LEGISLATIVE COUNCIL.

Tuesday, September 29, 1964.

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

QUESTIONS.

PUNISHMENT FOR JUVENILES.

The Hon. A. J. SHARD: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. A. J. SHARD: On June 10 I asked the Attorney-General a question in which I drew his attention to the remarks made shortly before that date by His Honor Mr. Justice Mayo in the Supreme Court that adequate punishment could not be imposed on juveniles in the shocking case that had occurred at Seaton Park. Last week I was again disturbed to hear that His Honor Mr. Justice Travers had made remarks on this subject that appeared in big letters in the daily press under the heading of "Criminal law should be amended". His Honor considered he was not able to do the public justice or mete out the punishment the crimes merited because of the age of the defendants. The maximum he could impose on one defendant was two years, and because of this he considered that he could not give the other defendant, who was only a few weeks or months older, a longer term. His Honor said that the appropriate punishment was a term of six years. In view of the very serious nature of the crimes I have mentioned and the fact that the Supreme Court judges have said they cannot impose adequate sentences, will the Attorney-General say whether the Government intends to amend the Statute along the lines suggested by Their Honors, and, if it does, when?

The Hon. C. D. ROWE: The honourable member asked me a question about this matter on June 10, when I agreed that the circumstances of the case to which he referred were such as to warrant a much more severe penalty than the court could impose. I promised to look into the matter. Since then, I have considered the matter, and it seems that the issues involved are somewhat complicated. In some cases it may be in order to make a youth of 16 years of age liable to the same penalty as an adult, but in others it may not. The new magistrate of the Juvenile Court has done a considerable amount of work on this subject, and I am asking him to let me have a detailed report on the matter. The Law Society has also expressed interest in the matter. Whilst this subject requires attention, it also needs fairly careful investigation so as to make sure that what we do is fully justified. I am proceeding with the matter as quickly as possible, but I doubt whether it will be possible to bring down legislation before Parliament rises in a week or two.

CEMENT SUPPLIES.

The Hon. G. J. GILFILLAN: I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. G. J. GILFILLAN: Owing to the building boom taking place now and the large works programme of the Government, the suppliers of cement are having some difficulty in keeping up with the orders. Has the Government investigated the position, and if so has the Chief Secretary any information on this matter?

The Hon. Sir LYELL McEWIN: The Government has for some time been aware of the shortage of supplies of cement and this is, of course, a serious problem. The shortage may be associated for instance with the erection of silos or other large structures. The position at the moment is that apparently there is not a sufficient supply to cater for local requirements. In addition, this State has built up a certain amount of export trade. I believe there is a suggestion that one company at least is contemplating increasing its capacity, but that will take some time. The Government is conscious of this matter, and will do all in its power to see that production is not unduly held up.

HIGHWAYS DEPARTMENT PARKING AREA.

The Hon. A. J. SHARD: The week before last I directed a question to the Minister of Roads regarding parking facilities in the new Highways Department building at Walkerville as to the number of cars that can be accommodated there and the cost of those facilities. Has the Minister any information on this matter?

The Hon. N. L. JUDE: The car park adjoining the Walkerville Terrace building accommodates 125 cars. In addition, between this car park and the back of the building, provision has been made for the parking of an additional 70 cars and at the front of the building there is accommodation for 50 cars giving a total accommodation of 245 cars. The

work is not yet completed with respect to ground work around the building and costs are not available. In any case, it would be difficult to assess as separate debit orders were not raised for the various items, which include drainage, other road works, kerbing, car parks and other installations.

SWIMMING POOLS.

The Hon. JESSIE COOPER: Has the Minister representing the Minister of Education a reply to my recent question concerning swimming pools?

The Hon. C. D. ROWE: Earlier this year and again on September 17 the honourable member asked whether it would be possible to devise a plan whereby swimming pools in State schools could be used more extensively, particularly during holiday periods. The matter has been submitted by the Government to the Minister of Education and his report on the matter is as follows:

At the present time the normal "Learn to Swim Campaign" in the Christmas vacation lasts for two weeks from shortly after the new year until about Friday, January 15. From Monday, January 18, until schools begin on Monday, February 8, there is a period of three weeks or, allowing for the public holiday, 14 week-days. There is no doubt that the pools attached to schools could be made available for the use of children during this period and suitable teachers and others could be employed to give further instruction to children during this period and to supervise practice swimming. The costs involved have been carefully estimated and it is considered that if eight pools were opened the total cost would be £1,800. This would provide two instructors at each pool for four hours on each of the 14 days concerned. In this way there could be a maximum of 40 children in the water at each pool at any one time. It is suggested that instead of continuing the vigorous instructional programme of the "Learn to Swim Campaign" the pools should be opened on these further 14 days on the basis of four hours per day for some further instruction and for supervised recreational swimming. The accountant has advised that no funds on the present Estimates are available for this further use of a school swimming pool. In order to cover the metropolitan area effectively, as well as four or five selected country centres, I would suggest that not less than 16 pools should be made available for trying the scheme out in January, 1965. On this basis the total cost would be about £3,600. There is a great deal to commend this scheme for the further use of pools and provided the Treasury is able to make available the additional sum required, namely £3,600, I recommend that approval should be given for the scheme to be put into effect on the above basis for January, 1965.

That report has been considered by Cabinet and approved in principle.

HYBRID POPLARS.

The Hon. H. K. KEMP: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. H. K. KEMP: By far the most valuable timber we produce today is used by the veneer makers. It roughly doubles the return from any other timbers we cultivate in this State. The veneers in other parts of the world are largely supplied by hybrid poplars, and some of the most valuable have been a series of hybrids raised in the United States of America, of which I understand the plant patents protecting them have broken down and they are now available for unrestricted planting in Australia—so much so that some of our private forests have bought considerable areas in high rainfall country in other States for the production of these timbers and further production is taking place in the irrigation areas of the Upper Murray. They are of no interest to the Forestry Department, as we understand it at present, but they are of deep interest to us in the Adelaide hills where the production of conifers remains hazardous because of the fire risk involved. Can the Minister representing the Minister of Agriculture say whether anything is known of the performance of these hybrids compared with the species we already have, such as the cottonwood populus deltoides; also whether they are of any interest, or are likely to be, in our hills area or whether nursery stock can be made available through the Forestry Department nursery at Belair?

The Hon. Sir LYELL McEWIN: I have a report covering the subject matter of the honourable member's explanation and question. He has been good enough to indicate his question to me previously. The report states:

There is and has been for many years considerable interest in the growing of poplars for match veneer, primarily, and many of the major match industries have established plantations throughout the world. In 1947 the Commonwealth Forestry and Timber Bureau introduced 10 hybrid poplars from the United States of America and distributed cuttings in 1948 to all State Forest Services for trial purposes. These hybrids have shown exceptional growth in the United States. The best available sites were selected by the Forest Services for these trials but the results have been uniformly disappointing. A summarized report by the Bureau in 1957 concluded that "Growth and development has been disappointing and inferior to populus deltoides, P. trichocarpa—

The Hon. H. K. Kemp: That is the cottonwood.

The Hon Sir LYELL McEWIN: The report continues:

and lombardy poplar growing on the same sites.'' These hybrids are established in South Australia and could readily be propagated if desired. Since this time Bryant & May Pty. Ltd. have established some plantations near Cobram in Victoria and more recently the Snowy Mountains Authority are interested in establishing poplars on some very fertile soils along the Tumut River. As far as South Australia is concerned, it is unlikely that poplars of any sort can be grown commercially because of lack of suitable soil and climate. However, some of the richer hills sites could probably grow small areas successfully, although because of market conditions the financial return would be much less than from agriculture. I have no knowledge of the high yielding U.S. poplars protected by patent and referred to by the Hon. H. K. Kemp, M.L.C., but will write to the Forestry and Timber Bureau and obtain further information.

I have no further information following that last paragraph. The Conservator of Forests says he will write for further information.

PULP AND PAPER MILL (HUNDREDS OF MAYURRA AND HINDMARSH) 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.

Its object is to ratify an Indenture that has been entered into by the Government and Apcel Ltd., a company at present engaged in the manufacture of pulp and paper at Millicent, for the development and expansion of the company's activities and production at Millicent. The execution of the Indenture was completed on July 7, 1964. The Bill consists of eight clauses and a schedule that contains the text of the Indenture.

Clause 3 ratifies the Indenture and gives it statutory force. Clause 4 deals with rates which the Millicent council may fix as follows:

(*a*) while one paper machine is operating commercially at the mill—a sum not exceeding £750;

(*b*) while two paper machines are so operating—a sum not exceeding £2,000;

(*c*) while three paper machines are so operating—a sum not exceeding £3,000.

Provision is also made that in any year after three paper machines have been operating commercially at the mill for not less than five years the council may fix the rates for that year at a sum not exceeding £4,000. These provisions were agreed to by the District Council of Millicent before being incorporated in the arrangements with the company.

Clause 5 provides that the company's rights to maintain, repair, remove and replace pipelines and electric transmission lines and any such pipelines and transmission lines or other structures erected or laid down in exercise of those rights shall not be ratable property for the purposes of the Local Government Act. Clause 6 absolves the company from liability for the discharge of effluent, smoke, dust, gas, noise or odours if such discharge is reasonably necessary for the efficient operation of the company's works and not due to negligence on the part of the company, its servants or agents. Clause 7 provides that, if the company exercises its right to assign its rights, concessions and obligations under the Indenture, the assignee will be liable for failure to perform any obligation or duty undertaken by the company. Clause 8 is procedural and enables the State to sue, arbitrate, etc., in its own name.

The Indenture consists of 19 clauses. Clause 1 contains the interpretations. Clause 2 provides that the Indenture does not come into operation unless and until ratified by Parliament. Under clause 3 the company undertakes to install and operate at least one paper machine and ancillary plant on the mill site in addition to the one presently in operation and to comply with accepted modern standards in design, construction, equipment and operation. Clause 4 obliges the State to build or cause to be built at Millicent or such other agreed localities for the use of officers or employees of the company not more than 150 houses in any year as required, but not more than 400 houses in all. The houses are to be offered to the officers and employees upon reasonable terms and conditions.

Clause 5 confers on the company certain rights particularly in relation to—(*a*) the discharge of effluent from the mill into the Snuggery drain; (*b*) the laying, maintaining, repairing and replacing of pipes under roads between the mill and the Snuggery drain; (*c*) the laying, maintaining, repairing and replacing of pipes and electric powerlines on or under any Crown land or any road or land vested in the council; (*d*) the taking of water from certain drains for use in the mill; (*e*) the sinking of bores on Crown land under proper supervision; and (*f*) the doing and performance on Crown land and land vested in the council of any incidental works and operations. However, before exercising any such rights the company undertakes to give reasonable notice of the nature and place of the work proposed to be done—(*a*) to the council, if the work is to be done on or under a road or land

vested in the council; or (*b*) to the Minister of Works, if the work is to be done on or under Crown lands other than a road—and the company will comply with the reasonable directions of the council or the Minister in that behalf.

Clause 6 provides that the State will, at the company's expense, assist the company to obtain an adequate supply of water for the mill. Under clause 7 the company undertakes to pay to the council within 30 days after the Bill becomes law a sum of £500 and at the end of each period of 12 months thereafter a sum of £250, in consideration of which the company will be absolved from any responsibility for the maintenance and upkeep of drains and the council will assume the responsibility for such maintenance and upkeep. This provision was agreed to by the District Council of Millicent before being incorporated in the Indenture.

Under clause 8 the company undertakes to use reasonable care and skill in exercising its rights and powers and in discharging its obligations, and to make good any damage to property. Clause 9 reaffirms the responsibility of the State for the maintenance of works necessary to ensure proper disposal of the effluent from the mill and the company's responsibility to make certain annual payments to the State under the Pulp and Paper Mills Agreement Act, 1958. Clause 10 gives the company the right to sink bores or wells and to draw off underground water on its land.

Clause 11 provides that the State will arrange for the company to be supplied with its increased requirements of electricity. The company undertakes to obtain approvals from the Electricity Trust of South Australia before it installs its own power plant with a view to operating it in parallel with the trust's grid and, subject to such approvals, the company may operate its own plant in parallel with the trust's grid and feed back power thereto and supply power generated by such plant to any wholly owned subsidiary of the company operating on the mill site.

Under clause 12 the Railways Commissioner is to construct the extension of the railway sidings required for the mill's expansion, and the cost of the extension is to be recouped by a surcharge of £1 a ton on freight rates to be charged on all raw materials carried by rail into the mill site until an amount has been recovered equal to the actual cost of the extension together with interest at the rate of 5½ per cent per annum on the balance amount of such actual cost as is outstanding at the end of each month.

Clause 13 contains a guarantee by the State against discrimination against the company in relation to the imposition of taxes, charges or levies on the cartage of goods by road and in relation to the control, co-ordination or rationalization of transport. Clause 14 contains a guarantee that the mill site will be zoned or otherwise protected during the period of the Indenture against interference by public authorities or private persons. Clause 15 contains a guarantee against compulsory acquisition of any part of the mill site during the currency of the Indenture.

Clause 16 contains an undertaking by the State to assist the company to acquire land or rights over land where the Treasurer is satisfied that such land or rights would be necessary or desirable for the operation or expansion of the mill and the company is unable to obtain them on fair terms by private treaty. Clause 17 gives the company the right to assign its rights concessions and obligations under the Indenture to certain associated corporations or, with the prior consent in writing of the Treasurer, to any other person approved by the Treasurer. Clause 18 contains power to vary the Indenture by agreement between the Treasurer and the company, and clause 19 limits the duration of the Indenture to 50 years.

Apcel Ltd., the company with which the Government has entered into these arrangements, is wholly owned, in equal shares, by Australian Paper Manufacturers Ltd. and Kimberly-Clark Corporation of the United States of America. Australian Paper Manufacturers Ltd. is a well-known and leading manufacturer of pulp and paper in Australia while Kimberly-Clark Corporation, whose main offices are in the U.S.A., is a leading producer of pulp and paper in America and of household tissue products in most of the major countries in the world. They also produce printing and writing papers for use in home and industry.

At present Apcel Ltd. produces the tissue which is converted into "Dawn" products on a 120in. Walmsley paper machine, which is capable of producing about 11,000 long tons of various grades of tissue a year. With the successful negotiation of a new pulpwood agreement with the Government, which assures Apcel Ltd. the necessary timber to increase its pulping facilities, the company has decided to expand its operations in this State with a £6,000,000 project, which will result in the

extension of its pulping activities, the installation of a second high-speed paper machine, and the installation of a converting department for the production in South Australia (for distribution throughout Australia) of a full range of branded products now being manufactured in New South Wales. It is expected that the project will be completed in about three years.

The company will produce pulp from *pinus radiata* timber grown in South Australia and use the pulp in making 11,000 long tons a year of various tissue grades on its present paper machine, and an additional 16,000 tons of tissue grades on the new high-speed machine to be installed and which is planned to come into production by June, 1966. The company's converting department, which has already begun producing "Dawn" toilet tissue in the State, will be further expanded in 1965 and will reach full capacity by the latter part of 1966. The company presently employs approximately 150 persons but by 1966, when the second paper machine comes into operation, it plans to employ approximately 350 persons. The company is already making plans to increase the capacity of its mill by the addition of a third paper machine to be brought into production in the early 1970's. The capital expenditure for this further expansion will approximate an additional £5,000,000 for equipment and working capital and the number of employees will then be increased to approximately 525.

It must be remembered that the employment figures I have mentioned represent only the direct employment of personnel by the company and do not include or take account of the numerous other avenues of employment that will be afforded by reason of the company's programme of expansion. I refer in particular to personnel that will be engaged in the supply and production of the company's additional raw material requirements and in other subsidiary services. Having regard to the obvious direct and indirect benefits which will accrue to the State and to the need to continue its policy of development, the Government has decided to facilitate the company's expansion, and this is the object of the Bill now before you. I commend it to your serious consideration and approval. The Bill has been considered by a Select Committee in another place—the committee recommended its passage in its present form.

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

HONEY MARKETING ACT REVIVAL AND AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

PHYSIOTHERAPISTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 24. Page 1036.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill, which amends the principal Act in a number of ways. Clause 3 contains an additional paragraph to section 39a as passed last year, which was a good amendment. This provided, where a good physiotherapist came from another country with a certificate that was not recognized in South Australia, that person could, by passing an examination conducted by the Physiotherapists Board, be granted a certificate to practise. That was a good move because in other professions that I do not intend to name people from other countries coming to this State with a certificate not acceptable in Australia have to undergo a full course of training before being given a certificate. The amendment to section 39a fixes a fee of £16 16s. for taking the examination. I consider that cost is a little high, but if that figure is acceptable to the members of the board I am satisfied. Clause 4 of the Bill provides that a new section be added after section 41 as follows:

41a. A person who is a registered physiotherapist shall not administer to any of his patients any treatment otherwise than by physiotherapy unless he is qualified and entitled to do so by or under any other Act.

I have checked the interpretation of "physiotherapist" and consider that if a person is registered and has the certificate he should restrict his practice to physiotherapy only. The definition of "physiotherapy" in the Act reads:

"Physiotherapy" means the external application to the human body for the purpose of curing or alleviating any abnormal condition thereof, of manipulation, massage, muscle re-education, electricity, heat, light, or any proclaimed treatment:

"proclaimed treatment" means any treatment which the Governor by proclamation declares to be physiotherapy for the purposes of this Act:

Clause 5 sets out:

The Governor may by proclamation—

(*a*) declare any treatment applicable to the human body for the purpose of curing or alleviating any abnormal conditions thereof to be physiotherapy for the purposes of this Act:

(*b*) revoke or vary any proclamation for the time being in force under this section.

The amendment provides that physiotherapists shall not practise anything other than physiotherapy, and I agree with that. I do not know the persons who constitute the Physiotherapy Board, but section 11 clearly states:

(1) As from the end of the second year after the establishment of the board, the board shall consist of a legal practitioner, who shall be the chairman, a medical practitioner and three registered physiotherapists.

If the members of the board consider that the fee of £16 16s. is correct I shall not query it, although the figure does seem a little high. I agree with the board that when people are registered as physiotherapists they should stick to that profession and not prescribe pills or drugs for their patients. This Bill does what it sets out to do, and it should meet with the approval of all honourable members.

The Hon. L. R. HART (Midland): I would like clarification on one or two points in the Bill. The Hon. Mr. Shard referred to fees. The Bill states that applicants shall be charged a fee of £16 16s. for the initial examination and £5 5s. for each subsequent examination. The point here is: what subsequent examinations are there? Does the Act say how many examinations there shall be, or can the board keep on requiring an applicant to take further examinations? After all, many people who come to this country as registered physiotherapists have probably taken examinations in their own countries and are qualified to practise here, except that under our laws they are required to take certain examinations.

It seems that the fee required for the examinations is steep when we consider that the fee required from a local person to take an examination is negligible. I should like clarification on the subsequent examinations required to be taken and why they should have to be taken. If applicants fail in their original examination, it is fair that they should take a subsequent examination but are they required to take subsequent examinations for any purpose other than having failed the first one? In the practice of physiotherapy it is often necessary for a physiotherapist to use a particular type of drug, not that the drug need be taken but it is probably used in the form of massage. It appears that under this amending Bill a person needing physiotherapy will in many cases be required to go to a doctor to get a prescription to allow that drug to be administered. Is a doctor to be in attendance when the drug is administered? Will the patient merely be given a prescription that this drug may be used and will it then be left to the physiotherapist to administer it, or will it be required to be administered under medical care? These points need clarification. They are not clear in the Bill and the Minister should clear them up. Otherwise, I am prepared to support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Enactment of section 41a of principal Act."

The Hon. L. R. HART: The administration of drugs comes under this clause. If a physiotherapist is permitted to administer a drug, is it left entirely to his or her discretion once a prescription is given for the administration of that drug or must that drug be administered under the direction of a medical practitioner?

The Hon. Sir LYELL McEWIN (Minister of Health): The whole purpose of the Act is to prevent a physiotherapist from administering drugs. In other words, he will carry out only the work of a physiotherapist. Drugs are entirely a medical matter, not for the physiotherapist. A number of deputations from the board have waited on me over the years about these matters. The object of the Act is to prevent a physiotherapist from going beyond the work of a physiotherapist and indulging in medical practices. The costs of conducting the examinations are different from those incurred in conducting ordinary examinations for local people. These examinations will cater for people from other countries, not the normal university graduate. Inquiries overseas have to be made and then an examination is held. This examination is of a special rather than a general nature. Obviously, in the case of failure in some part of the examination, an applicant would be required to take a supplementary examination, and the subsequent fee would cover that. That is the position as represented to me, and I think it is justifiable. These are all specialist examinations involving cost to the board, and the amounts specified were recommended by competent people, including the Crown Solicitor, as being reasonable in the circumstances. I hope that explanation will assist the honourable member to make up his mind.

Clause passed.

Clause 5 and title passed.

Bill reported without amendment; Committee's report adopted.

MENTAL HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 24. Page 1036.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading of this Bill as I believe it further improves the principal Act. It is also added evidence of the change that has taken place in both public and official attitudes towards mental health. The Act has been amended on a number of occasions in recent years, all of which amendments have come from this change.

The present Director of Medical Health, Dr. Cramond, is doing much good in this field. The 1962 amendments, which brought about many improvements, and the Bill now before us have all been brought about as a result of recommendations made by Dr. Cramond. Since his appointment, I have noticed that the forbidding wall that once surrounded the Parkside Mental Hospital has been considerably reduced in height. There is now no restriction to the view for either patients or the public. The old system of shutting away people suffering from mental illness in a prison-like structure behind high walls is now happily a thing of the past.

Clause 3 amends the long title of the principal Act by deleting the reference to mentally defective persons and inserting a reference to persons who are mentally ill or intellectually retarded. I doubt whether this was necessary in view of a new definition of a mentally defective person in clause 4. The new interpretation will include a person who is mentally ill and an intellectually retarded person. However, the words to be inserted in the long title are in line with the modern approach to mental health, and for that reason they should be approved. The old definition of a mental defective, which is to be replaced with the new definition, was in line with the old callous approach to mental health. It referred to mentally retarded persons as "idiots" and "imbeciles", and it should have been amended years ago. I was certainly shocked to see that it was still in the Act.

The inclusion of a provision for the proclamation of training centres for intellectually retarded persons and the procedure under which such persons may be admitted to such centres is a step forward. It is also a necessary step in view of the separation proposed in the Bill of the mentally ill from the mentally retarded. There are places in South Australia where mentally retarded children are cared for and trained, and these places are supported mainly by charities, with some assistance by subsidy from the Government. They have been doing a very good job. Sheltered workshops have also been established where mentally retarded persons have been assisted greatly by being made to feel wanted, and they are thereby able to contribute something towards their upkeep. Such workshops are those established by the Mentally Retarded Children's Education Society of South Australia, the Phoenix Society, and Bedford Industries. I do not know where such places as Minda Home and the Spastic Paralysis Children's Home fit into the Bill or whether they will be in any way affected by the new provisions regarding training centres.

Clause 8 proposes to insert new section 37b, which sets out the procedure under which patients may be received into training centres. The heading of this new section is "How patients may be received into training centres". New section 37b(1) provides:

> A person may be admitted to a training centre as an intellectually retarded person if—
>
> (*a*) any one of the nearest of kin for the time being of the person so request by an application in the prescribed form and containing such particulars as are prescribed.

This refers to a prescribed form. Attached to the present Act are 28 schedules. These schedules include many forms, but I have not been able to find one that I think can be applicable to the admission of a mentally retarded person to a training centre. Perhaps this has been overlooked in the drafting, and it may be necessary for this to be corrected. The Minister of Health may be able to inform us later whether this will be necessary.

Several consequential amendments have been found necessary, and these will be effected by clauses 5, 6, 7, 9, 10, 11 and 12. These consequential amendments affect sections 12, 13, 14, 38, 41, 76 and 97 respectively. The amendment to section 76 brings the mentally retarded person admitted into a training centre under the provisions of the Act regarding trial leave. Sections 77 and 78 provide for the cancellation of such trial leave and action to be taken should such person fail to return to the institution from which he was granted leave. If he does not return, he is deemed to have escaped and can be returned to such institution within three months. This procedure is very likely necessary in the patient's own interests and for his own protection. However, if the amendment I have just mentioned is necessary, I think an amendment will be necessary to section 43. This section refers to the escape of

a person from such places as mental hospitals, receiving houses, or receiving wards. The reference to a training centre has not been inserted by this Bill. Mentally retarded persons admitted to training centres could wander away and, because of their condition, might not be able to take care of themselves. For this reason, I think some provision should be made for their return. This can be looked at during the Committee stages of the Bill. Section 21 provides that the Governor may appoint for each institution, except a receiving ward, three or more official visitors, consisting of one medical practitioner of each sex and one special magistrate or practitioner of the Supreme Court. Provisions are included elsewhere in the Act for a minimum number of visits to be made each year to each institution by these official visitors. This is a wise precaution and, because of amendments proposed by this Bill, training centres proclaimed under the Act will also be visited by the official visitors. I think this is a good provision. I support the second reading of the Bill.

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

BUILDING ACT AMENDMENT BILL.

In Committee.

(Continued from September 24. Page 1036.)

Clause 9—"Governor may make regulations."

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

After "constructed" first occurring to insert "for the purpose of loading or unloading goods into and from vehicles into or from the buildings so erected or constructed.

When we reported progress, I intimated that it might be desirable to consider carefully whether we accepted the regulation-making clause as it stood and relied upon Parliament, through the Subordinate Legislation Committee, to reject any regulation considered unreasonable, or whether we should not give such broad powers for regulation making but give a more limited power. Notwithstanding that other honourable members may have further thoughts on the matter, I have not been informed of any other proposed amendment, but my amendment has been circularized this afternoon. The gist of it is that in clause 9 the application of any regulation that may be made by the Governor in Council will be limited. I have conferred with one or two leading officials in local government, and they think that this power would not be abused in any way. Parliament would still have control and it would be unlikely that any by-law would be passed with provisions of this type unless it was considered certain that Parliament would not interfere with it under the regulations. I suggest that honourable members accept this amendment as it is more specific than the rather broad clause in the Bill as drafted.

The Hon. S. C. BEVAN: Having looked at the present clause 9 and the amendment moved by the Minister it seems that the intention is that provision must be made when a new building is being erected for an area for loading or unloading goods into or out of that building. The clause, with this amendment, is restricted to that extent. In the second reading debate I mentioned that I had misgivings about this clause and how it would be applied. It means that by regulation a council would be the authority to grant a permit to build, and could dictate that there must be a car parking area of a certain size. I submit that that would be within the ambit of the amending legislation. I expressed the fear that this could create difficulties because of the size of the allotment and the size of the building to be erected. In the metropolitan area many large blocks of flats might be built and it would be difficult to provide sufficient parking areas for them, and this could create hardship. It could be the means of preventing somebody from building a multi-storey building because the facilities required by clause 9 could not be provided. The amendment proposed by the Minister restricts the application of the clause and it is preferable to the original clause.

The time is not ripe, especially in the city area, to give effect to what is operating overseas. I was alarmed to read reports from various people, including the Town Clerk, who referred to his experiences overseas and suggested that similar provisions should be applied here. The Minister's amendment is a reasonable one and should be supported by all members.

The Hon. N. L. JUDE: I am not sure that all honourable members are quite clear on my amendment. I point out that provision for parking where flats are being erected is already covered by legislation.

The Hon. Sir ARTHUR RYMILL: Although I understand this amendment it does seem terribly complicated verbiage for what should be a simple provision. This clause as amended would read:

In respect of any buildings to which this paragraph applies and of any class specified in the regulations, provision for parking vehicles on the allotments of land upon which the

buildings are erected or constructed for the purpose of loading or unloading goods into or from the buildings so erected or constructed. It is terribly verbose.

The Hon. N. L. Jude: It is necessary.

The Hon. Sir ARTHUR RYMILL: I have not had time to try to paraphrase this, but I would have thought that instead of the words quoted above—

The Hon. A. J. Shard: The whole paragraph should be re-drafted.

The Hon. Sir ARTHUR RYMILL: I would have thought that the paragraph could be paraphrased to include words such as:

Provision for loading and unloading vehicles on the land or within the building.

The Hon. N. L. JUDE: I appreciate the point about the lengthy verbiage, but if it had not been written in that way the possibility would exist of the parking area being used for the trans-shipment of goods from one vehicle to another, which is not intended at all. The words used are "from the building" or "into the building".

The Hon. Sir FRANK PERRY: I am surprised at the amendment. It seems to me that its operation is confined only to loading and unloading, and does not cover parking generally. I think both should be covered. It seems the Minister made a case for parking provisions to be given to an expert committee to handle. An experienced committee could attend to the matter of handling goods into and out of warehouses or premises of that sort. It seems to me now that this clause is limited to conveying goods into and out of warehouses. From my point of view and from the arguments advanced in the debate it seems that the extension of the Bill is necessary for our by-laws for the future. It cannot be applied in many cases, but where it can be applied it should be so applied. It is not always as wide as it should be. There are congested areas of land. Big areas of land should be designed for the purpose for which they are to be used. An expert committee dealing with each individual case as it arises under the by-laws can handle it satisfactorily. This amendment is a step backwards, not, as the Hon. Mr. Bevan says, an improvement.

The Hon. N. L. JUDE: I think the Hon. Sir Frank Perry has missed the point, to this extent, that if the by-law is submitted to Parliament it is submitted as a by-law giving the council power to say, in any building plans, that so much parking space shall be provided. The committee will not be looking into each individual case: that will be a matter for the council itself. The committee will merely decide whether the by-law is suitable. The council, having got the power in respect of the by-law, can then make specific arrangements for each specific building, and there is no appeal from the Joint Committee on Subordinate Legislation on that.

The Hon. A. J. SHARD: I am perturbed about the drafting of the proposed amendment. As I understand it, this is limited wholly and solely to a loading bay. I agree with Sir Frank Perry: surely there ought to be some provision and compulsion for buildings of the future to provide parking. That was the sole intention of my question regarding the Highways Department's new building. The Government has started a good policy by providing parking out in the suburban areas for some 250 cars. This Bill leaves much to be desired if future buildings must provide, by compulsion, only parking bays.

I agree with the criticism of the drafting of the Bill. It seems that the amendment has been made for the benefit of a few. I do not think the average person would understand its meaning. It is too important a provision to be hotch-potch. The Minister would be well advised to report progress and look again at this clause. He knows the feelings of Parliament: we want something done, not where the local council has the right to say, "You must provide a parking area for every tenant or employee within the building", but surely at this stage of development in the metropolitan and suburban areas there ought to be some provision in the Building Act that any future building must provide some parking area for its employees or customers. This clause does not go any further than state that people must provide for a loading bay and an unloading bay; but that is not good enough. The Minister ought to realize that and appreciate that this amendment is not acceptable; he should look at it again and have the whole clause reworded so that the ordinary person in the street can understand it.

The Hon. N. L. JUDE: It seems to me that I am the only person who has done any work during the weekend! I asked honourable members to suggest amendments that might be more suitable; I certainly did not say that they would be unacceptable. We want to make progress with this clause. One of my earlier remarks may have been misleading when I spoke about the regulations of the council. It is a matter of regulations of the Government. The Government of the day may think it desirable that such and such a council make certain

provision. They are not council regulations: they are regulations of the Executive Council. If honourable members desire it, I shall report progress to consider this matter again.

Progress reported; Committee to sit again.

CITY OF WHYALLA COMMISSION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 23. Page 980.)

The Hon S. C. BEVAN (Central No. 1): This Bill has two important clauses, dealing with the method of rating and an increase in the number of wards within the Whyalla area. It is necessary to amend the principal Act in order to allow the Whyalla commission to increase the number of commissioners and the number of wards, and to alter the present rating system if they so desire. At present the City of Whyalla Commission has no power to enlarge the commission or increase the number of wards in the city. The provisions of section 3 of the principal Act in respect of wards are mandatory. Section 3 (2) states:

> The city of Whyalla shall be divided into three wards which shall respectively bear the names indicated in the Second Schedule to this Act and shall, until altered pursuant to this Act, comprise the areas indicated in that schedule.

So at present it is mandatory for there to be only three wards within the area.

Clause 3 of the Bill amends section 3 of the principal Act to enable the number of wards to be increased from three to four. Whyalla is at the moment divided into three wards—east ward (with about 700 ratepayers), centre ward (with about 1,100 ratepayers) and west ward (with about 3,000 ratepayers). All the future expansion of the city must occur in west ward. I have already indicated that the west ward is by far the largest, having approximately twice the number of ratepayers that the other two wards put together have. I have studied the position of these two wards. I have a map here of the city of Whyalla and its boundaries. If we look at it, we find that a good half of the whole of the city boundaries of Whyalla consist of one ward. The other part is divided into two wards. On studying the map, one can readily see the necessity for this legislation which, if passed, will enable the city to be divided into four wards. This map has been marked out into boundaries, and any member who wishes to do so may look at it. The creation of the fourth ward will mean a redistribution of boundaries, and it can be seen from the map that the fourth ward is necessary. If it is created, existing boundaries must be altered to bring about some equality in the wards. I think the commission will redivide so as to give a more equitable position than exists in relation to State electoral boundaries.

The Hon. R. C. DeGaris: Is there any evidence of the rate revenue from the wards?

The Hon. S. C. BEVAN: No. The proposed new boundaries for the four wards will enlarge the centre and east wards, the west ward will be eliminated, and two new wards will be created. The foreseeable expansion of Whyalla in the next five years will cause an expansion of the centre ward and the two new wards to be created. The expansion of the three wards will mean they will be about equally balanced, and this will give a stable position for years to come. The proposed new boundaries are through roads, which are easily defined, running from north to south. The building programme for the next two years visualizes an increase of between 1,200 and 1,500 ratepayers. One can see from a perusal of the boundaries on the map that it is necessary for this legislation to be passed to give the commission the right to create another ward. We have all seen the progress made there, and apparently it is expected that in the next five or six years there will be further expansion, which can take place only to the west, where it is proposed to create the additional ward.

The position is restricted, however, because if the commissioners decide to create a new ward they will not be able to create any further new wards until the principal Act is amended again, so it may be necessary at some time in the future for further legislation to be introduced. Clause 4 provides for an increase in the number of commissioners from seven to eight, four of whom will be elected by ratepayers of the wards. The commission now comprises seven members, three of whom are elected, three are appointed by the Broken Hill Proprietary Company Limited, and one (the chairman) is appointed by the Government. As I understand the position, this has worked successfully, and only on rare occasions has the chairman been called upon to give a casting vote. The Bill, which enables another commissioner to be elected, will not only give ratepayers extra representation but will eliminate any necessity for casting votes to be given by the chairman. It will be only due to absence of a commissioner that a tied vote will be possible. I have been reliably informed that in almost every instance since the commission was created the vote has been unanimous or

almost unanimous. Clause 4, which permits the election of an additional commissioner, will give ratepayers in the new ward direct representation, and I think this will improve the position.

Another amendment enables an alteration to be made to the present rating system. Before the commission was set up a public meeting was called, and it was asked to determine what system of rating was preferred. The meeting decided on the unimproved land values system, and this was written into the principal Act. Because of the vast expansion of Whyalla, the commission considers it should now have the same facilities for fixing rates as other councils have under the Local Government Act; that is, that the rate can be fixed either on unimproved land values or on annual rental values. This legislation gives that right to the commission. I understand that the commission considered this matter, requested an inquiry, and sought a report on whether one system would be more adaptable than another and whether the Act should be amended so as to give it the same facilities as other councils have in relation to rate fixation. The suggestion was adopted and the Auditor-General was asked to investigate and report on the advisability of extending the rating clause in Part X of the Local Government Act to the city of Whyalla. That report was favourable. A change in the present system operating at Whyalla can be achieved by a poll of the whole of the ratepayers, and, if the result is in favour of a change, the commission can petition for a change in the present system of unimproved land values to that of annual rental values. I made no inquiries about the amount of rates collected from each ward. I consider that the time has arrived when ratepayers should have the right to determine whether or not they should continue with the present system.

However, should a change be considered advisable, any increases in rates would probably fall upon the business community. In the past they have gained advantages over other areas from the present system of rating. I consider that the business people have had an advantage over the years, and any change would conform with other municipalities in the metropolitan area and outside it where the system of annual rental value is used for fixing rates. I consider that, because of the vast expansion that has taken place and will take place in the future, the city will advance and industrial activity will increase. The expansion can take place only towards the west. If the Bill is passed it will not be long before the city of Whyalla will take advantage of it by extending the commission from three to four wards, and no doubt a poll of ratepayers will be held to determine whether there should be a change in the rating system. In those circumstances, I have much pleasure in supporting the second reading.

The Hon. W. W. ROBINSON (Northern): I support this legislation, which provides for the number of wards of the Whyalla commission to be increased from three to four with a similar increase in the number of representatives elected by ratepayers. It also provides for an alteration in the system of rating by the commission, if it so desires. I understand that the commission requested this amendment so that it would enjoy the same powers as those enjoyed by other councils. When the commission was established and the Chairman and Chief Executive Officer was appointed by the Governor in Council, the Act provided that three wards with three councillors were to be elected on the Legislative Council franchise for that area, together with three representatives nominated by the Broken Hill Proprietary Company Limited. The population of the town was then about 6,000, whereas today it has increased to over 18,000 and it is now the largest country town in South Australia. As the Hon. Mr. Bevan pointed out, any further expansion must be westward, and the ward for that area is now out of proportion, so that it is essential that the number of representatives and wards be altered.

It is necessary for the commission to be given the same powers as other councils have, and if it sees fit, to introduce the annual rental values system if that system is preferred to the present system of rating on unimproved land values. Whyalla has expanded rapidly. It was built on sound lines, of which we can be proud. It has a high school, a technical high school and several primary schools. An attractive civic centre has been built for the use of the commission and for the enjoyment of the people of the city. The commission has installed modern facilities and amenities, and there are numerous playing fields available to the residents. Altogether, it is an attractive town. By the increase in its population, the city qualifies for another ward and more representatives on the commission, and I am sure that the opportunity to adopt the annual rental values rating system will be accepted by the city. In older cities where land is being held out of use for speculative purposes, where all the

amenities of water, electricity, roads, and footpaths have been provided, there may be some justification for the system of unimproved land values.

Whyalla has been built systematically: each block has been built on and occupied, and there is little land which is not now built on. Therefore I think it lends itself to the adoption of annual values. When considering any improvements for a town that depends on the iron ore deposits in the Middleback Ranges, one wonders what is its possible life. Consider places such as Queenstown in New Zealand and several mining towns in Queensland and Western Australia, and our own mining town of Radium Hill that had a very short life.

I tried to get an assessment of the potential of Whyalla and its iron ore deposits, and rang the Manager of the Broken Hill Proprietary Company Limited in Adelaide, Mr. Kleeman, who was the Superintendent at Whyalla for many years. He has a great knowledge of the Middleback Ranges and said that the life of the deposits, if jaspilite and taconite are included, is almost indefinite. It is cheering to know that Whyalla is built upon such a solid foundation. It has a shipbuilding industry that will take care of one side of the development of the town, and two other large secondary industries as well as a number of smaller ones. Because of these industries the future of Whyalla is assured for many years. I have pleasure in supporting the second reading of the Bill to give the commission the powers embodied in the Bill, to extend the wards, and to adopt another system of rating.

The PRESIDENT: I rule that this is a hybrid Bill and must be referred to a Select Committee pursuant to Standing Order 268.

Bill read a second time and referred to a Select Committee consisting of the Hons. N. L. Jude, S. C. Bevan, W. W. Robinson, A. J. Shard, and R. R. Wilson; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on October 13.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

The Hon. N. L. JUDE (Minister of Local Government) introduced a Bill for an Act to amend the Local Government Act, 1933-1963. Read a first time.

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

That this Bill be now read a second time.

It makes a number of unconnected amendments, in the main administrative, to the principal Act. Accordingly I shall deal with the clauses in numerical order. Clause 3 amends section 42 of the principal Act which empowers the Minister to appoint a special magistrate to investigate any matter connected with a petition or counter-petition relating to the constitution and alteration of areas. While the special magistrate has full powers to summon and examine witnesses, he has no power to award any costs in respect of the inquiry. In a recent case where a magistrate conducted an inquiry under section 42 the magistrate reported that the evidence presented by the petitioner was unsatisfactory. The council concerned was involved in considerable expense in defending its case, but was unable to recover any of its costs. Quite apart from this particular case it is clear that there is no bar to the presentation of frivolous or vexatious petitions or counter-petitions and it is considered that a magistrate should be empowered to award costs at his discretion.

The new subsection (2a) to be inserted in section 42 will leave the matter to the discretion of the magistrate. I point out that it does not require a magistrate to award costs nor does it give the petitioner or counter-petitioner any right to costs. It provides only that a magistrate may, if it appears to him to be just to do so, order the payment of an amount of costs, to be fixed by him, by either party. The last sentence of the new subsection is necessary as it would be useless to empower the magistrate to order costs unless some means of recovery was provided. Accordingly, it is provided that any costs awarded can be recovered as a debt.

Clause 4 of the Bill amends section 100 of the principal Act which governs the exercise of voting rights by companies. Under section 100 a company has until March 31 of each year to submit nominations of persons for enrolment on the voters' roll to exercise voting rights on the company's behalf. So far as original voters—that is, natural persons—are concerned, the roll can be amended up to 10 days before polling day. The Local Government Association has expressed the view (with which the Government agrees) that it is anomalous that nominations by a company should be required as early as March and the Local Government Advisory Committee has recommended an amendment to provide that nominations may be submitted to May 31. Clause 4 so provides.

Clause 5 makes a similar amendment to section 115 dealing with the rights of joint owners. In particular, paragraph I of the subsection empowers joint owners to nominate persons to vote on their behalf by March 31.

Clause 5 amends this date to May 31. It will be convenient to refer at this stage to clause 29 of the Bill which makes the same amendment in relation to voting by joint owners at polls.

Clause 6 amends section 120 of the principal Act dealing with the method of voting. As honourable members know, at present voting in council elections is by crosses. It was suggested to the Government recently that provision be made for preferential voting, particularly on the ground that electors in State and Commonwealth elections are accustomed to marking voting papers in numbers in accordance with the preferential system. The matter was considered by the Local Government Advisory Committee which concluded that the preferential system was not desirable. In the majority of cases only one person is to be elected from not many candidates—in most cases only two—and it was considered that preferential voting in these cases would not result in any better expression of voters' wishes. The committee considered that preferential voting could cause complications. However, the committee pointed out that, despite instructions given on ballot papers, some voters use numbers because they are accustomed to this method in Commonwealth and State elections and as a result a number of informal votes is cast. The committee recommended that the method of voting should be varied by providing for voting by numbers while making provision that if a voter's intention is clear his vote is not to be considered informal. The Government agrees with the recommendation and accordingly clause 6 will strike out the reference to crosses in paragraph VIII of section 120 and introduce a new paragraph VIIIA which will set out clearly the new procedure.

New paragraph VIIIA will provide for voting by numbers, all of the squares being filled up with consecutive figures. To this there is a general proviso that it will be sufficient if the ballot paper is marked with the necessary number of figures to indicate the elector's choice of candidates—that is the figure 1 where there is only one vacancy and the figures 1, 2, etc., if there are more, omitting to fill up the remaining squares. The proviso also sets out that if a voter indicates his choice by only the necessary number of crosses the vote will not be informal. The result of these provisions will be that a voter may indicate his choice either by filling up all the squares with numbers, or by filling up sufficient squares according to the number of vacancies or by the use of crosses, provided of course that he does not insert more crosses than are necessary.

Clauses 7 and 8 make the necessary alterations in sections 126 and 127 of the principal Act which deal respectively with the counting of votes by the Deputy Returning Officer and the Returning Officer. In both cases the relevant provisions are identical. They will be seen in subparagraph (*c*) of paragraph I of section 126 and paragraph II of section 127, which require the rejection of all voting papers containing too many crosses or any irrelevant matter. These paragraphs are amended to provide for rejection of all voting papers which are not marked in the manner prescribed or allowed by new paragraph VIIIA of section 120. An additional sentence provides that effect shall be given to a voting paper according to the voter's intention so far as his intention is clear. It will be convenient at this stage to mention clause 33 of the Bill which alters the instructions on Form 4 in the Fifth Schedule which sets out the form of the voting paper. At present the instructions require voting by crosses. This is varied to provide for numbering of all squares. It is considered desirable in order to avoid confusion not to include the alternative methods which may be used because the form of the amendments in the earlier sections make the alternative method permissive only. In other words, while the requirement is to fill up all squares, if a voter does not do so, or uses crosses, his vote will still be counted.

Clause 9 makes a drafting amendment to section 267b which was inserted in the principal Act last year providing for the remission of rates and interest on rates. Amounts added to rates for late payment are known as "fines" and not as "interest"—see section 259. The amendment is purely of a drafting character.

Clause 10 amends paragraph (*j*4) of subsection (1) of section 287 of the principal Act which enables a council to subscribe up to £250 in any one year for the purpose of any organization having as an object the furtherance of local government or the development of any part of the State in which the area of the council is situated. It is proposed to vary this provision by taking out the word "and" before "object" and inserting "its principal" and by removing the alternatives of furtherance of local government and development of part of the State. Paragraph (*j*4) will then read "for the purpose of any organization having as its principal object the furtherance of local

Government in the State, and development of any part of the State in which the area of the council is situated''. The reason for these amendments is that some councils have recently been invited to join and contribute to an interstate organization. The Government considers that ratepayers' money and in the last resort taxpayers' money ought not to be expended on such an object. The object of the amendment is to deter such expenditure by councils on organizations having little or no connection with this State.

Clause 11 inserts into the principal Act new section 287a which will empower metropolitan councils to expend their revenue in contributing towards the purchase price of any land within its area purchased by the Housing Trust for the purpose of development or redevelopment as a residential area. The approval of the Minister is required and in particular he must be satisfied that the land in question is underdeveloped and that its development or redevelopment will substantially increase the assessed value of the land and the revenue from the rates. This matter arose first as a result of a proposed development by the Housing Trust at Gilberton under which the Walkerville council is proposing to pay the Housing Trust 45 per cent of the purchase price of the land acquired. The council is, however, without power to make a direct payment of this nature and to get over the difficulty it has been agreed that the trust will transfer to the council a piece of land to be decided upon. The general effect of the amendment would be to enable the council to subsidize flat development. The trust has pointed out that in other parts of the world the development of run-down areas near the heart of the city is unfavourable economically and needs a subsidy. On the other hand, a council's subsidy can in the long term be a financial proposition to the council since the rating capacity of the land would over a period of years enable the council to recoup its outlay. Subsection (2) of the new section empowers metropolitan councils to borrow for the purpose without regard to the ordinary provisions governing loans.

Clauses 12 and 13 amend sections 288 and 289 of the principal Act by enabling municipal and district councils to pay to councillors necessary luncheon costs when a meeting has been adjourned before and resumed after the normal luncheon hour. Councils have been advised that present sections do not cover such a payment and the Local Government Advisory Committee considers that the reimbursement is reasonable, particularly having regard to the fact that local government service is voluntary.

Clause 14 which, as honourable members will observe, is in erased type, contains a suggested amendment to section 300a of the principal Act, subsection (1) of which empowers a grant out of the Highways Fund to the City of Adelaide of up to £15,000 in any one year. It is proposed to increase this amount to £20,000. The Lord Mayor approached the Government on the question of grants for roads following last year's Lord Mayors' Conference. The difficulties of the City of Adelaide are not nearly as large as those in the other capital cities because of the financial help given by the State Government, but the present grant, which has been made since 1949 for roads passing through park lands has proved insufficient. The Government has considered the figures submitted by the Lord Mayor and has decided that the maximum amount of the grant should be raised to £20,000. The suggested amendment in clause 14 so provides.

Clause 15 is designed to resolve certain doubts which have been raised regarding the operation of Part XIX dealing with works and undertakings carried out by councils jointly. That part is limited to ''permanent works or undertakings''. Two groups of councils have submitted to the Minister joint schemes to set up committees to administer the Weeds Act. The joint schemes are undoubtedly of benefit to the areas and, acting on legal advice, the Minister approved both schemes, but some doubts have been raised as to whether such schemes are included in the expression ''works and undertakings''. The amendment will make it clear that any function or duty of a council under any Act is to be regarded as a permanent work or undertaking.

Another amendment to Part XIX is the insertion, by clause 16 of the Bill, of a new section 399a to limit the personal liability of members of a controlling authority in the same way as is provided for other statutory bodies. In the Local Government Act itself section 666c (which relates to the establishment of a controlling body to manage reserves, halls, etc.) provides protection for the members for *bona fide* acts by subsection (9). It is considered that similar provision should be made for members of controlling authorities under Part XIX.

The next series of amendments concerns Part XXI of the Act relating to borrowing powers. Last year section 423, permitting the borrowing on the security of a special rate, was repealed, section 424 being consequentially amended to

raise the total amount which could be borrowed on the security of the general rates. The effect of the amendment was practically to double the amounts of borrowings which could be made on the security of the general rates. The provisions restricting the maximum amounts of repayments in paragraphs IV and V of subsection (1) of section 424 were not amended, as it was not expected that any council would be affected. However, at least one council which had already made arrangements for a loan now finds itself in the position where its repayments exceed the permissible limit.

The amendments in subclauses (*a*) and (*b*) of clause 17 will approximately double the limit of repayments to correspond with the increase in amounts which can be borrowed. The object of the last amendment made to section 424, by subclause (*c*) of clause 17, is to enable a council to appropriate both general and special rates for the repayment of a loan, although the money is borrowed on security of the general rate. Section 424 as amended last year now provides for a council to borrow money for permanent works and undertakings or for any object or purpose for which any special or separate rate has been declared. Although all borrowings are now on the security of the general rates, the council may still levy a special rate for a specific purpose.

Clause 18 merely removes the reference to section 423 in section 425, a necessary consequential amendment in view of the repeal of section 423 last year. Clauses 19, 22 and 23 will reinsert the word "general" before the word "rates" in sections 426, 434 and 435 respectively. These are amendments of a drafting order. Although the word "general" was removed from these sections last year, it is considered desirable for the sake of consistency that they should be reinserted.

Clause 20 repeals sections 432 and 433 which apply to loans raised on the security of a general or special rate. As I have said, since last year's amendments councils can now borrow money only on the security of the general rates. It is therefore proposed to repeal sections 432 and 433 and insert new section 433a which is designed to meet the case of loans already raised on the security of special rates before last year's amendment. It provides that as from the commencement of last year's amending Act any moneys borrowed on the security of a special rate are to be deemed for all purposes to be secured on the general rates. The new section is inserted by clause 21. I have already dealt with clauses 22 and 23.

Clauses 24, 25 and 26 are of a similar order to clauses 20 and 21. Clauses 24 and 26 repeal sections 441 and 448 of the principal Act which deal with loans raised on the security of special or separate rates and they are accordingly repealed, while a necessary consequential amendment to section 442 is made by clause 25 to remove the references to special or separate rates and to provide that loans raised before last year's amendments are to be deemed to be security on the general rates.

Clause 27 amends section 449c of the principal Act inserted by last year's amending Act. The object of that new section was to enable councils to buy houses by instalments for occupation by their employees. Some councils, however, have raised the question as to the position where they borrow money from lending institutions repayable by instalments for this purpose. Clearly a loan repayable by instalments is not the same as the purchase of a house with finance from a lending institution, although the purpose being achieved is the same. Accordingly a new subsection is added to section 449c to make it clear that councils may borrow money for the purpose of purchasing or constructing houses for their employees without regard to the restrictions in Part XXI.

Clause 28 makes a grammatical and technical drafting amendment to sections 526 and 527 of the principal Act. I have already dealt with clause 29 in connection with clause 5. Clause 30 makes an amendment to section 832a inserted in the principal Act last year governing a request for polls by stating clearly the form of the required declaration. A new schedule setting out the necessary form is inserted in the principal Act by clause 34.

I come now to clause 31. Division IV of Part XXXXV of the principal Act confers certain powers on the City of Adelaide in connection with streets and roads. Section 871j enables the council to borrow money for the purposes of the Division, subsection (2) limiting the amount of the borrowings to two-thirds of the assessed value in the city. In 1954 the provisions of Division IV were applied to the City of Mount Gambier under section 871t, but section 871j (2) was not amended, possibly leaving the City of Mount Gambier with practically unlimited borrowing powers. The proposed amendment will retain the limit for the City of Adelaide, but will restrict the City of Mount Gambier to a total not exceeding one-sixth of the assessed value in the area. This

amount is proportionately equivalent to that allowed to the City of Adelaide.

Clause 32 deals with a technical matter which has been raised by a trustee of the Henley and Grange 1928 and 1929 Regatta Committee. Section 886b of the principal Act, in permitting the trustees of the fund to pay the moneys held on behalf of the committee to the Henley and Grange Council for the purposes of the community hospital, refers to the fund as "The Henley and Grange 1928 and 1929 Regatta Committee Trust Fund". In fact, the actual account is in the name of "Henley and Grange 1928 and 1929 Regatta Committee", the words "Trust Fund" being omitted. One trustee takes the view that he cannot lawfully pay the moneys over because of this discrepancy. It is accordingly proposed to refer to the amount specifically and at the trustee's request a further subsection is being inserted freeing the trustees from the trust and all obligations once the money is paid over. I have already dealt with clauses 33 and 34 in connection with clauses 6 and 30 respectively.

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

ADJOURNMENT.

At 4.20 p.m. the Council adjourned until Wednesday, September 30, at 2.15 p.m.