

LEGISLATIVE COUNCIL

Wednesday, August 18, 1965.

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

QUESTIONS

SHORTAGE OF GENERAL PRACTITIONERS.

The Hon. F. J. POTTER: On August 4 I asked a question of the Minister of Local Government, who was on that day acting as Leader of the Government in this House, regarding the shortage of general practitioners. I think this is a matter not entirely for his department but one more related to education and the Ministry of Health. Has the Minister of Health a reply to that question?

The Hon. A. J. SHARD: Yes. The matter of setting up a committee to deal with the questions of the number of general practitioners and the availability of space for training doctors in training hospitals has been the subject of discussion for some time. I am in a position to say that quite a favourable stage of negotiations has been reached and the reply I give the honourable member is that I am taking steps to set up a committee to examine what measures are practicable to increase the facilities for training medical practitioners in South Australia. It is a question of my having further discussions with Mr. Basten, of the university. The matter has been discussed with the Education Department and the hospital authority and I think the committee will be set up in the very near future.

TOMATO CASES.

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. L. R. HART: Yesterday the Minister of Local Government, in replying to a question regarding alternative containers for tomatoes, went on to say that his colleague, the Minister of Agriculture, reported that tomatoes are normally packed in a half-dump size wooden case but that cartons of several types are available and are quite suitable for tomatoes. I point out that the main outlet for tomatoes grown in South Australia is the Melbourne market, which takes up to, and sometimes in excess of, 750,000 cases annually. The value of this market to South Australian growers is considerable. Can the Minister of Local Government say whether experiments have been carried out that suggest that cartons

are suitable for exporting tomatoes to Melbourne and whether a survey has been made to ascertain whether the Melbourne market will accept tomatoes packed in cartons?

The Hon. S. C. BEVAN: I will obtain and supply the necessary information as soon as possible.

EYRE PENINSULA ROAD.

The Hon. C. C. D. OCTOMAN: On August 5 I asked the Minister of Roads a question about the new west road at Port Lincoln. Has he a reply?

The Hon. S. C. BEVAN: Yes. The survey of the new west road has been completed and £100,000 has been allocated for 1965-66 to commence construction on this road. It is expected that during the year the earthworks will be completed with sub-base and base material from Flinders Highway to within about half a mile of the freezers railway crossing. It is expected that further construction of roadworks and Dublin overpass, and possibly an overpass at the railway near the freezers, will be continued during 1966-67.

TRAMWAYS TRUST.

The Hon. D. H. L. BANFIELD: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. D. H. L. BANFIELD: In yesterday's *Advertiser* appeared a report that Councillor A. G. Morris, of the Adelaide City Council, said that the Municipal Tramways Trust carried 2,000,000 fewer passengers last financial year than it carried in the previous year. He is also reported to have said that the trust had curtailed some of its services in an attempt to reduce its deficit. The report also said that Alderman Gerard had criticized public transport services. Has the Minister of Transport any comment to make on these statements?

The Hon. A. F. KNEEBONE: Yes. The honourable member did me the courtesy of telling me that he intended to ask this question, and I have a comment to make. The trust incurred a loss of £53,300 for 1964-65. This loss was £65,300 lower than for the previous year. It compares with losses of £800,000 a year that were being incurred 11 years ago. Over the same period, when the trust converted from tramcar to bus operation it also extended its route mileage by more than 20 per cent as a service to the public. Services have not been curtailed to reduce the trust's deficit.

Services are adjusted in line with the patronage offering on individual routes. During 1964-65 there were no reductions to deal with services. In fact, peak hour services on some routes were augmented because of increased patronage. Although total mileage for 1964-65 was 10,000 less than in 1963-64, this was brought about by the additional day's operations of some 34,000 miles in 1963-64, which was a leap year. On a comparative basis there was an increase of some 24,000 bus miles in 1964-65 compared with the previous year. Checks of traffic made by the trust show that the total number of passengers travelling in the peak periods has remained virtually unchanged and that the fall-off is occurring in the off-peak periods, mainly at night and over weekends. This is the principal reason for the drop of 2,000,000 passengers over the past 12 months.

The Hon. Sir LYELL McEWIN: Will the Minister have an investigation made into the position at peak periods—the number of people who can actually obtain seats on the buses during those periods, especially on the service running out to the eastern suburbs—to ascertain what congestion is created by bus or tramway officials (whatever they are called) boarding at Hackney and overcrowding the bus, thereby making it almost impossible for passengers to alight from the bus when it stops?

The Hon. A. F. KNEEBONE: Yes; I will obtain the information that the honourable member has asked for and let him have it.

HOSPITAL COSTS.

The Hon. R. C. DeGARIS: On August 10 I asked the Minister of Health a question about hospital costs. Has he a reply?

The Hon. A. J. SHARD: Yes. The basis of the honourable member's question was a series of figures previously given in relation to hospital costs, and the honourable member asked whether the costs took into account outpatients. The answer is that the figures of £8 15s. 2d. and £4 4s. 8d. do not include the cost of treating outpatients or the income received from outpatients.

DEEP-SEA PORTS.

The Hon. C. C. D. OCTOMAN: Early this session the Government appointed a committee to investigate deep-sea port facilities generally in South Australia. Will the Minister of Local Government obtain a report from the Minister of Agriculture on whether this committee is to take evidence and, if it is, on whether the dates and places for taking such evidence will be advertised?

The Hon. S. C. BEVAN: I will seek this information from the Minister of Agriculture and give a reply as soon as possible.

SCHOOL CANTEENS.

The Hon. R. A. GEDDES: Can the Minister representing the Minister of Education say whether the Government intends to provide for the payment of electricity and gas used in all departmental school canteens?

The Hon. A. F. KNEEBONE: I probably could answer his question for the honourable member but, so as to get a proper detailed reply, I will pass the question on to my colleague and bring down an answer shortly.

35-HOUR WORKING WEEK.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. R. A. GEDDES: At the recent Australian Labor Party Federal Conference in Sydney, the Labor Party agreed to support the 35-hour working week, which brings it into line with the thinking that the Australian Council of Trade Unions has had for some years. Can the Chief Secretary say whether the Government intends to introduce the 35-hour working week for State Government employees?

The Hon. A. J. SHARD: As the question affects policy, I ask the honourable member to place it on notice.

BOTANIC PARK ROAD.

The Hon. Sir LYELL McEWIN: Can the Minister of Roads tell me whether the road that has been closed between Frome Road and Hackney Bridge is to be closed permanently or is it closed only for a period for road repairs?

The Hon. S. C. BEVAN: As the road mentioned by the Leader of the Opposition comes within the jurisdiction of the Minister of Agriculture, I will obtain the information about the Government's intention in respect of that road's future and inform the Leader as soon as possible.

ROSEWORTHY AGRICULTURAL COLLEGE ROAD.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. M. B. DAWKINS: Until recently the Roseworthy Agricultural College was the only agricultural college in Australia, so I understand, that did not have a sealed road leading to it. In the last three or four years money has been made available and a sealed road does now lead past the college towards the

township of Wasleys. However, the private roadway leading into the college, and the roundabout at the main building, are not sealed. Sealing, I believe, is desirable. Will the Minister representing the Minister of Agriculture ask his colleague whether this work can be attended to and an allocation made for it?

The Hon. S. C. BEVAN: I will refer the matter to the Minister of Agriculture and obtain a reply as soon as possible.

FLINDERS HIGHWAY.

The Hon. C. C. D. OCTOMAN: I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. C. C. D. OCTOMAN: My question concerns the Flinders Highway from Port Lincoln to Ceduna, a distance of about 270 miles, of which the only section sealed at present is about 40 miles from Port Lincoln to Warrow. Although the road perhaps does not have a high priority for urgent sealing on a traffic count basis, the freight carried on it by heavy vehicles must be taken into account. Recently a very superficial survey in Port Lincoln indicated that at least 1,000 tons of pay load left Port Lincoln each week on the highway. This quantity of freight was in addition to all the grain, wool and stock carried into Port Lincoln. In addition, bulk silos being built at Wittera, and possibly at another point, will add to the freight using the road. As a point of interest, petrol purchased at Eucla by interstate travellers is carried on the highway to that point from Port Lincoln. The West Coast people who rely on the highway are perturbed at the slow progress of the sealing. Can the Minister of Roads say how much money in the current year has been made available to the Highways Department and/or grants to district councils for a continuance of the sealing of the Flinders Highway?

The Hon. S. C. BEVAN: I know that money has been made available in this financial year for that road, but I will obtain information about the amount and inform the honourable member later.

BUILDING INDUSTRY.

The Hon. F. J. POTTER: I ask leave to make a statement prior to asking a question. Leave granted.

The Hon. F. J. POTTER: Members will recall that on Wednesday, August 11, the Minister of Labour and Industry informed this Council, in reply to a question asked by the Hon. Mr. Hart, that the builders' association had asked the Government to agree to press

for some Government tenders already let to be adjusted in order to compensate for some specific over-award payments that contractors might consider it necessary to concede, and that in the current industrial dispute in the building industry the employers were at fault in that the builders' association would not meet the unions to discuss any fraction of an over-award payment.

As the Master Builders Association of South Australia has informed me that no approach whatsoever has been made by the association to the Government for tender price flexibility to cover possible over-award wage concessions, will the Minister inform the Council of the circumstances under which this request, about which he was so confident, was made, and also the date of the request? Secondly, will the Minister comment on the fact that representatives of the Master Builders Association have met with the building trades unions on at least five occasions for the sole purpose of discussing the present union wage demand? Thirdly, since the building trade union officials have repeatedly stated that strikes will continue until employers concede their demand for a £2 10s. a week wage rise, will the Minister inform the Chamber of the probable percentage increase in housing and other building costs that will follow an increase of £2 10s. a week per worker in the industry? Last, since the Premier has acknowledged that he has conferred with representatives of building trade unions upon their claims, will the Minister inform the Chamber what steps have been taken by the Government to make itself acquainted with the employers' point of view?

The Hon. A. F. KNEEBONE: Because of the length of the question, I think it would be unreasonable to expect me to answer it "off the cuff". I suggest that the honourable member put the series of questions he has asked on notice, and I will then bring back a reply.

GOVERNMENT PRINTING OFFICE.

The Hon. Sir LYELL McEWIN: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir LYELL McEWIN: My question concerns the Government Printing Office. I am sure that most honourable members are aware of the importance of that department and, as I was the Minister in charge of it for a number of years, I know that problems exist relating to the building, its capacity to enable the work to be done, the congestion, and

the condition of the lifts, which I understand are only good for a certain period as they are an old type operated by direct current. The difficulty was to find some other suitable site and, for about five years during my period as Minister in charge of the department, investigations were carried out to find a suitable alternative place for the printing office. We were successful last year but I do not know what has happened since then, or whether the Government has any plans or proposals to expedite the building. Can the Chief Secretary say whether this matter will receive the consideration of the Government and whether it has any proposals regarding this urgent work?

The Hon. A. J. SHARD: I cannot tell the Leader off-hand what is the position. We can agree with what he said; there is no quarrel about that, but I shall ascertain the actual position and what stage any action taken has reached.

TOWN PLANNING.

The Hon. Sir NORMAN JUDE (Southern): I move:

That in the opinion of this Council, the administration of the Town Planning Act should be placed under the care and control of the Minister of Local Government and Roads.

I move this motion, first, on the grounds of my own personal belief, born out of quite a considerable personal experience in dealing with this very important department. The department is becoming of greater importance as each year goes by because the work it does is of the greatest value to the future welfare of this State. A further reason why I am prompted to move this motion is the strong liaison that already exists between the Highways and Local Government Departments and the Town Planners Office. A still further reason is that I am greatly concerned about the obvious reluctance of local government bodies to come in on the suggested scheme for financing the purchase of parks and reserves.

I can well understand the various doubts and pressures that influence their opinions on this matter. Those who consider that they have sufficient recreation reserves do not want to pay for somebody else's reserves or provide the money for them. I can understand the Government's reluctance in a somewhat difficult time to place its funds at the disposal of, say, a parks or town planning committee for the purchase of these areas. They are all-important areas, enabling the provision of playing fields and

breathing spaces around the city. The fear that I have is that, while the Town Planning Act is under the care and control of another Minister, Ministers are only human (and I am certain my friends opposite are) and endeavour to look after the funds that they have a reasonable grip upon, and no Minister has a greater grip on his funds if he wants to keep them than the Minister of Roads. I fear that an attempt may be made to divert funds that are now provided to the Minister of Roads for reserves, etc.

I suggest to honourable members that any measure for this purpose would be an interesting one, but I believe that on the question of its practicality the legislation would be still-born. In view of the fact that the majority of our members are almost entirely new to town planning legislation, I intend to crave their indulgence and risk trying their patience by giving a brief outline of the Act. If they like to do the research themselves, it will take them many hours. I do not do this in any patronizing sense, but in an attempt to be helpful. As long ago as 1916 or 1917, a Town Planning Bill and a Bill for the control of the subdivision of land were introduced. The Town Planning Bill lapsed but the Bill for the control of subdivisions became law. The Town Planning Bill was re-introduced and was passed in 1920. The relevant docket refers to the Attorney-General as the Minister controlling planning. A 1921 docket refers to the Hon. George Laffer as Minister for town planning, while an existing portrait names him as "First Minister of Town Planning". In addition, he was Commissioner of Crown Lands at that time. An examination of the 1922-23 Estimates shows that the Town Planning Department was listed under the Commissioner of Crown Lands and Minister of Irrigation and Repatriation. However, it should be noted—and this is important to my argument—that he also controlled local government and in addition road allocations of a portion of the public works programme under the Commissioner of Public Works. They were placed under the Minister of Local Government.

It is interesting to note that, following this, under the Gunn and Hill Governments no reference was made to any Town Planning Act or works in any of the Ministerial portfolios. The position remained static until 1929, when the Butler Government introduced a Bill to amalgamate the Town Planning Department with the Lands Titles Office. This idea was recommended by a Select Committee appointed in 1924, but it was turned down by the Gunn

Government in 1925. It was evidently revived and examined by the incoming Butler Government, which decided that it was time to get on with a further Bill for town planning. Shortly after, the *Government Gazette* indicated that the late Sir George Jenkins was appointed the Minister for Town Planning.

In 1929 a new Bill entitled the Town Planning Bill was introduced into the House of Assembly by the Minister of Local Government (Hon. George Jenkins). The second reading speech is of considerable interest. The first reason given for the introduction of the Bill was that there had been a considerable reduction in the volume of work in connection with town planning, and it was expected that the amalgamation would effect economies of between £700 and £1,000 per annum in addition to obtaining far greater convenience. It was further stated that the 1920 Act was too elaborate, and that the new Bill would deal only with subdivision for residences and shops, not with rural land. I can understand our practical country councillors having much to say about that. Under that Bill the Town Planner was to become a member of the Lands Titles Office, the Central Advisory Board of Town Planning was to be abolished, and the Town Planning Appeal Board was to be set up instead. I will not go into details on how appeals were to be made. This was somewhat involved and considerable provision was made as to how they were to be lodged. Previously, only subdivisions with street frontages were affected, but now all would be included, as all had to be approved by both the Town Planner and the council concerned. It is interesting, particularly to some members whose service is longer than that of others, to note that when the Bill was in Committee the late Hon. E. Anthoney, who was then a member of the House of Assembly, spoke strenuously in support of an amendment to make subdividers provide roads. The other place, however, turned that down, and I suggest that this was a tragedy to posterity as it put a millstone around the necks of local government for 30 years.

The Bill passed the Legislative Council and was assented to in February, 1930. Almost simultaneously the *Government Gazette* reported the resignation of the Hon. George Jenkins as Minister of Town Planning, and the Act was placed under the care of the Attorney-General. This, again, was because the Lands Titles Office was also under his control. From then on the Town Planning Department was financed under the heading of "Attorney-General" in the Estimates.

During the immediately ensuing years we entered into what might well be known as the "great depression". This factor alone was an obvious deterrent to subdivisional enterprise, so that the claims of economy and efficiency under the new set-up might have proved well justified. This was followed in a comparatively few years by the war, when virtually all issues were deemed to have a higher priority than town planning. The decade immediately following the war was really vital to future planning, but so also was it necessary to catch up the fantastic back-lag in housing, schools, drainage and a hundred and one other things brought about not only by this back-lag but by the natural increase in population and the accelerated migration programme. With great foresight the Government of the day empowered the Housing Trust to acquire thousands of acres in the near metropolitan area at comparatively bargain prices—a thing for which not only the people of this State but the previous Government and this Government will be thankful for many years to come. This action permitted the aesthetic and practical planning of Elizabeth, a development that we can all be justly proud of. But the activities of the trust undoubtedly drew the attention of land agents and private builders to the advantages of acquiring smaller and cheaper subdivisions throughout the city and suburban areas. So intense became this activity that the Government and councils realized the urgency of improving the controlling legislation. Once again, limiting factors continued to hamper progress. The Parliamentary Draftsmen were grossly overworked, particularly as the Assistant Parliamentary Draftsman (Mr. Cartledge) was Chairman of the Housing Trust also and was dealing with Elizabeth and other major projects, while the Town Planner's meagre staff was quite unable to cope with the increased work.

However, a Bill was finally drafted and introduced into the House of Assembly on August 19, 1954. I would like honourable members to watch the development of this all-important legislation as regards the future as well as the present development of this State. The 1954 Bill at last widened the horizons and the details of planning by setting up a Town Planning Committee to consider areas as a whole rather than the individual subdivisions. At last these matters were dealt with in terms of a wide metropolitan area and a surrounding area, not necessarily like the Greater Sydney or Greater Cumberland plans but in general terms relating to what was needed for so many miles from the General

Post Office. I honestly think that that thinking was limited only in geographical area because it was known at that time that it was unrealistic to legislate beyond that and to consider country planning, although those who thought about the matter sufficiently realized that we should also be planning for our country towns. Under that Bill new conditions were laid down for subdivisional road patterns. New roads had to tie in with main and arterial road requirements and had to be made, formed (shades of the Hon. E. Anthony!) and drained. It was provided that the Engineer-in-Chief had to give a certificate that an area could be both drained and sewered if the area were in the metropolitan area.

The Town Planning Appeal Board set up by the 1929 Act was to be abolished. Although the new committee had power to refuse any plans of subdivisions, any refusal had to be placed before the Minister, who had to lay them before Parliament. Much debate ensued about that and I think it was prudent to insert that type of clause.

But the most important aspect of that Bill was that the committee was to examine the whole metropolitan area and make an assessment of probable development, transport problems, the open spaces required, the zoning for industrial areas, etc.: in short, to produce an overall plan. Then, when the plan had been produced and laid before Parliament, either House could from time to time refer it back to the committee for reconsideration and revision and, when returned to Parliament, either House could approve or disapprove it in whole or in part. If approved—or not disapproved, or allowed to pass, if I may put it that way—and when law, the Governor in Executive Council was empowered to make regulations for control and also had the power specifically provided in the Bill to override a council's powers where necessary—I imagine, to prevent parochialism.

Further, as it was realized that it must of necessity take some years for this plan to be completed and submitted to Parliament, provision was made in the Bill for interim legislation whereby the Government could declare that certain areas could not be subdivided. Incidentally, it seems to me that, as the plan as yet has no force in law (honourable members will remember its being tabled), this appears still to be the case. The debate that ensued in the Assembly was most unusual. The late Leader of the Opposition (Mr. O'Halloran) damned it with faint praise and claimed it to be a tardy introduction of Labor policy. Mr.

Travers (now His Honour Mr. Justice Travers), to use ordinary language, tore it apart; he wanted to see the plan first before he supported the Bill. After all these years, it is obvious that he needed a Bill first to empower the committee to make the plan but he was very suspicious of the whole thing and damned it completely. Mr. Jennings was highly critical of it. Mr. Frank Walsh was disappointed with it. Mr. Dunks supported it, followed by Mr. Geoffrey Clarke also in support. Mr. Hutchens supported it as a move in the right direction. The late Mr. Fletcher opposed it as it dealt only with Adelaide: he felt that Mount Gambier had been left out.

However, the Bill passed the second reading on the voices, there being no division. In Committee it was amended to provide for representatives from local government to be on the committee. That is important. We have heard honourable members in this Chamber from time to time over the years making strong claims for local government to be represented. I recall it on the Road Traffic Bill, and so on. Generally speaking, as honourable members are aware, local government is usually strongly represented in this Chamber. On many occasions we have had some eight to 10 ex-chairmen of local government bodies within the Council, and even city councillors and lord mayors.

Subdivisions already under consideration were allowed to go ahead, and a further amendment (a most satisfactory one, to my way of thinking) was that it was realized that, whilst subdivisional roads were provided for, no provision was made for making culverts or small bridges, and that was added to the requirements of the subdivider. A further useful amendment embraced by the Bill permitted a subdivider to pay to the Government or to the council a sum of 5 per cent of the total sale value of the land in lieu of providing open spaces or reserves on it if the Town Planner considered it was not suitable for that purpose. So he could get out of his 10 per cent allocation of the land for reserves (or whatever the exact proportion was for which he had to make provision) by paying a cash sum to the council, which had to place the money in a separate fund. It would have been more desirable in any case for the subdivider to be allowed to pay cash to councils for the construction of those roads, which could have been made at a later date and probably by more modern and economical methods than when they were made in a casual and careless manner at the time, with grass growing up through them

a few years later and only a few houses being built on that subdivision.

The Bill was passed through the House of Assembly on December 2, 1954. On December 7 I gave the second reading explanation here in the Council. On the next day the late Hon. E. Anthony (who by now had been promoted to this august Chamber), strongly supported by the Hon. Sir Collier Cudmore, moved to adjourn further discussion, and again the next day. I fought this issue strenuously, to the point almost of getting angry with certain honourable members. In fact, I believe I accused some of them of political cowardice and they would not speak to me for some considerable time afterwards. I had the feeling that time lost would cost the taxpayer and the Government money. However, I had to do my job as the Minister in charge of the Bill, but inwardly I had much sympathy with the reasons for some honourable members opposing it.

That Bill was introduced on August 19, 1954, and only reached the Council in the final week of the session. I mention this because, although it was disappointing to me at the time, it did show that this Council, as has been stated on many occasions, insisted on its rights to give proper consideration to Bills. This was undoubtedly the most important Bill introduced in Parliament that session and it arrived here, as I say, right on the deadline. We all know the old cry of honourable members every year. It was a most important Bill and, having regard to the debate that had gone on in the other place, with very mixed opinions being expressed by people of the calibre of Mr. Travers (as he then was), it was obvious that proper consideration would have to be given to it here, particularly as local government at that time was represented to a considerable extent in this Chamber. I draw attention to that deliberately because it is a paramount duty of this Council to see that it gives proper consideration to legislation. At the time, both my colleague the Hon. Sir Lyell McEwin (who assisted me as far as he could, the other Minister being away ill) and I tried to explain why it reached the Council so late, that the Bill had not been available from another place. Then we were unfortunately confounded in our efforts by the fact that only just previously in the House of Assembly they had moved some three pages of amendments, which was not helpful to us because we had not them on our files.

In 1955, that Bill having been lost, a similar Bill was introduced; it was passed in November of that year. In 1956 an amending Bill was

passed widening the scope of the Act to include other areas that previously had been exempt. We were gradually realizing the necessity of broader planning. In 1957 a further Bill was introduced giving the Town Planner easier and simpler control of subdivisions without his having to refer them to the committee except when he refused them, in which case they had to go to the committee, and then to Parliament. Very strong claims had been made for the committee to include representatives of local government, and this was agreed to by both Houses. The committee was duly appointed and it comprised Mr. Hart (Town Planner), Mr. Cheesman (architect), Mr. Murrell (Engineering and Water Supply Department) and Messrs. Veale and Tyler (local government representatives). All these men were closely associated with the practical side of town planning. No representative of the Attorney-General's office was appointed. I know that at the time his office was under-staffed, but the absence of such a representative was noticeable, because the legislation was under the control of the Attorney-General.

The Hon. C. D. Rowe: He did not have a publicity officer at that time.

The Hon. D. H. L. Banfield: It was under the Attorney-General's control.

The Hon. Sir NORMAN JUDE: In 1963 the *opus magnum* of the Town Planning Committee was produced to Parliament. Later, a Bill was passed giving it power to recommend regulations to cover this report. In 1944 the Hon. Malcolm McIntosh was Minister of Railways, Commissioner of Public Works, Minister of Marine, Minister of Local Government, and Minister controlling Aborigines. This was at a time when there were only six members in the Cabinet. No wonder he did not want any more portfolios. I remind members again that the amalgamation with the Registrar of Titles in 1930 was due to decreasing activity in the town planning department and economy cuts. But later on millions of pounds were involved each year and in the early 1950's land speculation was rife. Both the Government and the public realized that this fantastic development must be properly planned, but where were the planners? The Highways and Local Government Department established a planning branch. Students were encouraged in this work, but surveyors were available only at a premium.

In 1954 Cabinet was increased to eight Ministers and the task of the Hon. Malcolm McIntosh was lightened. I took over the portfolios of Railways and Local Government, and a new portfolio to cover roads was created.

Sir Thomas Playford at that time was overloaded with work, and he managed to unload some of it on the Attorney-General, whose department was already under-staffed on the legal side. Our courts were becoming jammed. My colleague will say that it would have been better to have the control of town planning in the Highways and Local Government Department, but at the time the position was complex and hundreds of decisions had to be made. Local government had progressed from the horse and buggy days. My department was still awaiting new quarters in which to establish itself. Because of this, the matter of town planning administration was temporarily shelved. Now the Highways and Local Government Department is properly established in a modern building with proper facilities. The Town Planner's work is increasing, and more and more people are undergoing training at our university or at the Institute of Technology in New South Wales where an appropriate course has been established. The present Government had to face many problems, and I have considerable sympathy for it, but when it commenced shuffling the portfolios after the State election surely there was a chance to get the matter straightened out. In every State transport and town planning go together, but what happens here? I regret to say that the present Attorney-General, apparently regarding himself as the only person competent to handle these things, also took over aborigines, child welfare, public relations, etc., etc.

The Hon. S. C. Bevan: He did not allocate his own portfolios.

The Hon. Sir NORMAN JUDE: Over the years we have heard the catch cry "a one-man Government", but I warn Government members that that cry might develop to a greater extent than it has in the past. The opportunity was there for the Minister of Local Government to consolidate and amalgamate several departments. As I have pointed out, local government has always been strongly represented on these committees. The Town Planner will tell us that local government provides the biggest problems. That must be, because local government matters tend to be parochial. All councils have boundary problems.

To support my argument in favour of town planning being taken over by another Minister, let us look at the availability of qualified staff in the various departments. In 1960 the Town Planning Department had 11 officers and seven temporary staff. The Highways and Local Government Department had 223 officers, and 91 temporary staff. In 1964 the Town

Planning Department had 17 experts, including draftsmen, six of whom had university degrees. The Highways and Local Government Department had 276 experts, including 110 with university degrees. It still had a temporary staff of 91. The Attorney-General's Department gives expert legal opinion on the many matters that crop up in all departments. To load this department with work that could well be done by a far larger department, provided there was proper administration, seems to be wrong.

Finally, I looked at the set-up in other States. I found that Queensland has a Town Planning Act administered by the Minister for Local Government. In Tasmania town planning comes under the Local Government Act, but I was unable to ascertain which Minister handles the matter. In Victoria, the Town Planning Board is certainly under the care of the Minister for Local Government. In New South Wales, the Town Planning Board comes under the control of a colleague of mine whom I have met on many occasions in the person of the Hon. Pat Hills, who is Minister for Local Government.

The Hon. M. B. Dawkins: He was.

The Hon. Sir NORMAN JUDE: He was, yes. In Western Australia, there was a Minister for Town Planning, who was also the Minister for Local Government. Some other States have greater problems than we have. They still realize that the control of this department must be as near to the people as possible and, apart from the fact that people are "touched" by the Treasurer, I ask: who are closer to the people than Ministers of Local Government? We have no Minister of Town Planning and the suggestion that I am putting before the Council is a simple one. It does not involve the creation of a new portfolio, but merely transfers the administration of this Act to the Minister of Local Government. May it be done.

The Hon. C. D. ROWE secured the adjournment of the debate.

ABORIGINAL AND HISTORIC RELICS PRESERVATION BILL.

Adjourned debate on second reading.

(Continued from August 17. Page 1025.)

The Hon. G. J. GILFILLAN (Northern): I support this Bill introduced by the Hon. Harry Kemp, and in doing so wish to state my appreciation of the work and effort that he has put into drafting the measure. As was mentioned by the Hon. Mr. DeGaris, other legislation on this matter was dealt with in this

Chamber last year but it was found that each of the two Bills submitted contained something not entirely acceptable to honourable members. The Hon. Mr. Kemp did a lot of work in drafting and submitting this Bill in all its phases. It is probably one of the most ambitious pieces of legislation attempted by a private member and I strongly support the principles he has laid down, although I do, perhaps, query one or two clauses. Of course, I fully realize that it is much easier to criticize a clause than to frame it in the first instance, and any criticism I make is intended to be constructive. The objections which I will raise can be overcome easily and the first matter to which I refer is the definition of "relic" in clause 3. I think that the terms are extremely wide and, as far as I can see, that word could include handiwork of an Aboriginal who is now living and which was made for his own use. That clause says, in paragraph (a):

It does not include any handiwork made by a living Aboriginal for the purpose of sale; It does not give him any protection in relation to other items of handiwork or articles made for his own use and which are in use at the time. However, that is only a minor point. The other query arises from the words "trace, remains or handiwork of an Aboriginal". As I read it, "trace, remains" may mean that the moment an Aboriginal dies, he becomes a relic. I also wish to refer to clause 10, under which extremely wide powers would be enjoyed by an inspector. The powers that an inspector would enjoy under this provision regarding search, arrest and detention can be amended, if that is found necessary. In my opinion, the power to detain should be qualified in some way. In one or two other cases, there appears to be some duplication but, generally, Mr. Kemp is to be commended for the way he has presented the Bill to the Chamber and I hope that the measure will be given earnest consideration.

I hope that any comments made by members will be in accordance with the best traditions of this Council and that they will be constructive. I cannot understand some of the statements made by Government members in relation to the Bill. As far as I can ascertain, during the term of the previous Government, any criticism by honourable members in this Chamber or any amendments have been put forward in good faith and in an endeavour to be constructive. In his speech yesterday, the Hon. Mr. DeGaris gave several examples of Bills which were introduced by private members and which the previous Government

allowed, and even suggested amendments to, in order to render the legislation more workable. The Hon. A. J. Shard, commenting on this statement, said:

Tell us something about Bills that the Government would not have anything to do with. They far outnumbered those the honourable member has mentioned. He has picked out two examples and has said, "That is the practice." They are only two cases.

The Chief Secretary did not cite any cases at all to support his argument. I think we should look at this matter in its proper perspective, because there is quite a difference between Bills where the principle is agreed upon by all members and those Bills where there is a complete difference on the principle. The Government has admitted in this Chamber that it is in complete agreement with the principle in this Bill and, therefore, I consider that it would be in the best interests of this Chamber and of good government in this State if such criticism was of a more constructive nature.

The Hon. C. R. Story: Do you think the Minister is absorbing what you are saying?

The Hon. G. J. GILFILLAN: He does not have to, as he has already had his instructions. I believe this Bill is a framework for a most satisfactory solution to this problem of preserving Aboriginal relics. I hope the Government will consider the matter again from this angle and will give this Council every co-operation to achieve what the Bill sets out to do. I hope that any move the Government may make will be in the interests of better legislation and will not be considered purely from a Party angle. I hope the Government does not take the attitude that because it has not introduced the Bill it is not prepared to add anything to it. I support the principles contained in the measure. Any criticisms of the Bill I may have are of a minor nature and can easily be dealt with in Committee.

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

ELECTORAL ACT AMENDMENT BILL.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

The Hon. S. C. BEVAN (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1964. Read a first time.

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

That this Bill be now read a second time.

It makes a number of unconnected amendments which, after due consideration, have been recommended by the Local Government Advisory Committee. I shall deal with the amendments in the order in which they appear in the Bill.

The first amendment is effected by clause 3, which deals with properties exempted from rating. The exemption in the case of councils assessing under the annual values method is defined in paragraph (1) (d) of the definition of "ratable property" as "any land or church, chapel or building used exclusively for public worship". This differs from the definition of the exemption in the case of councils who base their assessments on land values, where the corresponding subparagraph (d) of paragraph (2) refers to "land solely used for religious purposes". It will be seen that where the annual value method is used the exemption is narrower because the land, church, chapel or building must be used exclusively for public worship. It is considered that this variation was not intended, and accordingly the exemption will, in the case of annual value assessments, now read "any land, church, chapel, or buildings solely used for religious purposes", thus making the exemptions in both cases the same.

The next amendment is dealt with in clause 4(a). Section 52(1)(d) disqualifies from membership of a council a person directly or indirectly participating or interested in a contract with or employment under the council. Doubts have been expressed as to the meaning of the word "indirectly"; in particular, the question has been raised whether the wife of an employee of a council is disqualified. The Local Government Advisory Committee is of the opinion that it is undesirable for the spouse of a councillor to be employed by the council. The amendment makes express provision disqualifying the spouse of a council employee.

I deal with clause 4(b) in connection with clauses 12 and 13. Clause 4(c) amends section 52(3)(h1) of the principal Act, which provides that a person is not disqualified from membership of the council by reason of his being interested in any contract for the supply of goods or services to the council on terms similar to those ordinarily applied to members of the public. This could mean that a councillor might not supply goods or services to a council at a reduced rate. It is considered desirable to remove doubts on this question by adding after the words "terms similar to" the words "or more favourable than". This will make it clear that a councillor may, with-

out becoming disqualified, supply goods or services to the council at reduced rates.

I deal with clause 5 in connection with clauses 12 and 13. Clause 6 inserts a new section 163de, which will empower the Local Government Officers' Classification Board to consolidate determinations from time to time. While the board makes a new determination at intervals of up to three or four years, its determinations are varied from time to time and become difficult to follow. If the board consolidates a determination it is in effect a new determination, and officers have the right to appeal even though wages and conditions are not altered. The new clause will provide that the board may consolidate its determinations from time to time without the possibility of appeal.

Clause 7 makes a consequential amendment. Clauses 8 and 9 repeal those provisions of the Local Government Act which require the exhibition of copies of the assessment book for inspection by ratepayers at places other than the council office. Section 177 provides that, in the case of assessments based upon annual value, one copy of the assessment must be exhibited at a convenient place and, where the district is divided into wards, at a convenient place in respect of each ward. However, the Minister may exempt metropolitan districts from the requirement for a copy of the assessment to be exhibited in respect of each ward. A request was received for the powers of the Minister in this respect to be extended to other councils. In the view of the Local Government Advisory Committee, subsections (2) and (3) of section 177 are not now required, having regard to the fact that transport is more readily available to ratepayers today than formerly. Similar provisions regarding copies of the assessment are provided for the case where it is based upon land value. Accordingly, clauses 8 and 9 of the Bill repeal subsections (2) and (3) in both section 177 and section 186.

Section 233a of the principal Act dealing with minimum rates provides for adjoining properties owned by the same owner and occupied by the same occupier to be regarded as one ratable property for the purpose of the payment of minimum rates. Provision is not made for the case where a property has a road, railway line, waterway or easement running through it. This could happen, for example, as a result of a compulsory acquisition, and means that what was ordinarily one property would become two, and the owner liable for the minimum rate in respect of each. Accordingly, by clause 10 of the Bill a new subsection (3)

is inserted in section 233a providing that, in such an event, the property is to be considered as one.

Clause 11 enacts a new section 287b, which will empower metropolitan councils to erect residential flat buildings within the meaning of the building regulations, for letting purposes. The Adelaide City Council has approached the Government with a request for power to erect flats. It is considered that there could be no objection to giving all metropolitan councils the power to erect flats, but only for the purpose of letting. It is not considered desirable for councils to enter the business of building cottages for letting as this is a function of the Housing Trust, or to enter the home unit industry, that is to say the building and sale of flats. Accordingly, the new section is limited to flats for letting. It also provides that the council shall not have power to acquire sites compulsorily for this purpose.

Clauses 12 and 13 will permit councils to insure members against death or injury arising out of or in the course of their council duties. It is considered reasonable that councils should have this power. Clauses 4(b) and 5 make consequential amendments to provide that a council member will not be disqualified or debarred from voting on any question concerning this insurance. Clause 14 deals with parking meter revenue. At present section 209d of the principal Act empowers a municipal council to spend all or part of its parking meter revenue on establishing reserve funds for the purpose of providing car parks, parking stations, etc., and to expend the whole or any part of moneys in such a reserve fund for those purposes. The amendments made by subclauses (a), (b), (d) and (e) of clause 14 make it mandatory for a municipal council to expend the whole of its parking meter revenue (less authorized deductions) for the purposes mentioned. Subclause (c) will add to the purposes for which the moneys are to be spent, the installation and maintenance of traffic lights and other traffic aids. Subclause (f) of clause 14 will enable a council that is in a position to spend its parking meter revenue to do so without the necessity of first establishing a reserve fund.

Clause 15 of the Bill raises the amount that councils may recover from owners of property abutting on footways from 1s. 6d. to 5s. a foot. The Local Government Advisory Committee considers that there is justification for the increase. Clause 16 of the Bill inserts a new section 403a into the principal Act to enable a controlling authority carrying out

functions on behalf of two or more councils under Part XIX of the Act to borrow money on overdraft. Specifically, I would refer to a joint scheme involving Salisbury, Elizabeth and Munno Para for the control of the Lyell McEwin Hospital. Clearly, the revenue of such a controlling authority might fluctuate during the course of a financial year and borrowing on overdraft would be a convenient way of providing working capital.

Clause 17 inserts a new section 530c to enable councils to establish sewerage effluent schemes. In 1963 an amendment was made to section 435 empowering the Minister to approve such schemes and several councils in country areas have taken advantage of the amendment. The schemes have proved of undoubted benefit to the towns concerned. However, it is considered desirable to make more effective provision for such schemes. For example, it is desirable that in planning such a scheme regard should be had to provision for effluent that could come from vacant land on which building might take place in the future. The new section makes a special provision that may be summarized as follows: any proposed scheme must be discussed with the Central Board of Health and the Engineer-in-Chief and submitted in writing giving details to the Minister. At the same time written notice must be given to the owners of all the land concerned. Owners will have 21 days in which to raise objections to the scheme. The council is to consider such objections and may abandon the scheme or proceed with it with or without modifications. The Minister may also propose modifications. If the Minister is of the opinion that the scheme will substantially benefit the area concerned he may authorize it, in which event notice will be published in the *Gazette*. The council may then carry the scheme into effect and recover the capital and maintenance costs from all the ratepayers concerned by way of a special rate or rates. It is also provided in the new section that owners of buildings are to provide effluent drains connecting with the scheme. In default of their so providing, the council may itself do so and recover the cost.

Clause 18 amends the by-law making powers of councils by including the control of surf boards. Paragraph (29a) of section 667 refers to motor boats, water skis and other like equipment, and the view has been expressed that this does not include surf boards. The control of surf boards is considered to be as necessary as the control of water skis. Clause 19 is designed to enable a court of summary jurisdiction imposing a fine for overcharging,

by vehicles plying for hire, to order payment of the excess. While councils have wide powers regarding the licensing of taxi-cabs and such vehicles, they are not able to provide by by-law that on conviction a court can order repayment of the excess fare. New section 686b makes direct provision for the court to make such an order. The last clause of the Bill, clause 20, is designed to enable council officers to enter premises on which any business is carried on under licence from the council pursuant to by-laws and to inspect books and documents for the purpose of enforcing the council by-laws. This provision is considered desirable. I submit the Bill for the consideration of honourable members.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

IMPOUNDING ACT AMENDMENT BILL.

The Hon. S. C. BEVAN (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Impounding Act, 1920-1962. Read a first time.

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

That this Bill be now read a second time.

In 1962, the Impounding Act was amended in several respects. Among others there was the insertion of a new section 15a to provide that cattle could be conveyed to the nearest

pound in a suitable vehicle. It is now proposed to add a subsection to section 15a to enable recovery of the cost of such transport. The South-Eastern Local Government Association made a request some time ago for such an amendment, particularly in relation to bulls. There are many cattle in the district and bulls are, from time to time, found straying. Difficulty is experienced in driving them to the pound, to say nothing of the danger to life and property. One council has authorized a ranger to engage transport and has been bearing the cost itself. Landholders prefer to make their stock yards and loading ramps available for loading bulls to avoid damage to their fencing and other property. The Government considers that the cost of transport should be paid by the owner and that the amendment should not be limited to the transport of bulls. The new subsection accordingly makes a general provision in relation to all cattle.

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

ARCHITECTS ACT AMENDMENT BILL.

Read a third time and passed.

ADJOURNMENT.

At 3.49 p.m. the Council adjourned until Tuesday, August 24, at 2.15 p.m.