whatever of rating. I do not quite agree with this matter of tapering-off for newcomers. It is most unfair on those people who have rated the trust.

The Hon. Sir ARTHUR RYMILL: I can see Mr. Story's point of view, but I understand that the basis of this tapering-off is that certain councils have traditionally for many years been rating the former Adelaide Electric Supply Company Limited and subsequently the Electricity Trust (because the Electricity Trust operated under the same Act) and I think that both the Electricity Trust and the Government felt that in those circumstances where councils had been budgeting for those rates, the fact that they were getting fairly solid contributions from the Electricity Trust entitled them to have time to re-arrange their budgets. I agree with Mr. Story that it may in the circumstances he mentions be considered rather rough justice but probably it is the most practical solution to this problem and the people who have not been rating them will not be confronted with this problem that those people who have been rating them will be faced with. So I think it is probably a good way of doing it.

Clause as amended passed.

Clause 5—"Enactment of section 363a of principal Act."

The Hon. G. J. GILFILLAN: I move:

In new section 363a (1) after "may" to insert "with the consent of the council".

Although there is an amendment foreshadowed by Mr. Robinson, I intend to proceed with the amendment in my name to enable this Committee to debate the matter. My reason for introducing this amendment is that the clause as it stands alters completely the present obligation of the trust to give the council consideration in the re-siting and erection of power lines. This is quite a departure from the principles of local government, which is responsible to and represents the ratepayers and people living in the district, in that this power that is usually regarded as the right of district councils is to be given by this clause to an outside authority that is not responsible to the people in the district. This is a change in principle in local government, which is generally elected by the ratepayers of the district to look after their interests, whereas an outside organization such as the trust is obliged to do the best it can for that organization. I am not questioning that it is right that it should, but where any concession is to be given it is more likely to be given by a local government body than by officers of an organization bound to do their best for that organization.

Under existing conditions the Electricity Trust has expanded to the very great organization that it is now and is providing a great service for this State. We have a network of power lines extending from Mount Gambier to Leigh Creek which have been erected under the present Act. I believe we should give strong consideration to giving local government some voice in this subclause because there is a basic principle involved and if we believe in the principles of local government we must support this amendment.

The CHAIRMAN: The Hon. Mr. Robinson has an amendment; perhaps we should deal with it before dealing with the Hon. Mr. Gilfillan's.

The Hon. Sir ARTHUR RYMILL: On a point of order, I think the Hon. Mr. Gilfillan's amendment has been moved first and takes precedence.

The Hon. G. O'H. GILES: I support the Hon. Mr. Gilfillan's amendment. I believe it is timely in that on past occasions too much power has sometimes been whittled away from local government authorities. This amendment seeks to insert after the word "may" the words "with the consent of the council" in line 29, and I think Mr. Gilfillan has described its purpose fairly well. All I wish to add is that I think it is only right that a body such as a local government authority with full local knowledge and full local responsibility in an area should have some say in the matter of replacement of poles. All this amendment deals with is the replacement of poles that have already been shifted for some reason or another. Nobody would question the efficiency or the management or the magnificent job the trust has done over many years in expansion into country areas, but I do question whether it should have the right to overrule local government opinion in areas, sometimes far removed from Adelaide, in the matter of replacement of poles.

Might I point out also that the trust, with all its magnificent work and with its first-class officers, is neither elected in any way nor directly answerable to people in a particular area as local government authorities are. Furthermore, it is not even directly answerable to a Minister in this Parliament, though it does receive allocations of moneys in the Budget from year to year. If it is the opinion of the Government that certain major projects may be jeopardized by the amendment moved by Mr. Gilfillan then I would maintain that a separate Act of Parliament or even a separate clause in this Bill could well cover such major projects that may be envisaged. I believe that local government as a whole is a responsible body upon which one can normally look with full confidence for favourable decisions on any matter that may pertain to the overall interests of the State rather than one particular insular pocket. I support the Hon. Mr. Gilfillan's amendment.

The Hon. M. B. DAWKINS: I do not wish to take up the time of the Council unduly but I wish to add my support to that of the Hon. Mr. Giles to the amendment moved by the Hon. Mr. Gilfillan. A couple of times in the last day or two I have said that I did not believe in taking powers away from local government, even if they were only consultative powers, and I firmly believe that in these matters local government should be consulted. I am sure that, thus far, the Electricity Trust and local government have worked very well together on a great deal of construction that has taken place in this State and I see no reason why that should not continue. I should not like to see the position arise where the trust was no longer obliged to consult local government.

The Hon. N. L. JUDE: I thank the Hon. Mr. Giles for drawing attention of members of the Committee to the fact that this amendment deals only with the replacement of poles; it is not new work, but replacement. Mr. Gilfillan is basing his views on the old

original Act which dates back to 1888 when power was being pushed around the country by a private company. However, this is a very different matter from allowing a private company to do something in a district council area. The Electricity Trust and the Engineering and Water Supply Department are the two greatest bodies today dealing with matters that are most sought after in every district of the State. I would go further and remind honourable members that the clause in its earlier part provides that the trust shall, on being requested by the council, move these poles. At whose cost? Surely it is not unreasonable to suggest that the poles could be placed somewhere else also at the trust's cost?

The Hon. Sir Arthur Rymill: Wherever they lie?

The Hon. N. L. JUDE: Where do they put them? In the middle of somebody's backyard?

The Hon. Sir Arthur Rymill: I know the trust wants to put them across the Victoria Park racecourse. This may give it power to do it.

The Hon. N. L. JUDE: If the trust took down 200 or 300 trees along Victoria Avenue I know where the biggest outcry would come from and if it put poles out in front of people's houses Mr. Jones and Mr. Smith would have something to say. I suggest that the committee reject the amendment and have a further look at the amendment suggested by the Hon. Mr. Robinson.

The CHAIRMAN: The Hon. Mr. Gilfillan has moved in clause 5, new section 363a (1), after "may" to insert "with the consent of the council". The question before the Chair is that the words proposed to be inserted be so inserted.

The Hon. K. E. J. BARDOLPH: On a point of order, is the question that the words to be inserted be inserted?

The CHAIRMAN: Yes.

The Committee divided on the amendment:

Ayes (7).—The Hons. M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan (teller), L. R. Hart, Sir Frank Perry, F. J. Potter, and Sir Arthur Rymill.

Noes (9).—The Hons. K. E. J. Bardolph, S. C. Bevan, N. L. Jude (teller), A. F. Kneebone, Sir Lyell McEwin. W. W. Robinson, C. D. Rowe, C. R. Story, and R. R. Wilson.

Pair.—Aye—The Hon. G. O'H. Giles. No—The Hon. Mrs. Cooper.

Majority of 2 for the Noes.

Amendment thus negatived.

The Hon. W. W. ROBINSON: I move:

In new section 363a (1) after "may" to insert "after submitting plans to and consulting with the council".

Whereas the amendment moved by the Hon. Mr. Gilfillan provided an absolute veto for the council my amendment provides that the trust will submit plans and consult with the council before it proceeds with the work. I have had experience in my district of consultations that have taken place between the trust and local people where local knowledge supplied to the trust has been beneficial to the local ratepayers and of definite advantage to the Electricity Trust. In one instance the trust was able to put in a shorter service at a reduced cost and it provided a better service than that originally proposed.

The Hon. N. L. JUDE: The same argument applies to this amendment as applied to the previous amendment, although in this amendment the veto has been removed. I urge members to take a practical view of this problem. With all respect I suggest that it would be adequate to say "after consulting with the council", because it is desirable that the trust should consult with the council. In fact we have developed a co-operative system whereby Government departments do co-operate more with councils.

The Hon. K. E. J. Bardolph: Does not the trust consult with councils now?

The Hon. N. L. JUDE: I thought I had said so before. The trust has frequently consulted with local people and with councils to achieve the best results. However, I think it is asking too much to expect the trust to submit plans to a council when it wants to remove one pole. Surely it is logical that when the trust's officer consults with the council he will produce some plan. I point out that a council may not intend sitting for three or four weeks, and that could cause difficulties. However, a senior officer of the council could always arrange for an earlier meeting.

The Hon. S. C. Bevan: This clause will not apply until a request is received from the council.

The Hon. N. L. JUDE: Yes, and a pole is removed and replaced at the trust's expense. I am prepared to accept the amendment if the honourable member will omit the words "submitting plans to and". I think that would be a reasonable compromise.

The CHAIRMAN: Do you move to amend the Hon. Mr. Robinson's amendment accordingly?

The Hon. N. L. JUDE: Yes.

The Hon. Sir ARTHUR RYMILL: I suppose this amendment is better than nothing, but it is rather ineffective because the Electricity Trust will not have to do what the council says: it will only have to consult with the council and it will be able to over-ride the council's request. However, the Minister wants to draw one of the two rows of such teeth as this amendment has, and leave it with one biting part and a gum, and the biting part will have nothing to bite on. The trust is a highly efficient body and one of the greatest planning authorities we have. I am a Dutchman if the trust wants to move poles without having the most complete set of plans. Why should not those plans be submitted to the council concerned? No one can tell me that the trust undertakes an operation without having detailed plans.

The Hon. K. E. J. Bardolph: Why ask the trust to refer them to the council?

The Hon. Sir ARTHUR RYMILL: So that the council will know what the trust is doing. If the council knows the plans of the trust it is all to the good.

The Hon. C. R. STORY: I support the amendment as moved. We have been generous in looking at the matter from both sides. Local government is entitled to some consideration. The amendment suggests consultations and the submission of plans. The plans would give the council some indication of what was to happen. We would be wrong if we allowed the clause to pass without the amendment, because the council must have some knowledge of what is to happen.

The Hon. L. R. HART: I support the amendment. If the trust had to submit plans to the council the need for a consultation with the council might not arise. It would be only in cases where there were problems about the siting or re-siting of a line that there would be any need for a consultation. After looking at the plans the council would probably give its approval, but if a consultation were necessary it could possibly mean the holding of a meeting of the full council, and as councils meet generally once a month there could be some delay.

The Hon. G. J. GILFILLAN: I support the amendment. Although it does not give the council any tangible authority regarding the siting of poles it does, by asking the trust to submit plans and have consultations, give the council some time to approach its members or a higher authority as an arbitrator if there is any feeling of injustice. If the amendment is not all that we should like it is at least a concession to the rights of local government.

The Hon. C. D. ROWE (Attorney-General): I have been in this place for many years and this is the first time I have heard complaints regarding the activities of the Electricity Trust. The inference from the amendment is that the trust has acted unreasonably and not in the interests of the community at large. That has not been my experience of the trust. In my opinion the views of people in both the city and the country are that this is an efficient organization that has brought a great and modern amenity to many people. The trust has acted with prudence, wisdom and efficiency. I am not one of those who say that it should be over-ruled in the work it proposes to do.

The Hon. W. W. Robinson: The amendment does not say that.

The Hon. C. D. ROWE: It could delay the work. Because a council in a near city area might object to poles being removed it could mean the whole of Yorke Peninsula being deprived of electricity.

The Hon. K. E. J. Bardolph: All the work could be disrupted.

The Hon. C. D. ROWE: Yes. The trust is a public utility serving a great purpose and the principle now at stake is whether we should have its plans disorganized by the action of one or two councils. The product it supplies is as important as a water supply. Does anyone suggest that before a new trunk main is put down there must be consultations with the council in the area concerned?

The Hon. F. J. Potter: The Minister said he is prepared to accept the reference to consultations.

The Hon. C. D. ROWE: I am talking about the matter now. The trust is a public utility that is serving a great purpose for the State. If the clause were passed as it stands it would mean that councils in one area could object to the removal of poles carrying high tension wires and so upset the supply of electricity elsewhere. I will not accept that sort of thing. Then there is the question of economy. Everybody knows that people are anxious to get electricity at the cheapest possible price. This has a great bearing on our economy, and costs could be upset greatly if the trust had to be humbugged by having to ask numerous people for their consent to proposed work. Consider the power line that is to run from Adelaide to the south-eastern parts of the State. It could be that the scheme could be held up whilst the trust consulted every council between Adelaide and Mount Gambier.

The Hon. Sir Arthur Rymill: That scheme is only for the removal of existing poles.

The Hon. C. D. ROWE: Yes, and it could be the moving of poles that was involved. No evidence has been produced to show that the trust has abused any of its powers and acted unreasonably. In most cases when action has been taken against the trust there has been no success. I have had no evidence that the trust has acted unreasonably. No-one has told me of anything like that. In the absence of evidence, and when one considers the difficulties that there could be for the trust in this matter, we are entitled to accept the clause as drafted. If members put me in the position of having to go over the whole State explaining why there has been a delay in the extension of services, or why the trust's programme is not up-to-date, I shall be happy to tell people the reason. I am one who will not place an obstruction in the way of the trust.

The Hon. C. R. STORY: The Minister's usual equanimity seems to be missing tonight; he does not usually get melodramatic in this way. Nothing in this amendment could do any of the things the Minister has said, unless there is something hidden in the clause which I cannot read. I think the Government would be very well advised to accept this amendment while it has the opportunity, for this Council should not be put in a position where it has to say and do things we might all regret. Nothing in the provision forces the Electricity Trust to do anything. I cannot imagine anything being watered down more from the intention of the Hon. Mr. Gilfillan's original amendment; that has all been taken away, and all that is being asked for is a consultation. I ask the Government not to pursue the matter any further.

The Hon. Sir ARTHUR RYMILL: No-one would deny that the trust is a highly efficient body and that it is as perfectly run as one could conceive. No-one could deny that it has been a most efficient organization and that it has done a wonderful job for the State; but it acts in its own interests, like any highly efficient body. I do not want to mention things like tree cutting or that sort of thing. The Minister has said that he has no evidence that the trust does not act in a way of perfection on every occasion, but the Minister and his advisors are not the repositories of all knowledge. I will give the Minister evidence of something that has passed and something that is taking place now. When the trust wanted to erect new wires around the park lands in North Adelaide within the last two years it asked the Adelaide City Council's permission, whereupon the council asked it to put the wires underground in the interests of the beauty of the city. The trust resisted this because of the expense involved, but finally it agreed and that is how the scheme was carried out. Therefore, the council did have some influence in the matter. The present example is that the trust is trying to persuade the Adelaide City Council to allow Stobie poles to be erected across the Victoria Park racecourse, and up till now the council has resisted it, and I believe rightly so, because that is a spot of beauty frequented by many people. I have accepted the Hon. Mr. Story's warning, and I cannot see that this matter has any bearing on the sort of things I have mentioned. The trust has to consult councils on certain things already. As the Hon. Mr. Story said, we cannot water it down much further. Under this amendment the trust has only to submit plans and to consult with a council; it need not do anything a council asks it to do. I urge that the Hon. Mr. Robinson's amendment be accepted, for it cannot possibly have the effects the Attorney-General says it will. It could not delay a matter for any appreciable time. This provision relates only to moving the position of existing poles, which is a very minor thing, but it seems to be arousing more than usual intense feeling. I do not understand why that is so. I urge the Committee to stick to the amendment.

The Hon. M. B. DAWKINS: Like the Hon. Sir Arthur Rymill, I hope the committee will accept the amendment moved by the Hon. Mr. Robinson. As has been said, the original amendment has very largely had the teeth taken out of it and has been watered down as much as it possibly could. It has been said that the trust has always consulted with local government, and that is admitted. We are trying to see that the trust continues to extend that courtesy to local government and to submit plans to councils. A council probably can object to the trust about something or other, but that council is no longer in a position to object for any length of time, because the teeth of the matter were really in the Hon. Mr. Gilfillan's amendment and I believe this amendment of the Hon. Mr. Robinson's was the very least that we could accept. I trust that the Committee will accept that amendment.

The CHAIRMAN: The Hon. Mr. Robinson has moved to insert after "may" the words "after submitting plans to and consulting with the council". The Hon. Mr. Jude has moved to amend the proposed amendment by striking out the words "submitting plans to and".

The question is: that the words proposed to be struck out stand.

The Committee divided on the Hon. N. L. Jude's amendment to the Hon. W. W. Robinson's amendment:

Ayes (6).—The Hons. K. E. J. Bardolph, S. C. Bevan, N. L. Jude (teller), A. F. Kneebone, Sir Lyell McEwin, and C. D. Rowe.

Noes (10).—The Hons. R. C. DeGaris, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, Sir Frank Perry, F. J. Potter, W. W. Robinson (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Pair.—Aye—The Hon. Jessie Cooper. No—The Hon. M. B. Dawkins.

Majority of 4 for the Noes.

Amendment thus negatived.

The CHAIRMAN: We shall now vote on the Hon. Mr. Robinson's amendment.

The Hon. K. E. J. Bardolph: Could you be a little more explicit? What are we voting on now?

The CHAIRMAN: We are voting on Mr. Robinson's amendment. Just now we were voting on the Minister's amendment to Mr. Robinson's amendment.

The Hon. W. W. Robinson's amendment carried.

The Hon. G. J. GILFILLAN: I move:

In new section 363a (1) after "opinion" to insert "a sufficient reason exists for the removal of".

The purpose of this amendment is to extend the scope of the Commissioner's consent. As the clause stands, he is restricted by words with a narrow meaning; he may give a certificate only when

in his opinion any such pole post cable or wire impedes or obstructs vehicular traffic.

This restricts it to a condition that actually obstructs the flow of those vehicles. My amendment brings this clause more into line with the Minister's second reading explanation, where he said:

The Bill also provides that, where councils are widening or improving roads, and electricity poles would remain a traffic hazard, these will be moved by the Electricity Trust at its own expense.

The clause as printed makes no mention of the word "hazard" and does not imply poles in a position where they would cause some danger. So my amendment is merely to widen the scope of reference for the Commissioner.

Amendment carried.

The Hon. G. J. GILFILLAN: I move:

In new section 363a (1) after "wire" fourth occurring to strike out "impedes or obstructs vehicular traffic".

The reason for this amendment is the same as for the amendment just carried; it covers the same point.

Amendment carried; clause as amended passed.

Clause 6 and title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL).

Adjourned debate on second reading.

(Continued from October 29. Page 1272.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This is a Committee Bill, but in common with other members I shall deal with a few clauses rather briefly. The first is clause 4, which seeks to exempt from rating the Adelaide Children's Hospital at North Adelaide. As the Minister said in his second reading explanation, the amendment was requested by the Adelaide City Council, but the Minister did not say when it was requested. According to my recollection it was several years ago, and in the reply the request was turned down, and the City Council has since been obliged to rate the hospital. The City Council thought it was an extraordinary reply, because the Government has had to make up any deficiency, which there always is in the annual finances of the hospital. It had the chance to exempt itself from the payment of about £7,000 a year, but for some reason best known to itself it did not do anything about the matter until now. In the Committee stage I would like the Minister to tell me whether or not the clause applies to this year's rates, because the Adelaide City Council has already budgeted for the year from July 1 to June 30 next.

We are now at the end of October and the rates of this property were, as far as I can recollect, included in the budget. Therefore, I am interested to know whether it is intended to exempt the Children's Hospital as from July 1 or as from the proclamation of this Act or as from the end of the present financial year. Subject to any answers that may be given to the questions I have raised, I shall give general support to this clause but I do want to consider the question of when it should come into operation. I retain the liberty to deal with it as I think fit in the light of the answers I receive.

Clause 5 has already been dealt with by one or two honourable members. It relates to the abandonment of the qualification of British nationality for the purpose of voting but not, apparently, for the purpose of being

a member of a council: in other words, the clause sets out to give people of non-British nationality, when they own land, a vote in respect of the council but I can see nothing in it that also qualifies them to become members of councils. However, that does not concern me much because I cannot accept the principle of this clause. I believe, in common with others who have already spoken, that one of the roles of this Chamber is to watch over this matter, but I cannot see that we are justified in establishing as citizens of a town occupants of this country who are not yet citizens of the country. This clause would have the effect of establishing them as citizens before they acquired British nationality and I do not think that would be proper. Consequently, unless the Minister can throw some light on this clause for me that I have not already seen, I propose to vote against it.

Clause 6 is important because there is at present considerable doubt whether how-to-vote cards can be legally handed out at a polling booth. I think the doubts are well founded and it seems that on a dogmatic construction of the law as it stands the handing out of how-to-vote cards would disqualify a candidate. I am sure that this was never intended: indeed, it has been a practice for years to hand out how-to-vote cards in council elections. It would be hard to offer oneself as a candidate with any degree of satisfaction with one's prospects unless one could exercise this particular right. So I am in entire agreement with that clause.

The Hon. Mr. Dawkins expressed doubts on clause 12, and I shall be interested to hear what the Minister has to say about this clause, too, in Committee because my experience as a member of the boards of one or two financial institutions is similar to that expressed by Mr. Dawkins as a man of the land: that people on the land, particularly the grain farmers, rely on their annual income from the advances of pools to a greater extent than is set forth in the second reading explanation.

The Hon. G. O'H. Giles: What about almond farmers?

The Hon. Sir ARTHUR RYMILL: They would probably be later with their rates if they are in the same position as I. So I shall listen with interest to what is said on this clause. I do not know whether it would be any great advantage, except in the first year, to advance by three months the date for the councils concerned, but I feel that if, as Mr. Dawkins thinks, the farmer does get the major proportion of his annual income after the normal date for metropolitan councils, then the country date should stay as it is. However, I do not want to commit myself on this until I hear an enlargement of it.

Clause 15 is entirely new. It relates to the application of parking meter revenue to car parks. I am not particularly happy, as I have said before, about the principle of segregating certain portions of a council's income into funds to be expended in the future. I feel that this is contrary to the normally accepted principles of local government but, as it is drafted, I find no very great objection to the clause because it leaves it open to the council to establish these funds or not, as it thinks fit, and to utilize the funds for other purposes. The Hon. Mr. Bevan had something to say about this. I make it clear that I do not propose to oppose the clause in its present form but, if it is amended as Mr. Bevan wants it amended, then I shall vote against the whole clause. In other words, I am prepared to accept it as it stands but not if it is amended.

Clause 20 gives food for thought. One can see the desirability of this clause in certain circumstances but, when I think of a certain building in Currie Street recently erected, about which the Electricity Trust had something to say a little while ago, and its architecture, I am not greatly enthusiastic that street nameplates should be put on such a building.

The Hon. Sir Frank Perry: What size would they be?

The Hon. Sir ARTHUR RYMILL: I think they would be the standard size, because the Adelaide City Council is most concerned with this and it has recently purchased about 1,200 street nameplates of a standard size, a number of which have already been erected around the town. My colleague will be able to see them if he looks through the streets where that has been done, and he can see their size. I am not certain of the exact dimensions but I think they are of a satisfactory size. However, all in all, I have come to the conclusion that this is a proper power to grant to councils in general. I have always preached that councils have to be trusted, and they can, except in rare cases, be properly trusted. I think this is a reasonable power to entrust to the council, knowing that it will not do any more than it has to to spoil the appearance of any buildings.

Clause 40 relates to the protection of people in the streets from falling building materials. The present clause is obviously obsolete and it seems that the clause will much better meet modern requirements; so I shall certainly support that clause. Clause 43 was referred to by both Mr. Story and Mr. Dawkins. It is to

the effect that "wilful or malicious damage", which is at present prescribed, is to be merely "damage" to streets, roads, footways, bridges, and so on. I am not happy with this clause because to delete the words "wilfully or maliciously" means that perfectly innocent people may have to pay large amounts in compensation for acts for which I doubt whether they should be held responsible. So here again I put a query against that clause.

Clause 45 widens the definition of rubbish that is deposited on the streets and roads. I entirely agree with this and should like to say that I consider that much more general policing ought to be done by councils and, possibly, highways authorities of materials dumped on roads. I think the Hon. Mr. Giles knows what I mean if he thinks of the road between the top of Willunga Hill and his house. If one travels along that road, almost anywhere along it one can see that it is littered with rubbish. It is a very beautiful area but I think it would take a front-end loader a few years to pick up the rubbish, which is absolutely everywhere. I think it is a great pity that more cannot be done in the way of police action. However, I know, as do other honourable members, that these ideas may be idealistic because it is difficult to catch people at this sort of thing, especially as much of the rubbish is deposited in small quantities.

In regard to clauses 47 and 50, I cannot understand why professional witnesses, such as those named, have not been previously included because under most Acts of Parliament they are the very first people to be included as witnesses. It has been beyond my comprehension for years why a medical practitioner, for instance, could witness a postal vote but a solicitor could not. However, that is at long last going to be rectified and it has my complete support.

Generally speaking, I am in favour of the Bill, which makes a number of desirable amendments. I have said that I oppose one clause and I have queried several others, but apart from those matters I give general support to the Bill at this stage and support the second reading.

The Hon. G. J. GILFILLAN (Northern): I rise briefly to support this Bill because I believe it is a good measure and will do much to make for the easier working of local government. A number of the clauses in this Bill have been brought to the notice of the Minister by representatives of various councils and municipal associations. I commend the Minister for bringing this Bill forward to be considered in this the appropriate place. I do not intend to go through the whole of the Bill in detail because it will be discussed in Committee, but I should like to speak on one or two aspects. I agree substantially with previous speakers concerning clause 5. There is one other clause that has not been mentioned to my knowledge, and that is clause 9, which refers to the adoption of the waterworks assessment. Subsection (5) states:

If the waterworks assessment is adopted by the council, whenever any alteration or reduction is made in the waterworks assessment relating to the whole or portion of any land which is ratable property within the area, the council shall alter its assessment thereof so as to accord with such alteration or reduction and a minute shall be made of the alteration by the council and a copy of the minute signed by the clerk shall be entered in the assessment book and in every copy thereof.

Subsection (6) then states:

When any assessment is altered in accordance with subsection (5) of this section the council shall adjust the amount of any rates paid or payable by any ratepayer to accord with the fresh assessment. The provisions of this subsection shall apply and be deemed to have applied and been in force in respect of any alteration of any assessment made since the first day of July, one thousand nine hundred and sixty-one.

I believe that this particular section could be simplified because, generally, assessments are adopted by a council in late July or early August of each year following upon the election of a new council. I believe that if some provision were made in this section for this assessment to be adopted in that time immediately following any alteration by the Waterworks Department it would simplify the work of the town clerk and his staff and would make for the smooth working of the council in general. Of course, clause 10 applies to the adoption of the land tax assessment. Clause 27 is very desirable: as the Hon. Mr. Story said in his speech, it refers to the permission given by the Minister to councils to borrow money for the purpose of sewerage and drainage schemes, under the provisions of section 435. Clause 36 also applies to the powers of the councils to borrow money for this purpose and to carry out these works. I commend these particular clauses to members because they will alleviate a great problem in country areas.

Clause 33, which refers to the borrowing of money for the purpose of building houses, is a desirable measure because, in many rural district councils, clerks who are gaining

experience often tend to move on to larger councils when the opportunity permits. They are not often in a position to buy a house and are possibly not willing to do so because of their short time in residence in a particular area, and this clause will enable employees to be provided with housing and will probably make the employment of clerks and staff much easier. I do not intend to dwell on this Bill because, as I said earlier, it is a good Bill and will help considerably in the smooth working of local government and I shall defer any more remarks that I may have to the Committee stage. I support the Bill.

The Hon. R. C. DeGARIS (Southern): I support the second reading of this Bill. Most of the previous speakers on the Bill have dealt with it clause by clause. I do not intend to do this or to repeat anything that has already been covered. However, the first clause that does cause me some concern is clause 5, which proposes to give the right to vote at local government elections to citizens who have not been naturalized. The Hon. Mr. Bevan yesterday referred very fully to this matter and said that any person who could pay a deposit on a house would then have his name on the assessment book and could vote at a local government election. The matter goes a little further than that: a person who is an occupier under the Local Government Act is also a ratepayer. The stage is therefore reached where a person who is classified as a ratepayer may not be a payer of rates, so that if this amendment were passed a person who did not directly pay rates to a council would be given the right to vote. On the other hand, in both State and Commonwealth elections, a person, although a direct taxpayer, is not entitled to vote.

Most district councils I have consulted are opposed to this measure and I cannot see any reason why this particular privilege should be selected. I do not think there is any demand for it by unnaturalized citizens. I am certain no demand for it has been made at the district council level and I see no grounds or justification for this particular amendment becoming law.

Clause 12 deals with the fine for late payment of rates, the date being altered from March 1 to December 1. In his speech on the second reading, the Minister said that councils could impose fines if rates were not paid before December 1. That may be slightly misleading. The wording of the Act is that councils "shall" impose a fine. There is a provision whereby a council, by resolution, if it finds there is hardship, may remit the fine. My point is that in the first part of the Act the fine "shall" be imposed on any late payment of rates. Also, the Minister said:

> These conditions have not the same weight as previously in view of the diversity of farming income and wider spread of interest of ratepayers at the present day.

In the higher rainfall areas the farmer receives his income almost exclusively from January to March. Having had some experience in this matter, I know that this causes inconvenience to some of these smaller farmers by requiring them to pay their rates before March 1 to avoid a 5 per cent fine. Actually, the ratepayer is obliged to pay his rates 21 days after the receipt of a rate notice but the 5 per cent fine cannot be imposed until March 1. I have no sympathy for a person who is able to pay his rates before March 1 and does not do so. I know some people use this to avoid paying their rates until February 28. I have no sympathy for them. However, if the time is brought back to December 1 I feel there will be a certain section of the farming community, particularly in the higher rainfall areas, where farmers are devoted to wool, lamb and vealer production, which will suffer some form of hardship. Therefore, I shall oppose this clause.

Under clause 43 it is proposed to remove the words "wilfully and maliciously". This amendment is designed to give councils the right to claim repairs for roads that are damaged or misused. Cases have occurred where people have dragged down a bituminous road a crawler tractor, a big majestic plough or twin discs and done considerable damage to the road. I agree with the principal that a person should be placed under some obligation in this matter. It has been discussed at the South-East District Councils conference. While I agree that the councils should have some power in the matter, I think we must be careful, as has been pointed out, that we do not give councils power to take action against a person causing damage by pure accident. On many roads in the South-East where machinery has to be dragged, at certain times of the year it is only possible to use the shoulder of the road. Damage can be done to the shoulder. In the case to which I am referring there is no other way that machinery can be moved. I am certain that damage caused in this way is not malicious or wilful, but under this provision a person may be fined and have to pay for the damage. I shall oppose the two clauses I have referred to. I ask the

Minister to examine clause 43 and make sure that no action is taken against a person who damages a road by pure accident. I support the second reading.

The Hon. L. R. HART (Midland): The clauses with which I am mainly concerned have been referred to fully by other honourable members and I do not wish to repeat what they have said except to say that I will oppose clause 5. Although we have much sympathy for new settlers, I do not consider that we should cheapen our citizenship by giving them privileges for which they are not properly educated and which they probably do not thoroughly understand. A new citizen could quite possibly be influenced by people of poor repute and might well cast his vote in a way he would regret at a later stage. Therefore, I shall oppose clause 5.

I shall also oppose clause 12, but with some reservation. I believe in the amendment in principle but realize that some citizens would be rather financially inconvenienced by having to pay their rates by December 1. In many of our districts, particularly the earlier districts, the ratepayers can well do this, but in some of the later districts they do not receive their income until some time in the New Year and could be somewhat embarrassed if this amendment was carried. However, like the Hon. Mr. DeGaris, I have no sympathy for those people who take advantage of the fact that they can delay paying their rates until March 1. In fact, some of them do not even pay their rates at that stage. They take the advantage of gaining cheap money by paying the fine of £5 per centum. This is money at a cheaper rate than can be obtained elsewhere and therefore I foreshadow an amendment to clause 5 by striking out "five" after "fine equal to" and inserting "ten".

I should like some clarification of clause 43. Where it says "any person damaging a street road or footway . . .", I consider that after "person" there should also be inserted, as in the lines above, "otherwise than by reasonable use thereof". There does not appear to be any relationship between the second sentence and the first sentence if those particular words are not so inserted. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Amendment of principal Act, section 88."

The Hon. S. C. BEVAN: I oppose this clause. I do not want to repeat what I said during the second reading debate, but if the clause is carried it will have a severe effect on councils. People of one nationality get together in a community, and it would be possible for them to get control of a ward, and perhaps eventually the council itself. Possibly the people would not understand all the ramifications of local government and would not know what should be done in the best interests of the area. During the second reading debate I said that this clause was related to other provisions, which could lead to much confusion. I was told that a poll clerk could answer a question put to him by a person without disqualifying that person from voting. I do not oppose that. However, if I were in a booth I could challenge the right of a person to vote under section 122 of the principal Act, which refers to naturalized British subjects. I could ask whether this person was a naturalized British subject and he might say that he was not. What would happen if the poll clerk said to him, "You are not entitled to vote". The same position could arise in connection with an application for a postal vote. Under the Act a person applying for a vote must be a naturalized British subject. The clause should be defeated, because we should at all times maintain the dignity of councils.

The Hon. C. R. STORY: I oppose the clause, for the reason I gave during my second reading speech. I made my position clear then.

The Hon. G. O'H. GILES: I did not speak during the second reading debate; therefore, I now voice my disapproval of the clause. Over the last weekend I checked with various councils and found unanimous support for my view.

The Hon. N. L. JUDE (Minister of Local Government): I think it is desirable for me to give members the background of this amendment. A letter from the District Council of Salisbury, dated June 7, 1963, said:

I have been directed by the council to request that an amendment be made to the Local Government Act to provide that persons who are not natural born or naturalized British subjects and who are owners of ratable property be permitted to vote at council elections and polls. The Local Government Act, section 88 (2), provides at present that no person who is not a natural born or naturalized British subject shall be entitled to be included on the voters' roll or to vote at any election or meeting or poll of ratepayers; however, there is sufficient evidence throughout the Local Government Act pointing to the fact that these names are undoubtedly included on the various rolls, *i.e.*, section 122 (1) v and section 820 (1) v. The only way in which a

council can ascertain whether a person is either naturalized or not is by personal approach as this information is not available from ony other source. There is not the slightest doubt that the council clerk must place on the rolls hundreds of names of persons who are no doubt not naturalized and who have no right to vote. Recent legal advice given to this council is that it is not compulsory and not possible for the council to comprise voters' rolls of persons entitled to vote only. In view of the above legal difficulties and that such persons contribute to council revenue, it is the opinion of my council that they should also be permitted to vote at council elections and meetings and polls of ratepayers. Your favourable consideration of the above would be appreciated.

I gave the usual acknowledgment of the letter and said that the matter was receiving consideration. It was considered by the Local Government Advisory Committee, which said:

At its meeting on July 5 the Local Government Advisory Committee considered the suggestion of the District Council of Salisbury that persons who are not natural born or naturalized British subjects be permitted to vote. The committee agrees with the council that voters' rolls do contain the names of persons who are not naturalized and that it is difficult to ascertain whether such persons are naturalized or not. The committee feels that these persons, whether they be owner or occupier, should be permitted the right of voting. The provision is extremely difficult to administer and for this reason alone the committee recommends that section 88, subsection (2), of the Local Government Act be repealed.

I hope this information is satisfactory to members, who have the right to express their opinion on the clause.

Clause negatived.

Clauses 6 to 8 passed.

Clause 9—"Amendment of principal Act, section 173a".

The Hon. G. O'H. GILES: I think this is a very good amendment. I ask the Minister one brief question. Where a waterworks assessment does apply to some part of a local government area, is it impossible to apply that differentially to the whole area? In other words, can we have a waterworks assessment adopted by a council in one part of its area and not in another? I believe it is not so.

The Hon. N. L. JUDE: I can ascertain the legal position for the honourable member but, shortly, I should imagine that there would be no sectional assessment as such: it must be an assessment for the whole area. The council must accept an assessment by one method of valuation or another. If it accepts it on land values or on a waterworks assessment basis, it must apply to the whole area.

The Hon. S. C. BEVAN: I move:

In new subsection (6) to strike out "sixty-one" and insert "sixty-three".

I have already given my reasons for wanting this amendment to be accepted. This as it stands is retrospective legislation. Some councils can be affected by the clause as it stands not being passed while many councils will be affected if this clause is passed in its present form. Those municipalities that have already given effect to their assessments will be affected. The Bill ratifies actions taken by councils contrary to the Act. There have been queries whether it was proper for a council to do what it has done. This amendment as it stands makes it retrospective so that a council's actions will be legalized. In fairness to everybody—the ratepayers, the councils and the municipalities—where the waterworks assessment is adopted it should operate as from July 1, 1963. I do not see that it will create a great hardship to any municipality or to the ratepayers but, if it is made retrospective, it can, because if a municipality that has not already adopted a waterworks assessment has the right under this clause to make it retrospective to 1961, it can send out assessments accordingly, in spite of the fact that the ratepayers have met their assessments since 1961 and have had everything cleared up. Now, they could be faced with something else. My amendment is in the best interests of the whole community and I hope it will be accepted.

The Hon. G. J. GILFILLAN: I raise another point in relation to clause 9. I should like the Minister's opinion on this, even if this clause is recommitted. As I read it, when the Waterworks Department adopts a new assessment, this is to be adopted by a council at the time and entered into the assessment book. A little later on in the subsection, it implies that, when that assessment is altered,

the council shall adjust the amount of any rates paid or payable by any ratepayer to accord with the fresh assessment.

The usual practice with councils is to adopt a new assessment immediately after the election of a new council, and those assessments are sent out with the rate notices. Some ratepayers, of course, pay immediately, others a little later and others wait until they are summoned but, overall, it takes a little time. If any adjustment is necessary between the usual dates of sending out rate notices, it will mean more work for the clerk of the council and the staff and will make administration more

difficult. My question is: does the wording of this clause imply that there should be an adjustment in the rates immediately a new assessment is received from the Waterworks Department, or could some provision be made that its adoption be left until, perhaps, the August following each new assessment?

The Hon. N. L. JUDE: While I appreciate the point raised by Mr. Gilfillan, I feel that this is the position so that ratepayers may appeal against an assessment. They already have their assessments and, if the appeal is upheld on a land tax basis, it is only fair that the council should issue new assessments. It makes extra work, of course, but there are not so many people who win an appeal when they receive an alteration to their land tax. If they appeal against their assessment and they get an alteration, it is within the province of the clerk to adjust the assessment and send out another notice. That is ordinary justice.

The Hon. G. J. GILFILLAN: As I read the Act, there is an obligation on the clerk to send out adjusted notices immediately this assessment is received. It appears to me that it implies that these rates should be adjusted through the financial year. I should like that point cleared up.

The Hon. Sir ARTHUR RYMILL: I, too, want it cleared up because I cannot make head or tail of this clause, even with the light thrown on it (if there is any) by the second reading explanation. The only satisfactory explanation I can think of is the one the Hon. Mr. Gilfillan has just suggested, because councils levy their rates according to assessment and they may wish to increase them or decrease them. If the assessment is increased they sometimes keep the rate to obtain more revenue, and sometimes bring the rates back to what they were previously. Unless this means that the assessment is altered every year, and the council has to alter it immediately it is adopted during the municipal year and then adjust the rate accordingly, I do not know what it means. I should think it would be a bad practice if that were the intention. I should think also that if the waterworks assessment were altered during the municipal year and the council rate is altered accordingly, the new rate should come into effect at the beginning of the next year.

The Hon. N. L. JUDE: I am of the same opinion as the Hon. Sir Arthur Rymill. Where the whole assessment is altered by the Waterworks Department I should imagine, the council having declared its rate, there would be no alteration in that year.

The Hon. Sir ARTHUR RYMILL: If that is the case and it does apply only to the beginning of the municipal year, this is completely unwarranted. If this is correct it simply means that the council has to reduce its rates if there is a higher assessment so it could levy no more than it could the year before, which, of course, is not a fettering of any council. Any council is entitled to levy rates up to the maximum prescribed by the Act.

The Hon. F. J. POTTER: I would agree with Sir Arthur Rymill that the way this clause is worded is not in accordance with the explanation that the Minister has given. After all, the words used in subsection (6) are that the council shall adjust the rates paid as well as the rates payable and this would seem to be, in effect, retrospective in its operation and not in accordance with what the Minister says, in that it will apply to future assessments. I think in the circumstances the Minister should look into the situation to see whether or not an amendment is necessary.

The Hon. S. C. BEVAN: Even where a rate has been adopted and the assessment sent out, if this clause is carried in its present form a ratepayer could receive a supplementary assessment which would be dated back to July 1, 1961. Then if we look at clause 10 we see the same retrospectivity where assessments have already been sent out, and those people shall receive another assessment in addition to whatever has been levied and they will be liable back to 1961. I hope that there is a closer look at this matter and that the Minister will report progress or, if he will not, I suggest that we carry my amendment.

The Hon. G. O'H. GILES: I must admit that on face value so far I agree with the contention of the Hon. Mr. Bevan and I should like to have an explanation of this from the Minister in due course. It seems that as long as the rate shall be payable Mr. Bevan's contention is completely correct and I would suggest that that automatically fits in with the date, 1961, in relation to the re-assessment of rates that have already been paid over that period of time. I would think that the individual would be liable for a differential payment going back to that time.

The Hon. C. D. ROWE (Attorney-General): It seems to me that consequent upon these assessments being received certain councils in certain events have made a re-assessment and have, in point of fact, made refunds to their ratepayers. Therefore, the question arises with the law as it stands at present, whether those

refunds have been lawfully made. Consequently the date 1961 has been included to make sure that what has been done will be rendered valid. During this discussion the point has been raised whether a certain situation arises if the reverse is the position. I take it that the anxiety of Mr. Bevan refers to somebody who may, as a result of this amendment, find himself with a bill in respect of rates for the 1962 year. It seems to me that that is a matter which probably should have some clarification. I think, therefore, subject to my colleague's approval, that it may be advisable to deal with the remaining clauses of the Bill on the understanding that the Minister will recommit this clause at a later stage.

The CHAIRMAN: Does the Hon. Mr. Bevan wish to withdraw his amendment temporarily?

The Hon. S. C. BEVAN: No, I should like an assurance from the Minister first.

The Hon. N. L. JUDE: I give that assurance.

The Hon. K. E. J. BARDOLPH: I think we had a similar situation in relation to the Companies Bill when we dealt with the remaining clauses of the Bill and let a certain amendment stand and then came back to it. Instead of withdrawing the amendment we passed it over and returned to it later.

The CHAIRMAN: Does the Hon. Mr. Bevan desire to withdraw his amendment pursuant to the assurance of the Minister?

The Hon. S. C. BEVAN: On the Minister's assurance that, when this clause is reconsidered I will have an opportunity to move again, I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clause 10—"Amendment of principal Act, section 188."

The Hon. N. L. JUDE: This is tied up with clause 9 and I give the honourable member the same assurance as I did previously.

Clause passed.

Clause 11 passed.

Clause 12—"Amendment of principal Act, section 259."

The Hon. G. O'H. GILES: I do not agree with clause 12 as it amends section 259 of the principal Act. In the last two days I have received two telegrams and one letter from constituents, mainly in the lower end of the South-East, who object to this alteration. I believe that the basis of their objection has already been covered fully by the Hon. Mr. Dawkins. Basically, 90 per cent of the returns from the sale of wool by small farmers in the lower South-East is received after the beginning of the new year. It is felt that in these areas the provisions of this amendment are rather drastic. I am unhappy with this clause and I intend to vote against it.

The Hon. L. R. HART: I move to insert the following new paragraph:

(*c*) By striking out "five" and inserting "ten".

I believe that many people are taking advantage of this section of the Act. At first provision was made for the payment of rates to be deferred until March 1 if a person was not in a position to pay them after receiving an assessment notice. However, today it is not the people who are financially embarrassed who take advantage of this section, but often it is those who are in a position to pay their rates at the time of receiving their assessment notice. I believe that a fine is meant to be in the form of a penalty, but on present-day money values I do not believe that 5 per cent is a real penalty; on the contrary, it could be considered a concession. I know of no institution where one can borrow, without security, money at 5 per cent and I believe if we wish this particular fine to be a deterrent it should be according to present-day money values. I move my amendment accordingly.

The Hon. M. B. DAWKINS: I wish to oppose clause 12 for the same reasons I stated in my speech on the second reading.

[*Sitting suspended from* 5.50 *to* 7.45 *p.m.*]

The Hon. M. B. DAWKINS: I oppose one amendment in the clause for the reasons set out in my second reading speech. The income of many primary producers does not come in until late January or early February. I think particularly of the wheat and barley growers, but members of the Southern District have reminded me that in the later districts the wool income does not come in until about March. In my district we shear lambs now but do not get income from that until about March, so I can appreciate the south-eastern position. I would give serious consideration to the Hon. Mr. Hart's proposed amendment. It seems that he is trying to amend the principal Act. If we agree that fines be not imposed until March 1, and I trust that will be agreed to, we could consider imposing a more severe fine for payment of rates after that date.

The Hon. R. C. DeGARIS: I have already indicated why I oppose the clause. In some areas the small farmer does not get most of his income until February, March or April, and he would have difficulty in paying his rates before that time. I would oppose the

amendment indicated by the Hon. Mr. Hart. It is directed against people who take advantage of the Local Government Act in the payment of their rates. Most councils know the people who try to take advantage of the Act in this way and they have adequate powers to collect rates, where that is necessary. It can be done in various ways. The amendment affects only those who have difficulty in paying their rates by March 1.

The Hon. N. L. JUDE: The request for this amendment came from the Municipal Association. It has been put forward on many occasions, and as recently as this year. I told the Hon. Mr. Hart that the Local Government Association had also asked for it. The Secretary informed me he was certain that it would receive the approval of the association. The matter was brought forward some years ago but never reached Parliament. Some members said that many small farmers do not get most of their income until after Christmas. In many instances councils are short of funds between June and Christmas and increase their bank overdrafts in anticipation of collecting rates later. They probably pay an interest rate of 6½ to 7 per cent on their overdrafts, whereas the ratepayers get their money at a cheaper rate. The money obtained from banks by councils is much more expensive. It is in the interests of local government that everybody should be brought into line. The ratepayer who pays in September or October is at a disadvantage compared with the shrewd ratepayer who waits until February or March. If members support local government they must support the clause rather than the ratepayers.

The Hon. K. E. J. Bardolph: The ratepayers keep the councils going.

The Hon. N. L. JUDE: I was not aware that councils were kept going in this way, although they have many worries, and if we add to those worries we shall make the position much worse for them. The fact that they have to borrow money and pay a higher rate of interest than ratepayers pay for their money seems a good reason to agree to the clause.

The Hon. G. O'H. GILES: I notice the Minister omitted, from his description of the people who pay late, the person who is hard put to it to pay. In some areas of the lower end of the South-East this is so. There, in newly-developed areas, people are developing their blocks on overdrafts. This is in the forefront of the minds of most people opposing this clause. I am one of the few members here who are not and have not been involved in local government. However, I believe that after the first meeting of a new council the assessment is adopted. In many local government areas they get out their rate notices and in several such areas near where I live 90 per cent of the rates are returned probably prior to October. This is not so in the lower South-East, which is the reason why we are asking for the defeat of this clause; but councils in most areas have no real need to depend on overdrafts for the first six months of the financial year.

The Hon. M. B. DAWKINS: The Minister made something of the fact that the Local Government Association is apparently in favour of this, and we heard that the Secretary of the Local Government Association was in favour of it, and he thought that the Local Government Association certainly would be. Yesterday I tried to make something of the point that local government officers are all pretty active members at Local Government Association meetings. Some of these men can talk well, and the trickle of finance that my honourable friend opposite talked about is rather more than a little one in their case and comes in regularly. I know that local government officers favour this, but I do not think that, generally speaking, the rank and file of councils in the country do.

The Hon. L. R. HART: I was somewhat surprised to hear the Minister say that the Local Government Association supported this amendment.

The Hon. N. L. Jude: The honourable member misunderstood me. I said that I thought so earlier but, when I perused the file, I found that it was only the Secretary of the Local Government Association who was supporting it. The Municipal Association requested it.

The Hon. L. R. HART: The Minister in his second reading explanation apparently misled us a little by stating that the Local Government Association was in favour of it, because I attended a Local Government Association meeting a little over 12 months ago as a delegate, dealing with this very motion. In fact, it was not quite as harsh as this amendment is. I believe the motion that I took to the Local Government Association meeting asked that the due date be January 1 and not December 1. I failed to get a seconder at that meeting, so how even the Secretary of that association could have the view that he would have the support of the association is hard to understand. I make that point because it is important.

The Hon. N. L. JUDE: In my second reading speech I said:

The provision is supported by the Municipal Association and the Local Government Association.

Therefore, what the honourable members says is incorrect.

The Hon. C. R. STORY: May I go a little further on this because I am one of those completely misled about it, and my record is pretty consistent with what local government wants. I understood from the second reading explanation of the Minister that this was something that local government really desired. I am inclined to ask: who really wants this? That is the whole point. The Minister has said it is the secretary of the association.

The Hon. Sir Arthur Rymill: And the Municipal Association.

The Hon. C. R. STORY: But the Municipal Association would have it at the moment; the Act does that for it.

The Hon. Sir Arthur Rymill: That is the point.

The Hon. C. R. STORY: There is something wrong about this. I do not want to be critical of the Minister but I hope we shall get information that will help honourable members. I am a little incensed over this because I thought that in supporting local government I would be doing the right thing. I thought it had passed through the advisory council. It appears to me that the secretary of this organization makes many statements on behalf of local government that are not quite correct or in conformity with local government opinion. I should like the Minister to say clearly whether the Local Government Association advised the council and that body put this up, or who really put this matter before Parliament.

The Hon. N. L. JUDE: I think the best thing for me to do is to read first a letter from the Municipal Association of South Australia, dated January 4 of this year:

Dear Sir,

Once again the proposal has been brought before the notice of my association pointing out the variation in the day on which fines are imposed for non-payment of rates. As far as metropolitan councils are concerned, December 1 is the date on which the fine falls due but with country councils March 1 is the operative date.

This appears to us to be confusing and unnecessary. Originally the later date was fixed for country councils because of the preponderance of the farming community many of whose incomes used to be from wheat only on an annual basis. It was quite customary for farmers to settle all their bills, including amounts due for supplies about January or February each year but, due to the increasing diversity of farming income and the spread of interests generally, this original basis no longer has the same weight that it had in the first place.

We shall be pleased if you will approve of an amendment to the Local Government Act to make all unpaid rates subject to the penalty on December 1. Uniformity along these lines will be of benefit to everyone concerned and it is considered that no real hardship would be imposed on anyone affected.

Yours faithfully,

(Sgd.) Bertram Cox.

Hon. Sec.

P.S. On February 26, 1957, a similar request was made to you which, we understand, was approved by the Local Government Advisory Committee but no action appears to have been taken on this request subsequently.

Added to that is a report from—

The Hon. Sir Arthur Rymill: Who signed the letter from the Local Government Association supporting this?

The Hon. N. L. JUDE: Mr. Bertram Cox.

The Hon. Sir Arthur Rymill: The same man?

The Hon. N. L. JUDE: Yes, the same man. He is the Secretary of both bodies. I hope members will appreciate that I have not been attempting to mislead them. In addition, there is a report from the Director of Local Government, dated 1958, to the effect:

That section 259 be amended to provide that the fine of five per cent be added to unpaid rates as from a uniform date—December 1—in lieu of from December 1 for certain councils and March 1 for others. (Letter of April 23, 1958.) I suggest reference to the Local Government Advisory Committee for reconsideration and recommendation.

That is signed on behalf of the Director of Local Government. The previous letter was one I have referred to, from the Local Government Association, of an earlier date, in which the Secretary says:

The Local Government Association has not discussed in recent years the date when fines on rates should be imposed by district councils, but I am sure that an alteration of the date from March 1 to December 1 would be met with approval by this association, particularly for the sake of uniformity and also to assist councils in their financing arrangements. There does not seem to be any justification for the date to be March 1 as farmers are now not so dependent on the once-a-year wheat cheque as in former years.

The Hon. K. E. J. BARDOLPH: Who signed that letter?

The Hon. N. L. JUDE: Bertram Cox.

The Hon. C. R. STORY: I exonerate the Minister completely because it is obvious that

the Secretary of the Municipal Association had the backing of the municipalities of this State and he wished to include beyond the city areas the municipalities in country areas. However, somebody has taken district councils in with country municipalities. With the exception of Renmark, which is the biggest municipality in the State at present, in area, and has a large primary production side to it, it would not matter very much to any municipality in South Australia in country areas whether this came to pass. However, somebody has included district councils; Mr. Bertram Cox has not been doing his homework and has allowed this to come through with a recommendation to his Local Government Advisory Committee and also to the Minister.

The Hon. Sir ARTHUR RYMILL: The minor revolutions that we have been witnessing this afternoon and this evening have convinced me that I should join my fellow countrymen in opposing this clause as a part-time country man, whose income is not, as the Hon. Mr. Giles interjected this afternoon, almonds; it is not even peanuts. As I said during the second reading debate, as a director of some financial houses, I rather felt that country men were reliant on their income received in the early part of the year. During the debate that has been confirmed by honourable gentlemen who are reliant on income from the land, and it is what I expected, and I think that the legislation should be attuned to that, just as our meetings of Parliament still are. We rise normally for the harvest; it is traditional that we have done so for a century, I suppose, and we still do, as I understand it, although possibly members do not grapple with the soil in quite the same manner as they used to. Nevertheless they still want to be on hand when those important operations are in progress, and I think the same principle applies to this clause.

We have now been told that it is only one man in the Local Government Association who wants this amendment, who happens to be the same man as the man in the Municipal Association, all of whom want it apparently, and very few of whom are concerned in the matter at all. I think members would be well advised in the circumstances to leave things to stand as they are—as they have stood for a very long time, with apparent advantage to everyone concerned. I was surprised, I conclude by saying, to hear the Minister say that we should support local government and not the ratepayers. I always thought that local government was the ratepayers and that they were the people whose interests are predominantly in local government. I assure the Minister, as a local government man myself, that when I alter my view on that I shall certainly retire from that sphere.

The Hon. L. R. HART: It seems to me that if any alteration of this nature is necessary in the Local Government Act it should be more in the nature of altering the period of the financial year of local government. It seems extremely unfair to me that some ratepayers should be paying their rates at the end of November or early in December when others can delay payment until March 1. What is fair for one is fair for all and I see no way in which one can overcome this discrepancy—if I may call it that—other than by altering the end of the financial year of local government in this State, thereby making it a uniform period for the payment of rates by all ratepayers.

The Hon. Sir ARTHUR RYMILL: I omitted to deal with the Hon. Mr. Hart's amendment when speaking just now. I certainly do not propose to support that because I think the 5 per cent flat fine is pretty substantial as it stands. I point out to honourable members that it is not at the rate of 5 per cent per annum but is a flat amount of 5 per cent on the rates that are payable. I certainly would not, as one who has had to pay that fine through a matter of oversight, want to impose any greater penalty.

The Hon. R. C. DeGARIS: You were not getting cheap interest?

The Hon. Sir ARTHUR RYMILL: It would not matter, because I would be paying interest at the rate of 5 per cent per annum where I receive a flat fine of five per cent—or a crash fine as one might call it—on the total amount.

The Hon. L. R. HART: You would have to pay it only once a year.

The Hon. Sir ARTHUR RYMILL: Yes; I paid a year's interest for forgetting to pay my rates for one day. I thank the honourable member for his interjection.

Amendment negatived; clause negatived.

Clauses 13 and 14 passed.

Clause 15—"Enactment of section 290d of principal Act."

The Hon. S. C. BEVAN: I move:

In new section 290d (2) to strike out "may" and insert "shall".

I expounded on this clause in the second reading debate and I think that I have given my reasons for this amendment. I think the revenue derived should be placed in a reserve

fund for the specific purpose outlined in the Act. I agree with the provision which states that the money may be expended on those particular purposes. I believe this revenue should be paid into a reserve fund for the specific purposes set out in the clause. My amendment will make the provision mandatory.

The Hon. M. B. DAWKINS: I oppose the amendment because I do not believe in directing local government where it is not necessary to do so. Both this amendment and another amendment the Hon. Mr. Bevan proposes to move will mean that councils will be directed in their intentions instead of being able to choose whether they wish to take action or not.

The Hon. Sir ARTHUR RYMILL: As I indicated this afternoon, it is with utmost reluctance that I am prepared to accept the clause as it stands, but if it is amended I shall feel obliged to vote against it. I am reluctant to support it because I believe that the clause as drawn is against the ordinary principles of local government and the fact that people in other States have adopted similar clauses does not, in my opinion, justify a departure from the principles we understand and recognize. The clause has been carefully drawn to try to accord with the wishes of everybody concerned. I believe it makes rather a neat compromise and I am prepared to accept it on that basis. If the amendment is accepted it will ruin that delicacy of poise which the Parliamentary Draftsman has obtained and I could not then support the clause. I could not agree more with the remarks of the Hon. Mr. Dawkins that we must not direct local government but support it, encourage it, help it in its work and give its members some breadth of powers to work within. Otherwise, if we are to control them from this Parliament or elsewhere these voluntary workers, who are fine people, will lose interest in local government. There has been a tendency in recent years for Parliament to sit on local government in some respects and I feel this tendency should be discouraged. These people are elected representatives of people who pay for the upkeep of their towns and districts, just as we are the elected representatives of the State. When councillors are elected they are capable of carrying out the directions of the people they represent and they must be given latitude to exercise their imagination and commonsense. With reluctance I support the clause.

The Hon. N. L. JUDE: I certainly could not accept the amendment, although I appreciate the underlying reasons for it. The clause is drafted in absolute conformity with the principle laid down originally when the section was included in the Local Government Act. The reason for this clause is to enable councils to set aside sums of money beyond the financial year in which they are involved. I see no reason for forcing them to do this whether they like it or not. I oppose the amendment.

Amendment negatived.

The Hon. S. C. BEVAN: I move:

To strike out subsection (4) of proposed new section 290d.

This clause enables councils to establish a reserve fund from revenue derived from parking meters and fines. If a council decides to create a reserve fund I believe it should be established for the purposes set out in the preceding clauses. This subsection provides an escape clause. It enables a council to accumulate revenue from purposes set out in the Bill. It could wind up the fund and use the money for some other purpose.

The Hon. F. J. Potter: That would have the effect of one council binding all future councils.

The Hon. S. C. BEVAN: I still say that no escape clause should be provided. I oppose the clause as drafted. When a council establishes a fund it should spend the money for the purpose for which it was collected.

The Hon. Sir ARTHUR RYMILL: The honourable member said that some members of this Chamber have been or still are members of a local government body, which is a fact. I do not know that the Hon. Mr. Bevan is a member of any such body, but he is trying to direct councils what they should do. The Hon. Mr. Potter suggested that Mr. Bevan wanted to ensure that a council in office for one year could bind its successors for ever, but that is contrary to the spirit of local government and of the Local Government Act. Members experienced in local government know that councils live from year to year, and that when one financial year ends another starts. The Hon. Mr. Bevan said that councils had done nothing about off-street parking, but that is contrary to the facts. To my knowledge the Adelaide City Council has bought a site in Light Square at a cost of £100,000, and bought premises at the corner of Waymouth and Topham Streets at a cost of £134,000, which represents a substantial contribution. In addition, £30,000 is being spent on an investigation as to where off-street parking should be provided. The honourable member went a little too far when he said that councils had done nothing about off-street parking. In due course the City Council will get a report from the experts about where this parking is needed,

and no doubt it will act on the report. We must give councils latitude to work within the structure of the Local Government Act. I oppose the amendment.

Amendment negatived; clause passed.

Clauses 16 to 20 passed.

Clause 21—"Amendment of principal Act, section 373."

The Hon. S. C. BEVAN: The Minister said that this clause will overcome the difficulties in which councils find themselves now because of provisions in the Local Government Act and in the Road Traffic Act. Will the Minister clarify the position? He said that the amendment provides that a council shall erect signs in accordance with specifications prescribed by regulations under the Road Traffic Act, but these regulations do not provide any specific specification, only that the design, location and the size of the signs, together with the colour and lay-out of the lettering, shall be as specified by the board, and that specifications be in accordance with the principles of the Standards Association of Australia, Road Signs Code. This is contained in paragraph 2.04 of the regulations. Therefore, a council must obtain from the board a specification for every type of sign it desires to erect to denote a restricted or prohibited area. Regulations under the Local Government Act, published in the *Government Gazette* of December 15, 1960, at page 1660, and known as the "Prohibited Area" (specification of sign), may as well be rescinded as the amendment makes them redundant.

How would a council prove in any proceedings under this Part that the sign is as prescribed by the regulations? Which Act would take preference—the Local Government Act or the Road Traffic Act? I suggest that we must abide by the Road Traffic Act, not the Local Government Act. Section 373 of the Local Government Act states that every such prohibited area shall be marked by the council with a sign or signs. Section 24 of the Road Traffic Act states, "A council shall not construct or erect a traffic control device on a road except with the approval of the board." Even a "No Standing" sign must be approved by the board, and there must be some indication on the sign that it has been approved. Councils have acted under their parking by-laws but the cases have been lost because the court held that the Road Traffic Act takes precedence over the Local Government Act.

The Hon. G. O'H. Giles: Don't you mean that the Local Government Act takes precedence over the Road Traffic Act?

The Hon. S. C. BEVAN: No. The Road Traffic Act takes precedence. Let me give an indication of the difficulties experienced by councils. The following letter was sent to the Minister by one council, pointing out its difficulties:

> Under the provisions of the Road Traffic Act 1961, and the Road Traffic Act Regulations, the Road Traffic Board now exercises control over not only the design—

I hope that the honourable member who questions whether the council or the Road Traffic Board takes precedence will listen to this:

> —but also the location and erection of parking control signs. It is necessary for the council to make application to the board for approval for each individual sign the council desires to erect on any road. This control is conferred by sections 16 and 24 of the Road Traffic Act 1961, regulation 204 of the Road Traffic Act Regulations, and the proclamation by His Excellency the Governor, published in the *Government Gazette* on page 493 on August 30 1962, defining traffic control devices. You may note that all parking control signs are "Regulatory signs in the Road Signs Code issued by the Standards Association of Australia." This situation has arisen notwithstanding the following:
>
> (1) Section 373 of the Local Government Act provides that a council may by resolution declare any part of any public street to be a prohibited area, and declares that such areas shall be marked by the council with a sign or signs denoting which portion of the public street or road in question is a prohibited area. Most metropolitan councils have adopted by-laws relating to traffic which also regulate the standing of vehicles.
>
> (2) A press report in the *Advertiser* dated August 15, 1962, reported that the Chairman of the Road Traffic Board, Mr. J. G. McKinna, in a report to the Minister of Roads, stated that powers of councils over parking controls would not be reduced. The board would not concern itself with every street and road within council areas.

But, if it does not and the sign is not approved, where does the council go from there under our own regulations and under the Road Traffic Act? The letter continues:

> It is assumed that the words "1st day of July, 1964" were included in regulation 204 of the Road Traffic Act Regulations to enable councils to change, prior to this date, existing signs, to signs in accordance with specifications supplied by the Road Traffic Board. This paragraph has been nullified by the proclamation published in the *Government Gazette* on August 30, 1962, at page 493 in which signs for the purpose of controlling and guiding the parking and standing of vehicles were declared to be traffic control devices, but the date "1st day of July, 1964" was not included in the proclamation.

Then it asks in the concluding paragraph:

This council requests that you give consideration to the whole position and that if you consider it proper to do so refer the matter to the Attorney-General to obtain the opinion of the Crown Solicitor as to what is the most appropriate action (if any) for a council to take. If you so desire our solicitors will be pleased to discuss the matter with an officer from the office of the Crown Solicitor.

Your assistance in this matter will be appreciated.

Following that, the council received no reply.

The Hon. N. L. Jude: I beg your pardon; I have a reply here.

The Hon. S. C. BEVAN: Will the Minister allow me to complete what I am saying? At that stage the Minister had not replied. That was sent on February 25.

The Hon. N. L. Jude: I replied on the 27th.

The Hon. S. C. BEVAN: On July 25 the council wrote again to the Minister as follows:

On February 25, 1963, the council advised you of the difficulties being experienced in administering the regulations of the Road Traffic Act, so far as parking controls are concerned. The council asked that you give consideration to the position and also asked as to what is the most appropriate action for a council to take. The council would be pleased to know if consideration has been given to this request and any action that may be contemplated to clarify the council's position.

That was written to the Minister on July 25, the other letter, as I have said, going to the Minister on February 25. On July 29 the Minister, through his secretary, did reply to the council in these terms:

I am directed by the Minister to acknowledge receipt of your letter of the 25th inst. regarding parking signs, and to inform you that this matter is receiving the consideration of the Government at the present time. A further communication will be forwarded to you at the earliest opportunity.

Again, on August 12—it had been going on from, as I say, February—this letter was sent to the council signed by the Minister himself. It states:

Dear Sir,

With further reference to your letter of the 25th ult., regarding parking signs, I have to advise that consideration is being given to making appropriate amendments to the Local Government Act to remedy the position. Regarding the possibility of approaching the Road Traffic Board in every case of erecting parking signs, Mr. Pak Poy of the board will contact you to explain the position and no doubt come to arrangements satisfactory to the board and the council.

Under the Road Traffic Act one cannot make an arrangement with anybody. One can make arrangements but they will not "stick" in court if action is taken by a council under the Road Traffic Act, as this regulation states. Any by-laws that a council can make under the Local Government Act are, I submit, not worth anything in so far as road traffic signs, parking signs, "no standing" signs or what-have-you are concerned, because they have to conform under the Road Traffic Act and the Road Traffic Act regulations, and the Road Traffic Board itself must sanction any sign put on any street or road. No wonder we have a multiplicity of signs! Each one has to be approved by the board. They may be stretch along a main road. The only way that I can see to legalize the position under the regulations is that each sign must have on it "Approved by the Road Traffic Board". That may be accepted as some evidence that it has been approved by the Road Traffic Board.

I think that this amendment clarifies the position by saying that all actions have to be taken under the Road Traffic Act. If action was to be taken under the Road Traffic Act and not under the Local Government Act for breaches of parking regulations and by-laws, then, as it must be taken under the Road Traffic Act and not under the Local Government Act, it is doubtful whether the council would receive the benefit of any fines inflicted since such fines would not go to the councils. Can the Mnister clear up the position about parking signs and by-laws coming under the Local Government Act and the powers of municipalities?

The Hon. N. L. JUDE: I thank the honourable member for his lengthy discourse and the way in which he concluded but I must take some exception to his earlier remarks when he rather implied that there was a lack of courtesy in the manner of the replies to the Thebarton council. On February 25, as the honourable member mentioned, the Corporation of Thebarton sent me a three-page letter headed "Parking Site" which contained at least a page of legal opinion and also made five quite considerable recommendations or considerations. I acknowledged that letter on February 27 and said that the matter was receiving attention and that further communication would be forwarded at the earliest opportunity. The matter was referred quite properly to the Chairman of the Road Traffic Board for examination; it was returned to me some time later with a report stating that it had been discussed with the Crown Solicitor and so forth and it was further stated:

It is recommended that C.T. Thebarton be advised that consideration is being given to amending the Local Government Act with respect to control of parking so that the provisions of that Act comply with the requirements of the Road Traffic Act, 1961. When this has been achieved, Council would be able to prosecute under the Local Government Act. As previously stated it is not the intention of the Board to take over control of parking from councils, but merely to set standards for the parking control signs. The Board agrees with council that the declaration of parking areas and the erection of the signs should remain the responsibility of the local authorities.

I received a further letter on July 25 and the matter was still being considered by the Government officials. The honourable member read that letter out and asked whether I knew of any action that may have been contemplated to clarify the position. I wrote four days later and said that the matter was receiving the consideration of the Government in Cabinet. As the result of that, this clause was placed in the Bill. I have a copy of the regulations under the Road Traffic Act, which I make available to honourable members if they wish to see them. Regulation 204 provides that the size, colouring, etc., of the sign shall be as specified by the board.

The honourable member's problem seemed to be that if a prosecution arose out of a sign that had been erected but which had not been specified by the board there would be no power to prosecute. The point is that all the board wanted to do was to specify standard signs as in the Standards Code of Australia today. Having done that the board said, "What signs do you recommend to be erected in such and such a street?" We said, "We do not recommend; you tell us what you want and we will specify the type of sign." Having specified the type of sign the council knows perfectly well that under that sign it can prosecute because the sign has the backing of law—the regulations of the Road Traffic Act. It is a complicated document to read but all it does is exactly what the solicitors to the council have asked and I think that that is what the honourable member concluded in saying.

It is to give the council the powers to prosecute under the Road Traffic Act, provided the signs are standard. If they are all standard the council does not have to obtain the approval in every case. The signs having been specified, the council can make 200 if it likes and prosecute on any one of them because they are specified by the board under regulation 204.

The Hon. Sir ARTHUR RYMILL: What does "no standing" mean? Does it apply to pedestrians, motor vehicles, or what? It seems the most ambiguous phrase I have ever seen.

The Hon. N. L. JUDE: I refer to page 3 of the regulations under the Road Traffic Act, 1961:

"Parking area" means—

(*a*) that portion of a carriageway between two consecutive white signs inscribed in green with the word "Parking" and with arrows pointing generally towards each other; or

(*b*) that portion of a carriageway extending from a white sign inscribed with the word "Parking" in green in the general direction indicated by any arrow inscribed on such sign until a sign inscribed "No Parking" or "No Standing" is reached, or a deadend or an area in which parking or leaving standing of vehicles is prohibited by these regulations.

The Hon. Sir ARTHUR RYMILL: I thank the Minister for his explanation but I doubt whether people seeing it will know what it means.

Clause passed.

Clauses 22 to 42 passed.

Clause 43—"Amendment of principal Act, section 779."

The Hon. C. R. STORY: This clause seems to me to be rather sweeping. As I said in my speech on the second reading I do not like it very much. In the original Act the words "wilfully and maliciously" were included. This clause should be tidied up and should be either rejected or amended. I will listen to what the Minister has to say about it, but I am not at all happy with it. I believe that words such as "with reasonable cause", should be inserted to obviate this problem and tone the clause down, making prosecutions easier. I understand from the speeches on the second reading that this section was originally inserted to deal with vandals. I agree with that, but this goes much further, and to my way of thinking it is quite wrong to give councils powers such as these and make it possible for a person who has done something which is not, in a sense, serious enough to be punished. A man may run his vehicle off the road and through a culvert because of somebody's stock straying on the road. To me, there does not appear to be any escape clause; one has to go to a local court to have the matter dealt with. In most country districts it will be dealt with by justices and they are often councillors as well.

The Hon. N. L. JUDE: The problem about section 43 is that as our roads are being

improved it is important that we protect them. I have said that on many occasions. The honourable member objects to the absence of the words "wilfully and maliciously". Frequently our highways are damaged, sometimes for miles, by persons who may not have done so maliciously or wilfully. I have discussed this matter with the Hon. Sir Arthur Rymill on the legal side. No farmer, unless he is a lunatic, would travel five miles along a bitumenized road with the intention of making a deep gash in it with his implement. I think that would be sheer carelessness. If the provision to deal with these people is not extended, then the loss will become considerable. I believe honourable members should give me support if I quote these examples. Recently, at the request of certain honourable members, a considerable sum was spent on the Korunye railway crossing in providing a safety fence and other facilities. Since then a man has overturned his semi-trailer at the crossing by negligent or incompetent driving and damaged it considerably. This was not wilful or malicious damage —it was just damage, and he should be made to pay for it.

The Hon. Sir Arthur Rymill: He can be, under the section as it stands. It is there in black and white.

The Hon. N. L. JUDE: Frequently, when prosecutions are launched, the local magistrate is a brother farmer and he regards the offence as being not very serious, fines the offender £2 and does not award damages. On one occasion a driver damaged the road from Gawler to Clare by driving on a brake drum all the way. He was taken to court where he was fined £2 and no damages were awarded. Repairs to the road cost £800. I believe that councils should have the right to proceed in such cases. I am sure they will not proceed against a man who has had a genuine accident and has caused only superficial damage. However, where it is sheer carelessness, I believe the council should have the right to expect payment for the damage done, even if it is not malicious or wilful. The Hon. Sir Arthur Rymill says that power already exists in the section for this to be done. If that is so I cannot see the point of the amendment.

The Hon. Sir ARTHUR RYMILL: I examined this section, first of all, by reading the explanation on the second reading. It did not deal completely with the matter at all. When I looked at the section I found that the position was not as I had earlier envisaged it. Section 779 says:

Any person who destroys, damages, or injures, or causes the destruction of or any damage or injury to any street, road, footway, dam, parapet, bridge, culvert, drain, wall, guard fence, railing gate, post, tree, treeguard, stake, shrub, lawn, plants, flowers, building, kiosk, safety stand, sewer, watercourse, well, fountain, lamp, lamp-post, waterpipe, name of street, traffic indicator traffic sign, direction sign, notice board, or structure or other property which is the property of or is vested in or is under the care, control, or management of a council, shall pay the council the value of the property destroyed.

Any person who damages any of these things is liable, but the section does not say how the damage must be done. Then the section continues:

If the damage is done wilfully and maliciously, shall be guilty of an offence and liable to a penalty not exceeding £50.

The amendment leaves that as it is except that it deletes "street, road, footway" and "bridge, culvert, drain". New subsection (2) says:

Any person who, otherwise than by reasonable use thereof, damages a street, road, footway, bridge, culvert or drain, shall be guilty of an offence and liable to a penalty not exceeding £50.

Any person damaging any of these things shall be liable to pay for the damage, which is the present position. The only difference is that if a person damaged a street, culvert, etc., other than by reasonable use therof, he would, under the clause, be subject to a penalty of £50, as well as payment for the damage done. The damage to any of the other things must be wilful or malicious. I am not happy about the matter because it seems to go too far and brings in people who in their innocence could do damage without knowing that they were doing it. It could well render a person, who cannot afford it, liable to pay heavy damages for an action that is not wilful.

Clause negatived.

Clause 44 passed.

Clause 45—"Amendment of principal Act, section 783."

The Hon. N. L. JUDE: I have an amendment to this clause, but it is not on members' files. I ask that the clause be recommitted later with other clauses.

Clause passed.

Clause 46—"Enactment of section 832a of the principal Act."

The Hon. N. L. JUDE: I also have an amendment to this clause, but it is not on members' files. I ask that the clause be recommitted with the other clauses.

Clause passed.

Clauses 47 and 48 passed.

Clause 49—"Amendment of principal Act, fifth schedule."

The Hon. S. C. BEVAN: After further examining this clause I shall not continue with my proposed amendment.

Clause passed.

Clause 50—"Amendment of nineteenth schedule of principal Act."

The Hon. N. L. JUDE: I thank members for the considerable progress we have made on this Bill and in view of the assurances that I have given that certain clauses will be recommitted tomorrow I ask that progress be reported.

The Hon. Sir ARTHUR RYMILL: Can clause 4 be recommitted tomorrow?

The Hon. N. L. JUDE: Yes.

Progress reported; Committee to sit again.

BOOK PURCHASERS PROTECTION BILL.

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

ROAD TRAFFIC ACT AMENDMENT BILL.

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

MAINTENANCE ACT AMENDMENT BILL.

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

ADJOURNMENT.

At 10.17 p.m. the Council adjourned until Thursday, October 31, at 2.15 p.m.