

LEGISLATIVE COUNCIL.

Thursday, October 1, 1964.

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

QUESTION.**DECOMPRESSION CHAMBER.**

The Hon. A. F. KNEEBONE: I ask leave to make a short statement prior to asking a question.

Leave granted.

The Hon. A. F. KNEEBONE: In this morning's *Advertiser* there appears a report of an accident to a diver at Port Stanvac who suffered a complaint known as "the bends", which is caused by being brought to the surface too quickly. The accident has affected his arm, paralysing it for some time. The accident would have been much more serious but for the fortuitous circumstance that there was a decompression chamber at Port Adelaide. Can the Minister of Health say whether a decompression chamber can be made part of the medical service of this State so that in future if any other cases of this nature occur decompression can be quickly available?

The Hon. Sir LYELL McEWIN: I read with some interest the report of this accident referred to by the honourable member. I shall be happy to get a report from the health officers regarding what is involved in the honourable member's question.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Prevention of Cruelty to Animals Act, 1936-1960. Read a first time.

The Hon. Sir LYELL McEWIN: I move:

That this Bill be now read a second time.

Its purpose is to give effect to a recommendation of the Australian Veterinary Association that a veterinary surgeon should have power to destroy animals that, in his opinion, are so disabled or diseased that they ought to be killed. Very often it happens that seriously injured animals which, quite clearly, should be destroyed are brought to a veterinary surgeon. There is no power in the principal Act, however, enabling the veterinary surgeon to destroy the animals. The amendment to section 21 of the principal Act by clause 3 will confer the necessary power on veterinary surgeons and will be

the same as that exercised by police constables under that section. The amendment will also confer on veterinary surgeons the same protection from claims for compensation as police constables have under that section.

I commend the Bill for the consideration of honourable members. At present the police can order the destruction of animals, but veterinary surgeons too ought to be competent to recommend this action or carry it out.

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

BUILDING ACT AMENDMENT BILL.

Read a third time and passed.

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

Read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (TYRES).

Read a third time and passed.

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from September 30. Page 1122.)

The Hon. A. J. SHARD (Leader of the Opposition): When listening to the Minister's second reading speech yesterday, the first thing that struck me was that, no matter how efficient our Public Service may be (and we all know that our top public servants are of a very high standard and do a particularly good job), this Bill proves how far the estimates can be wrong and what can happen in 12 months that nobody can foresee. What struck me most was the statement:

The net effect of these excesses was to convert the result for the year from an estimated deficit of £492,000 to a surplus of £1,625,000. That seems to me to be a terrific difference. I carefully followed the Minister's second reading speech, but I could not understand how this should have occurred. Undoubtedly receipts were higher than expected, but there seems to be a big discrepancy between the estimate and the amount actually received. I suppose it is better for it to be that way than to have a deficit, but it makes me wonder just how the departmental officers can be so far out in their estimates. My main criticism of the Bill concerns the proposed increase in motor vehicles tax and stamp duties. I do not want to discuss those matters today, because we shall have an opportunity to do that later when the relevant Bills

are introduced. In his second reading explanation the Minister said:

Increased stamp duties of about £262,000 are expected from a greater volume of business at higher values.

Most members know that the Labor Party does not think this increase in stamp duties is desirable. It is pleasing to note that last year the Railways Department had an increase in revenue. Receipts exceeded the estimate by £706,000, but this trend is not expected to continue. It is generally accepted that the Railways Department should not have to pay its way because of the service and concessions it gives to the outer communities. However, I wonder why, after a good year last year, the position should be different in the coming year. I had hoped that there would be a continuing increase in revenue because of greater efficiency and more use being made of the railways. However, the Minister put a damper on that and said an increase could not be expected again this year, which is unfortunate. I wonder what effect the Road and Railway Transport Act Amendment Bill will have on our Railways Department. If that Bill is passed, and it will be passed no matter how much we on this side oppose it, I am afraid that the freer road transport will provide more competition for the Railways Department and therefore reduce rather than increase its revenue. I shall have more to say about that later. I do not intend to debate those Bills now, because they will be introduced soon and then my colleagues and I will have much to say about them.

The Police Department is to receive an appropriation of £3,484,000. There will be an increase of £286,000 for salaries and wages, which will enable the force to be further strengthened. It is expected that the active strength of the force will be increased during the year by some 70 members from the total of 1,496 at June 30 last. I do not criticize this in any way, for it is something that must be expected in a growing community. It is unfortunate, however, that we must have a Police Force, but South Australia is in the happy position of having many efficient officers. The sum of £8,385,000 has been allocated to the Hospitals Department. I was sorry to hear the following comment by the Minister in introducing the Bill:

The sum of £26,000 has been included for staffing and running treatment centres for alcohol and drug addicts for portion of the year. The Alcohol and Drug Addicts (Treatment) Act will not come into operation until proclaimed, but the amount provided is the

estimated cost in this year of proposals submitted by the committee appointed to formulate plans for the implementation of the Act.

It is unfortunate that we have such people in our midst, but the only way to help them is to give them more and better treatment, which I trust will be available soon. This year subsidies to hospitals will total £2,593,000, which is a large sum of money, and an increase over last year of £469,298. The Minister said:

Provision has been made for maintenance, new buildings, alterations, additions, and equipment required by hospitals operated by independent boards of management. The hospitals for which substantial grants are proposed towards major building projects include the Adelaide Children's Hospital, Lyell McEwin Hospital, the Queen Victoria Maternity Hospital and the Whyalla Hospital.

Although a large sum of money is involved, I know from personal experience that there is never enough money available to cater adequately for the hospital needs of the people. Mr. President, you and I had the pleasure of attending the opening of the Millicent District Hospital and of seeing the good work done there. We can consequently realize that the sum of £2,500,000 for hospitals will not go very far. Community hospitals play an important part in the affairs of this State, and that applies particularly to the metropolitan area. The money available to these hospitals does not go far. I am connected with a small community hospital that has just completed the building of a new operating theatre and a labour room, and there is likely to be another 12 beds available. The cost of the work is about £66,000. When that figure is multiplied by about 100, because of the number of hospitals we have in this State, we can readily see that the money made available is not sufficient. The people who serve on boards of community hospitals derive much satisfaction from what they do. It is not often that they know whether the results of their work are pleasing or not. However, I had the satisfaction last evening of a visit from a doctor associated with the hospital in which I am interested, who said that he considered the board had done a good job for that community hospital. The doctor said he had the pleasure of using the new operating theatre that morning and considered it to be a fine one.

That is the type of satisfaction obtained by members of the board, who give much of their time to conducting the affairs of a hospital such as this in an honorary capacity. They take an active interest in their work. I

refer to such people as the chairman, the secretary, the matron and staff. The board consists of a number of other people and some of us might be considered dead wood, but we do make up the number. I have mentioned the people who carry the burden of running the hospital and the value of their service to the community and to the Government. It is pleasing to hear such comments as those made by our medical officer and his report will be passed on to the board later. I mention now the Lyell McEwin Hospital at Elizabeth. Last Thursday night, with the Hon. Mr. Story, I attended a function at which I spoke to the Chairman of the hospital board. I am pleased to read the following statement contained in the second reading explanation of this Bill:

The second stage of the development of the Lyell McEwin Hospital at Elizabeth is almost completed, and will be followed immediately by a third stage. The latter will provide an additional 27-bed wing for surgical cases and a similar wing for medical cases. The extensions will cost approximately £200,000, for which provision has been made this year. When the third stage is completed the hospital will have a capacity of more than 160 beds.

The Hon. C. R. Story: What is the contribution to the hospital from the people of Elizabeth?

The Hon. A. J. SHARD: I understand that they do not contribute anything, as the Government provides the full amount. During a discussion with the chairman of the board about the progress of the hospital it was mentioned that the second section had been completed and that the third section would be commenced today, but I do not think it will remain at this third stage for long. I ask the Minister of Health, in view of the fact that Elizabeth is becoming a big industrial centre—and I understand the hospital has only a small casualty section—whether the third stage provides for an enlarged and better-equipped casualty section. The growth of Elizabeth means that the need for such a section will increase and I understand that at present there is only one small room available as a casualty treatment room. If there are a number of people injured the passageways have to be used, and that is not satisfactory. I believe that this matter has received sympathetic consideration from the Director-General of Medical Services, Dr. Rollison, and that provision will be made for a new casualty section. I refer now to the item "Chief Secretary, Miscellaneous". The Minister said:

Other important items provided for under "Chief Secretary—Miscellaneous" are grants to the Royal Institution for the Blind £30,000,

the South Australian Institution for the Blind, Deaf and Dumb £18,000, Meals on Wheels £17,000, and Aged Citizens Clubs £10,000, while £138,000 is provided for transport concessions to pensioners and £86,000 for similar concessions to incapacitated ex-servicemen.

People are unaware of many fine services rendered to the community, and there is a considerable sum of money involved in running the institutions to which I have referred. I commend the men and women who have dedicated themselves to their tasks and who give their time freely to this work. Especially do I commend the organization known as "Meals on Wheels", and I marvel at the growth of that body and the continued support it receives from vast numbers of people in a purely honorary capacity. They are doing a wonderful job without thought of reward other than the pleasure and satisfaction received from assisting less fortunate people. With reference to the item "Lands Department—Minister of Lands—Miscellaneous," the Minister said:

This amount includes £119,000 for salaries and grants for the Botanic Garden, £58,000 for grants to the National Park Commissioners, and £36,000 for grants to the Royal Zoological Society of South Australia. An amount of £77,000 is also provided under this heading for the purchase of land for national reserves.

The Parliamentary Committee on Land Settlement has been dealing with the question of Bool Lagoon for many months now and has almost reached the end of its deliberations. A report on its findings on the protection of the fauna and bird life in that area should be available shortly. During the course of taking evidence the committee had the privilege of hearing representatives from the Victorian Fisheries and Wild Life Department and the Field and Game Society. If the Government wishes to remain abreast of the latest thinking on national reserves and bird life sanctuaries in various forms, and to keep up with other States in making the sanctuaries attractive to the tourist and to gun clubs it will have to be prepared to spend much more than £70,000 in that direction. We must be prepared to spend a greater amount than £77,000 to provide new national reserves and game reserves of various types. As a point of interest, Victoria is a long way ahead of us. The Parliamentary Committee on Land Settlement, in order to help itself to reach a sound and acceptable decision in the matter, is making a trip on Monday fortnight to Warrnambool to look at a game reserve there which, we are told, is a sound undertaking on which we could model our own ideas.

The Hon. C. R. Story: They are going to have their own income tax in Victoria, too!

The Hon. A. J. SHARD: Yes. From that point of view their income from certain quarters is tremendous compared with ours. For instance, the amount of money they receive for gun licences is huge and the attraction of their reserves to tourists is great. It all helps to bring in money. I shall speak on that later when a Bill on this subject is introduced. National reserves and bird life sanctuaries are at a low ebb in South Australia compared with those in other States.

The Hon. C. R. Story: We have made a fair amount of progress in the last 12 months.

The Hon. A. J. SHARD: Yes, but we are only scratching the surface.

The Hon. C. R. Story: But we have made progress.

The Hon. A. J. SHARD: Yes, and we hope things will improve.

The Hon. R. C. DeGaris: In what respect are they ahead of us in the preservation of rare fauna?

The Hon. A. J. SHARD: I do not know about that, but we can say that they are, generally, a long way ahead of us and are making much progress. However, I cannot pinpoint the exact respects in which they lead us in the preservation of rare fauna.

The amount of money allocated to the Education Department is large: it totals £24,553,000. The amount voted for the Hospitals Department, too, has increased tremendously over the last 20 years. In the year 1946-47 the amount allotted for education was 7½ per cent of the total expenditure: this year it has increased to 16½ per cent. All I want to say on education is that, despite the larger amount of money allocated, as is the case with hospitals, we shall find that that will not be enough if progress continues at the present rate and our schools are filled. We are now reaching a peak period in school attendances through the growth of population and the influx of people from abroad since the war. The peak will probably be reached in about 1968 or 1969.

The amount of money allocated for the Highways and Local Government Department is £868,000. I mention this (I hope the Minister is listening) because I was not completely satisfied with the answer I got to my question about car parking in the new Highways Department building at Walkerville. I was not seeking information with any idea of criticizing the department for what it had done. In fact, I have been favourably impressed with

the car parking space provided. Similar space should be provided elsewhere. My sole purpose was to try to ascertain the cost per car for parking. I am astonished that the department is not, apparently, able to supply an answer, or does not want to supply it—I do not know which it is. If one wanted to be critical or suspicious, one might say that it was not hard to find an approximate answer.

The Hon. N. L. Jude: You mean the cost of putting down a bitumen car park?

The Hon. A. J. SHARD: That is all right. It should not be hard to find the answer. It was a fair question. I asked it only to find out what the cost was. I know that houses had to be demolished in some sections. A person might think that the costs were so high that the department did not want them to be known. I personally do not think that is the department's attitude. In reply to my question, the Minister said:

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 for 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.

I have been connected with a few buildings and we have always been able to find out the approximate cost, not to the nearest pound. I urge the Minister to look at this again to see whether he cannot get somewhere near the cost because other honourable members will, sooner or later, want an answer. I do not criticize the department (it has done a really good job) but surely we can be given the approximate cost of the car park. If some honourable members in this Chamber had business dealings in which costs were required to be known I am sure they would be able to supply answers to those questions. For instance, the Hon. Sir Frank Perry would not have been so successful in business had he not been able to separate the costs of various facets and give information upon them.

Clause 3 (4) of the Bill deals with pumping water by pipeline from various places to Adelaide and the metropolitan area. If my memory serves me right, I asked a question on this two years ago: what will happen when the amount of money allocated for the pumping of water from Morgan to Whyalla and from

Mannum to Adelaide is used up, owing perhaps to seasonal conditions? Where will the extra money come from? Frankly, I did not get a satisfactory reply at that time, as nobody seemed to be able to explain the matter. Clause 3 (4) provides:

The Governor may, by warrant under section 32a of the Public Finance Act, 1936-1964, appropriate out of the General Revenue of the State any money required to meet further expenditure beyond the amounts provided in the estimates of expenditure for the year ending on the thirtieth day of June one thousand nine hundred and sixty-five for costs of electricity supplied to the Engineering and Water Supply Department for pumping water through the Mannum-Adelaide pipeline and from bores in the Adelaide Water District, and through the Morgan-Whyalla water main. The aggregate amount of money which may be appropriated under the said section 32a for the said financial year shall be increased by the amount of money appropriated pursuant to this subsection.

This now gives me the answer to the question I asked about two years ago, and I now know where the money comes from. Any other comments or criticisms I may have to make will be made when we are dealing with Bills that have already been or are to be introduced.

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

METROPOLITAN AREA (WOODVILLE, HENLEY AND GRANGE) DRAINAGE BILL.

Adjourned debate on second reading.

(Continued from September 30. Page 1123.)

The Hon. S. C. BEVAN (Central No. 1): This Bill has been introduced as a result of representations made to the Government by the city of Woodville and the town of Henley and Grange seeking assistance in a scheme to drain floodwaters from their respective areas. As honourable members know, in these areas considerable activity has taken place in the last few years, and this is continuing and will continue for some considerable time. Even before this expansion in building activities, both councils found it difficult to rid their areas of floodwaters from time to time and, with the extra building activity, the position was aggravated to such an extent that last winter, when I visited the area on several occasions, I was amazed at the volume of water lying around. There were many complaints from residents, and in some of the newer areas that were not sewered people complained that septic tanks were put out of action because of the volume of water in the district and

that in some cases the septic soakages were full of floodwaters.

The two councils, realizing the position, made representations to the Government for assistance, and the scheme was referred to the Public Works Committee for inquiry and report. The committee held an exhaustive inquiry into the whole matter, took evidence from the councils concerned and other interested bodies, inspected the areas in which the proposed works were to be carried out, and finally reported very favourably to the Government on the scheme. I have no doubt that this scheme is an absolute necessity in the two areas concerned.

Considerable cost is involved in the project. The Bill provides for an estimated cost of £386,300, half of which will be borne by the Government and the other half of which will be borne by the two councils. Representatives of both councils came before the Public Works Committee and agreed on their allotted proportions of the cost. Woodville will be bearing 54 per cent and Henley and Grange 46 per cent. The councils are to be congratulated on their co-operation with the Public Works Committee and their agreement in relation to the scheme. It seems to me that £135,927 will be contributed by Woodville and £57,223 by Henley and Grange. The Woodville council will bear the higher cost, as it has agreed to bear the cost of the drain conveying floodwaters from its area only. Henley and Grange will not benefit from that part of the scheme, as the drain will be in the Woodville district and will relieve that district of floodwaters; hence the additional amount that Woodville will be paying. In addition to this, both councils have agreed to maintain the works within their areas. Once the drainage scheme has been put into operation, it will be maintained by the councils.

The money will be made available from Loan funds appropriated by Parliament, and the councils will pay back their shares to the Treasury over a period of 53 years, together with interest payments, in equal instalments. One can see that the sums for which both councils are liable would not be readily available to them, but the Government has agreed to make the whole sum available for that period.

The work is extensive; apart from the actual scheme, a ponding basin must be constructed and pumps must be installed to clear the floodwaters. Undoubtedly, it will take several years to complete the scheme. I think this work is urgent and necessary. As I have already said, if one visits the area during winter one

can see how essential the scheme is. As the proposal contained in this Bill has been the subject of exhaustive inquiry by the Public Works Committee and has also been referred to a Select Committee of another place, which inquired into the matter and reported favourably upon it, I think all members can give it their wholehearted support. I support the second reading.

The Hon. F. J. POTTER (Central No. 2): I support the second reading of the Bill, not only because it has had a full examination by a Select Committee of another place, but also because this afternoon the Hon. Mr. Bevan outlined in such detail what it proposes. I feel that all members can support the measure, which represents a practical approach to an urgent problem. The work is essential, and as the Government cannot do the construction work at present a happy arrangement has been made whereby the two councils concerned will share the work with Government financial backing. The two councils must be congratulated on offering to do the work and the Government commended for working out a sensible arrangement.

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

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.
It is a short Bill designed to overcome certain difficulties which have been encountered in connection with the operation of the principal Act. As its long title indicates, the object of the principal Act is to provide for the co-ordination of passenger and freight transport by railways and by vehicles used for carrying passengers and goods on roads. The Transport Control Board is empowered to declare controlled routes on which vehicles cannot be operated for carriage for hire without a licence. However, special provision is made for permits. Last year Parliament enacted a new section to the effect that no new licences should be granted after the coming into operation of the Road Maintenance (Contribution) Act, but that existing licences were to remain in force until all the licences on a controlled route would normally expire. When all the licences on a controlled route expire the Minister is to decontrol the route so far as carriage of goods for hire is concerned. The board has been legally advised

that in the grant of permits it must have regard to its duty to co-ordinate traffic on controlled routes and following this advice has been refusing certain permits.

The Government considers that since the commencement of the Road Maintenance (Contribution) Act the use of the roads should be freed from undue restrictions, and the object of this Bill is to liberalize the present stringent conditions imposed by the principal Act. Accordingly, clause 3 inserts a new section in the principal Act to provide that any person may operate a vehicle on any road in the State with the proviso that he may not, without a permit, pick up or set down any goods on a road or within a township in respect of which a licence or permit is in force. The Transport Control Board will be obliged to issue a permit for the picking up or setting down of goods unless the issue would operate to the detriment of an existing licence or permit holder. If the board refuses a permit it is required to report fully to the Minister, setting out the facts of the case and the reasons for its decision. I commend the Bill for the consideration of members.

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

CITY OF WHYALLA COMMISSION ACT AMENDMENT BILL.

The House of Assembly intimated that it had given leave to Mr. R. R. Loveday to give evidence before the Select Committee on the City of Whyalla Commission Act Amendment Bill if he thinks fit.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.
The amendments made by the Bill are mainly of an administrative nature and have been drafted to give effect to recommendations made by the Council of the Institutes Association of South Australia Incorporated. Clause 3 repeals and re-enacts section 65 of the principal Act which deals with powers of the council and secretary of the association and authorized officers of the council in relation to inspections and production of an institute's books and records. The amendment provides for obtaining possession of records held not only by the secretary or members of the committee of an institute but also by any other person who has them in his possession

or under his control and for temporarily removing records from an institute for examination by the council. It has been found that institute records have been held by former members of committees who have been unwilling to release them and the amendment is intended to meet any similar cases should they occur again. As it may not be possible for the secretary of the association or other authorized officers to complete an investigation of records while at an institute, the amendment will also enable records to be removed for further investigation.

Clause 4 amends section 78 of the principal Act which requires the trustees of an institute to furnish a return to the council of the association upon acquiring any real property, and also an annual return giving details of all real property held by the institute. This is administratively unnecessary because in most cases there is no change in an institute's real property from year to year and no useful purpose is served in requiring trustees to furnish the same return year after year. It is considered sufficient if trustees furnish returns upon acquiring and disposing of real property, and the clause amends section 78 accordingly.

Clause 5 corrects a drafting error in the principal Act. Clause 6 (a) amends the provisions of section 98(1) relating to disposal of an institute's property so as to remove a doubt expressed by a former Crown Solicitor on the question whether the words "any real property" in that section may be read as "all real property". Clause 6 (b) substitutes a new subsection for subsection (3) of section 98 of the principal Act. Under the existing provisions of that section the trustees of an institute have power to lease for any term any part of the institute except the library without reference to the members, the council of the association or the Minister. The new subsection will provide that the letting of the library for any period or of any other real property for a period exceeding three years must have the sanction of the members, the council of the association and the Minister. Clause 6 (c) inserts in section 98 of the principal Act a new subsection which provides for the deposit with the council of the association of copies of all transfers and leases effected under that section. Section 92 of the principal Act provides for the deposit with the council of copies of mortgages and the council feels that this requirement should extend to transfers and leases so that the official files of the council will comprise a complete record of an institute's real estate transactions.

Clause 7 repeals and re-enacts section 105 of the principal Act which deals with the procedure to be followed for the dissolution of an institute. Under that section at present the dissolution of an institute requires a resolution approving of the proposed dissolution carried by not less than three-fourths of the members present at a general meeting of the institute, a special notice of which has to be given. In the past it has been found that some institutes have been too readily wound up without proper thought to the function performed by the institute in the district and the amendment is designed to ensure that more considered thought on the part of the members will be given to the question whether an institute should be wound up. The effect of the amendment is that a resolution for dissolution must be passed at a meeting by at least three-fourths of the members present at the meeting and confirmed at a subsequent meeting by a simple majority of the members present at the subsequent meeting. In addition to the special provisions relating to the notice of the meeting as presently enacted the new section provides that the notice for the first meeting must be advertised in accordance with the requirements (if any) of the rules of the institute. The new section also requires the committee of the institute, after confirmation of the resolution, to deliver to the council the papers, books and records of the institute and to the trustees the other property for disposal in accordance with section 106. A maximum penalty of £5 is provided for a breach of the section.

Clause 8 amends section 106 by empowering the Minister, upon dissolution of an institute, to effect transfers of its real property in accordance with a resolution passed for that purpose under section 105. It sometimes happens that some of the trustees are absent from the State or are otherwise not available for the execution of the necessary transfer or conveyance thereby unduly delaying completion of the transaction. The amendment will bring section 106 into line with section 114, which confers a similar power on the Minister in relation to transfers of real property to local authorities. Clause 9 (a) amends section 107 of the principal Act which deals with the dissolution of an institute of less than 10 members, or of an institute not being properly managed, by resolution passed by the council of the association. The section provides that a copy of the resolution may thereupon be posted in a conspicuous place in the premises of the institute, but cases have

occurred where institute secretaries have taken the view that they are not obliged to post the council's resolution and this has caused considerable inconvenience to the council. The amendment will require the secretary or other appropriate officer of such an institute, upon receipt of a notice for dissolution, to post the notice in a conspicuous part of the premises.

Clause 9 (b), (c) and (d) requires persons who are in possession of the records of an institute that has been so dissolved to deliver them to the council of the association. In the past considerable difficulty has been experienced in recovering records of an institute which has been dissolved from former officers and members of the committee, and this amendment is designed to meet such cases. Clause 10 adds a new subsection to section 116 of the principal Act which deals with the transfer of an institute or the property of an institute to a local authority. The new subsection provides that, where any real property of an institute is transferred to and held by a local authority upon trust to be used for institute purposes, the local authority may, with the Minister's approval, set apart some other premises of the local authority and make them available for the purposes of the institute in lieu of the real property so transferred and held by the local authority. It has been found on many occasions where property has been transferred to a local authority that other premises were available which were more suitable for library purposes.

Clause 11 amends section 143 of the principal Act which deals with cheques issued by the Adelaide Circulating Library. The amendment will allow cheques above the value of two pounds to be signed by one member and the secretary instead of by two members and the secretary which is regarded as unnecessarily inconvenient and cumbersome. Clause 12 makes an amendment to the Fourth Schedule consequential on the amendment made by clause 4.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 29. Page 1074.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which contains a number of amendments that will clarify various sections of the Act and make for the smoother working of local government in general. This

is essentially a Committee Bill and no doubt the various clauses will be discussed at length at that stage. I shall refer briefly to several of the clauses, commencing with clause 3. This is a new departure and will enable a magistrate, if it appears to him to be just so to do, to order the payment of such amount of the costs incurred in connection with the investigation as he shall fix to be paid by or to the petitioner to or by the counter-petitioner. The Minister explained this provision fully in the second reading speech when he said that there was no obligation on the magistrate to fix costs, but that if the provision were there it would discourage frivolous petitions from being lodged. I should like to put this thought before the Council. This magistrate is appointed, in the first instance, by the Minister. He does not make the decision himself but merely reports to the Minister on his findings. It might be more in keeping with the Act if the fine suggested by the magistrate were also passed on to the Minister for his final decision because in many cases the costs—

The Hon. N. L. Jude: Did you say that the suggested fine should be passed on to the Minister?

The Hon. G. J. GILFILLAN: I should have said "passed on to the Minister for his decision whether costs should be levied", because costs can become high in these days in court proceedings and investigations. We do not want to discourage genuine petitioners from bringing petitions, but different magistrates may be investigating different cases and their assessments of costs may vary considerably.

The Hon. S. C. Bevan: They would be taxed costs, wouldn't they?

The Hon. G. J. GILFILLAN: No. These are actual inquiry costs that can be imposed on either the petitioner or the counter-petitioner. These costs could vary considerably with different magistrates. As I say, we do not want to discourage genuine petitioners because of the fear of having to pay high costs.

The Hon. N. L. Jude: They are left to the magistrate's decision.

The Hon. G. J. GILFILLAN: Yes; they are left entirely to the magistrate's decision, whereas his findings on the remainder of his investigation is contained in a report to the Minister, who then acts on the report. The magistrate has no actual power, apart from making a recommendation. This provision could be extended to the matter of fixing costs: it could go as a recommendation to the

Minister for his final decision, which would perhaps help to keep costs more even throughout the State. It is only a suggestion. I am not opposing this clause but I put forward that point of view.

Clause 4 sensibly now enables the nominees of companies to be placed on the roll of voters in May instead of in March. This will be an advantage in keeping the rolls up to date because local government elections are held well after the closing date in May, and the earlier date in March appears to be unnecessary. Clauses 6, 7, and 8 refer to a change in voting procedure. These clauses have some merit because for many years voters at local government elections have indicated their preference by means of a cross, whereas in State and Commonwealth Parliamentary elections voters indicate their preference by numbers. In some council areas elections are held only every few years. Many people are confused when confronted with the necessity of marking the ballot-paper with a cross. These clauses do not force people to vote by numbers but enable the poll to be decided on the voter's obvious intention: that is, if he indicates his choice by numbers, that is in accordance with the Act but, if he uses a cross, that will be counted as a valid vote provided his intention is made perfectly clear. This is not preferential voting by numbers but merely an indication. Many council elections are held with a small number of candidates and usually there is only one position to fill. This move is commendable in that it uses a system with which people are more familiar.

Clause 9 is short: it merely substitutes the word "fine" for the word "interest". That is merely a drafting amendment. It is self-explanatory because interest is not involved in unpaid rates: it is a matter of a fine. What impressed me was that with all the amendments we made last year there was probably not one that attracted so much attention as this amendment, because there was a conference on it between the two Houses. Clause 11 enables a council to make a payment to the Housing Trust to encourage the development of flat building within the metropolitan area. This is a good provision because undoubtedly over a period of years the building of flats will be an asset to a council and a source of increased revenue. Subclause (2) excludes the amount so borrowed from the provisions of the Local Government Act, which limits the borrowing power of councils. This is an important subclause, in that most councils

have heavy commitments in their annual programmes to provide roads, footpaths, drainage and all the various projects normally carried out during the year. This absorbs most of their borrowing capacity in normal circumstances. The fact that special enterprises such as these in relation to Housing Trust projects are to be exempted from these borrowing restrictions will leave a council free to get on with its normal work.

The Hon. S. C. Bevan: Is it a levy against general revenue?

The Hon. G. J. GILFILLAN: All borrowing now is related to the general rate, following last year's amendment to the Local Government Act. Clause 12, which allows councils to pay luncheon expenses for councillors on a council sitting day, is a good amendment, because most district councils sit all day and councillors have to give up a complete day for this work. As this work is done voluntarily, it is right and just that these expenses should be met out of general funds.

I turn now to clause 27, about which I should like some clarification from the Minister. This clause relates to the borrowing of money to purchase houses and the repayment of such loans by instalments. Clause 27, which amends section 449c, provides:

(2) In addition to the powers conferred by this Part the council may borrow money repayable by instalments for the purpose of purchasing or constructing dwelling houses for occupation by persons employed by the council. The provisions of this Part (other than this section) shall not apply to or in respect of any such borrowing.

This amendment was made necessary because, although the amending Act passed last year intended to provide what clause 27 of this Bill now provides, an opinion was obtained that there was quite a difference between buying a house by instalments and repaying by instalments a loan obtained to purchase a house. As the Act stood last year, it was not possible to borrow money to purchase a house and then to repay that money by instalments. The 1963 amending Act inserted section 449c, which referred to section 383, which was also amended, and provides:

Construct and purchase dwelling houses for occupation by persons employed by the council either for cash or by instalments over a period of years.

Section 449c, inserted in 1963, provides:

The purchase by instalments of dwelling houses by the council in pursuance of the power contained in paragraph VIIa of subsection (1) of section 383 of this Act shall be deemed

not to be a loan within the meaning of this Part and this Part shall not apply to or in respect of any exercise of the said power.

The meaning of this was quite clear, but section 449c excluded the purchase by instalments of a dwelling house under section 383 from the limitation of borrowing powers in Part XXI. Apart from the fact that the repayment of loans by instalments was not mentioned, the word "construct" was also left out of the section. It was held that where a council constructed a house (and many councils desired to do this) it was not possible within the provisions of the Act to repay the money when the word "construct" was not actually mentioned. The new subsection inserted by clause 27 is designed to overcome both these shortcomings. I should like the Minister to assure me that this new subsection will overcome those difficulties, because it seems to me that it does not declare in precise terms what is required. I think an amendment to section 449c would perhaps better clarify the position than the addition of new section 449c (2), because the word "construct" is still not contained in section 449c and the final sentence of new section 449c (2) provides:

The provisions of this Part (other than this section) shall not apply to or in respect of any such borrowing.

I hope this will cover the position not only in relation to repaying loans by instalments but also in relation to buying houses by instalments, and that it will include the construction of houses. I support the Bill.

The Hon. R. C. DeGARIS (Southern): I support the second reading of the Bill. As the Minister in his second reading speech and the Hon. Mr. Gilfillan pointed out, this is largely a Committee Bill, as it contains many unconnected amendments to the principal Act that are mainly of an administrative nature. I do not wish to deal with all the clauses, but I should like to comment briefly on some. Clause 3, which was mentioned by Mr. Gilfillan, provides:

The special magistrate may, if it appears to him to be just so to do, order the payment of such amount of the costs incurred in connection with the investigation as he shall fix to be paid by or to the petitioner to or by the counter-petitioner.

Mr. Gilfillan suggested that the recommendation should go to the Minister and that he should decide whether costs should be paid or not. I cannot agree with that contention, as I am satisfied that the magistrate should make the order for costs. In his second reading speech the Minister said that the magistrate

may order the payment of costs if he is satisfied that the petition or counter-petition is frivolous or of a vexatious nature. I wonder if this clause should not contain a provision that the costs may be awarded if, in the magistrate's opinion, the petition or counter-petition is frivolous or of a vexatious nature.

Clause 6 deals with the method of voting for councils. Under this clause, a vote will be formal if it is marked with consecutive numbers, a cross, or sufficient numbers to indicate the desire of the person exercising the vote. I think we all realize that all council voting is by cross. At various Local Government Association meetings and in local government circles over the years this matter has been raised and discussed at length. On many occasions recommendations and requests have been made that council voting be the preferential system of voting by numbers. I support this contention, as I think it desirable that throughout Australia, at Commonwealth level, State level and local government level, the method of voting should be the same. This would obviate any confusion in the minds of voters on how to vote. The Minister said that the matter had been considered by the Local Government Advisory Committee, which concluded that the preferential system was not desirable. The reason given was that usually only one person was to be elected from just a few candidates, in most cases only two. The Minister said it was considered that preferential voting in these cases would not result in any better expression of voters' wishes. He further said:

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. I do not think the reasons given for preferential voting not being desirable are very convincing. For example, in many council elections three or four candidates are involved, with only one to be elected. Under preferential voting by numbers all candidates have an equal chance to gain election. Sometimes two persons are required for a ward and any system other than the preferential voting system would not be desirable, mainly because people could lodge a formal vote by using a cross for the election of one candidate. That

practice is known as plumping, and it is desirable to avoid it.

Clause 10 deals with a question that has cropped up in some parts of the State where a council subscribes money for the purpose of developing an area partly in one State and partly in another State. I support the amendment, but I have some misgivings about it. Where money is used purely for development within the State there is no problem, but we have places near the borders where there may be a need to promote something that concerns an area partly in this State and partly in another State. In that matter there may be a difficulty. The Hon. Mr. Gilfillan referred to clause 27, which amends section 449c. The addition of new subsection (2) to that section goes in a roundabout way to achieve what is desired. It may have been easier to add a few words to subsection (1) to achieve the desired purpose, and perhaps with much more clarity. A matter I wish to raise but which is not mentioned in the Bill concerns section 846, which deals with postal voting papers. I have had some experience of this matter. Mr. Acting President, would I be in order in raising it now?

The ACTING PRESIDENT (Hon. C. R. Story): I shall soon tell the honourable member if he is not in order.

The Hon. R. C. DeGARIS: After a postal vote paper has been sent to a voter it is returned to the Returning Officer, and the envelope is signed by the person casting the vote. When the counting takes place these postal votes are set aside and put in a separate box. Possibly only two or three such votes are cast and often they are for the one candidate. Because of the few people casting postal votes it is possible to know how they have voted. An amendment may be desirable to allow the Returning Officer, under scrutiny, to open the envelopes and place the postal votes in the ballot box instead of in a separate box. I do not think the present practice is in line with a secret ballot and I suggest that the

Minister ask the Local Government Advisory Committee to look at the matter.

Another matter is related to the city of Mount Gambier. Clause 31 amends section 871j of the principal Act. This section was placed in the Act in 1941 and was to apply mainly to the city of Adelaide, but an amendment was made to the section later to allow the city of Mount Gambier to come under its provisions. Part X, Division III, deals with the matter of assessments. That amendment gave the city of Mount Gambier the most extensive borrowing powers of any council in Australia. Based on two-thirds of the assessed annual values, I think the city had the right to borrow up to £3,000,000. The amendment made a distinction between local government areas that are under Part X Division III and those that are not. I support the second reading.

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

MENTAL HEALTH ACT AMENDMENT BILL.

(Second reading debate adjourned on September 30. Page 1127.)

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—“Interpretation.”

The Hon. Sir LYELL McEWIN (Minister of Health): I am looking into a matter that has been raised and I am not yet in a position to comment upon it. There are certain points on which I have not spoken in reply yet as I thought they could be dealt with in Committee, but at this stage, in order that consideration may be given to a legal point, I desire to report progress and ask leave for the Committee to sit again.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 4 p.m. the Council adjourned until Tuesday, October 6, at 2.15 p.m.