LEGISLATIVE COUNCIL

Thursday, September 16, 1965.

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

QUESTIONS

WATER AND SEWER CONNECTIONS.

The Hon. Sir LYELL McEWIN: In view of a Cabinet decision that the cost of sewer and water connections to Housing Trust houses is to be met by the trust instead of being charged under the Loan programme, as previously, to the Engineering and Water Supply Department Loan funds, can the Chief Secretary give the Council the reasons for the decision and say what is the estimated increase in the cost of houses as the result?

The Hon. A. J. SHARD: Obviously I have not got the answer to this question. I do not mind whether the Leader places the question on notice or whether he leaves it as it is, as I will get the information for him.

EYRE PENINSULA ELECTRICITY.

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

Leave granted.

The Hon. G. J. GILFILLAN: Statements are circulating widely, particularly on the lower part of Eyre Peninsula, to the effect that the power line from Whyalla to Port Lincoln and its associated extensions are likely to be curtailed because of some financial restrictions, and these statements are causing some concern. Will the Chief Secretary say whether the schedule for the power line from Whyalla to Port Lincoln and associated extensions has been altered and, if it has, to what extent?

The Hon. A. J. SHARD: This matter is not under my jurisdiction. I think the question should be directed to the Minister of Labour and Industry, who looks after the affairs of the appropriate Minister in another place.

The Hon. A. F. KNEEBONE: As this matter concerns the Minister of Works, I shall be happy to refer it to him and bring down an answer as soon as possible.

BULK HANDLING COMMITTEE.

The Hon. C. C. D. OCTOMAN: On August 18 I asked the Minister of Local Government, who represents the Minister of Agriculture in this Chamber, a question regarding the bulk handling committee that has been set up and the evidence that it is likely to take. Has the Minister a reply to that question?

The Hon. S. C. BEVAN: Yes. My colleague, the Minister of Agriculture, advises that the committee to investigate the deep-sea port facilities associated with the bulk handling of grain will be advertising soon for submissions in writing from interested people. Representations by members of Parliament will receive every consideration, and it is advised that Mr. Sainsbury, General Manager of the South Australian Harbors Board and Chairman of the committee referred to, be contacted.

PUBLIC EXAMINATIONS.

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

Leave granted.

The Hon. R. A. GEDDES: I understand that a meeting was held at the University of Adelaide yesterday to revise the regulations governing the public examinations for the Leaving and Leaving Honours grades. Can the Minister representing the Minister of Education tell us the outcome of that meeting?

The Hon. A. F. KNEEBONE: I am unable to give the honourable member an answer to his question but I will inform my colleague of it and bring down an answer as soon as possible.

BOOKMAKERS' COMMISSION.

The Hon. R. C. DeGARIS: Has the Chief Secretary an answer to my question of August 31 about payments to trotting clubs and the higher charges being made under betting control?

The Hon. A. J. SHARD: Yes. I have a reply on the position as at June 30. The question goes further than trotting clubs and, because someone may ask what has happened to the rest of the money, I will give the full position. The additional revenue derived from the increased commission of ½ per cent on bookmakers' turnover, during the eight months ended June 30, 1965, amounted to £107,554. This was distributed as follows:

	£
State Treasury	53,777
Metropolitan racing clubs	33,669
Country racing clubs	7,047
Metropolitan Trotting Club	7,974
Country trotting clubs	5,061
Coursing clubs	26
	£107,554

KINDERGARTEN UNION.

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

Leave granted.

The Hon. G. J. GILFILLAN: The *Advertiser* of September 9 reported that the annual grant to the Kindergarten Union of South Australia this year was £213,300. I fully realize that the kindergartens are the responsibility of the Kindergarten Union, which does a good job within the finances available. With our rapidly growing population, this is an ever-increasing problem. I ask the following questions of the Minister of Labour and Industry, representing the Minister of Education: (1) What financial assistance is available to kindergartens not members of the Kindergarten Union of South Australia? (2) How many of the 119 union kindergartens have qualified directors? (3) How many kindergartens without qualified directors receive financial assistance from the Kindergarten Union? (4) Has the number of graduates from the Kindergarten Training College increased at the same rate as the number of union kindergartens? (5) Are there any plans to increase the number of Kindergarten Training College graduates? (6) Is it planned to repeat the short (one-year) course for mature, unqualified teachers in charge? I realize that this is a long series of questions and I shall be happy to put them on notice, if required.

The Hon. A. F. KNEEBONE: As the honourable member has offered to put them on notice, I shall be pleased if he will do so.

RENMARK BUS SERVICE.

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

Leave granted.

The Hon. R. A. GEDDES: A company operates a passenger bus service between Renmark and Adelaide and provides an excellent service for the residents of Renmark, Berri, Barmera and Morgan. Can the Minister of Transport say whether the Government intends to allow this service to continue to operate for the benefit of the people in those areas?

The Hon. A. F. KNEEBONE: I would prefer not to answer that question "off the cuff" but rather to give the honourable member a considered answer at the earliest possible time.

LOXTON BUS SERVICE.

The Hon. C. R. STORY: An even more efficient service than that mentioned by the Hon. Mr. Geddes operates from Loxton to Adelaide via Waikerie and I should be grateful if the Minister of Transport would give me a similar reply. Can the Minister do so?

The Hon. A. F. KNEEBONE: The answer is as similar as it possibly could be.

PORT AUGUSTA BRIDGE.

The Hon. C. C. D. OCTOMAN: I understand that plans have been in hand for some time and that various surveys have been made regarding the Port Augusta bridge across the head of the gulf and the main road through the town. Can the Minister of Roads say what stage the planning has reached and when it is expected that work on the new bridge will be commenced?

The Hon. S. C. BEVAN: This question has been asked of me on various occasions recently. As a matter of fact, it was asked rather forcibly last Friday when I was in Port Augusta. Representations have been made to the Highways Department over some period in relation to the location of the bridge and the new main road through the town and it has been said, "Can't it go somewhere else?" This has occurred on several occasions and I understand that the planning of both the bridge and the main road in Port Augusta has been held up pending an inquiry into the representations made in order that the most appropriate places for the bridge and the road can be determined. If the honourable member desires further information, I shall be pleased to supply it to him.

HOUSING TRUST RENTALS.

The Hon. R. C. DeGARIS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. C. DeGARIS: Yesterday, the Hon. Mr. Geddes asked a question relating to the increase in South Australian Housing Trust rentals and, from memory, the reply given by the Chief Secretary was that the honourable member would probably be able to read the answer in *Hansard*.

The Hon. S. C. Bevan: He never said that; I did.

The Hon. R. C. DeGARIS: Anyway, that was the answer given. However, I read the *Hansard* pull rather closely and am rather confused as to what was the answer. I understand that in these rent adjustments some of the higher rentals are being reduced and some of the lower ones increased. Can the Chief Secretary, as Leader of the Government in this Chamber, say whether the higher rentals to be reduced will still be reduced by the same amount as would have been the case had it not been for the interference that has occurred in another place regarding Housing Trust rentals?

The Hon. A. J. SHARD: This matter was discussed by Cabinet this morning. We are obtaining from the Housing Trust a full report on the whole position for examination by Cabinet. I am glad that my thoughts were similar to those of the honourable member on the point I raised with Cabinet. If the rentals that were to be reduced have been overcharged, we will want to know why. The whole position will be examined and no doubt there will be an announcement by the Minister in another place controlling housing when Cabinet reaches a decision.

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

Leave granted.

The Hon. R. A. GEDDES: Following the reply by the Chief Secretary to the Hon. Mr. DeGaris about the problem of the Housing Trust and rents, and his statement that Cabinet will consider the report, will it be in order for members of this Chamber to see this report in due course, so that they may consider the reasons for these rentals being increased?

The Hon. S. C. Bevan: But they have not gone up!

The Hon. A. J. SHARD: I have little to add to what I said previously. I will not be drawn into a discussion on this matter. It is not under my control, and what information is to be made available to Parliament and to the public is a matter for Cabinet to decide; I am only one-eighth part of it.

SCHOOL BOARDING ALLOWANCES.

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

Leave granted.

The Hon. G. J. GILFILLAN: One of the problems facing country parents who live some distance from secondary schools is the educating of their children. Many parents send the children to the metropolitan area where the necessary educational facilities are available. Some of them attend departmental schools and others attend private schools. The fact that parents send their children to private schools does not necessarily mean that they are wealthy. They are prepared to make some sacrifice to ensure that the children receive continuous supervision. Recently a person well known to me approached me about the refusal of an application for a living-away allowance for his child. His elder child had received a living-away allowance from the previous Government but when he applied for an allowance for the child now attending a private school in Adelaide he was told by the departmental officer concerned that the application could not be granted as boarding allowances are now available only to students attending departmental schools. This person went on to talk to the officer at some length, and the officer told him that it was a recent Cabinet decision that allowances would not be paid for students attending other than departmental schools.

My question is directed to the Minister of Labour and Industry, not only as the representative in this Chamber of the Minister of Education but as a member of Cabinet. Will he say whether a decision was made by Cabinet that discriminated between children attending private schools and those attending departmental schools with regard to the living-away-from-home allowances previously paid to country students when the required educational facilities were not available locally?

The Hon. A. F. KNEEBONE: I cannot personally recall such a decision being made by Cabinet. In order to get the picture clearly, I will consult with my colleague and other members of Cabinet and bring down a reply as soon as possible.

POLICE COURT.

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

Leave granted.

The Hon. F. J. POTTER: This morning, for the second time in recent weeks, I had occasion to attend a court in the Adelaide Police Court, which, according to a placard written in ink and placed at the bottom of the stairway, was called Court Room No. 6. This court has been held in part of the old premises vacated by the Police Department when it moved to the new Police Building. Maintenance matters are usually heard in it. I think the court is usually presided over by justices of the peace (certainly they were there this morning) and 99 cases were to be heard today. Apparently nothing was done to the accommodation after it was vacated by the police except that some seats were moved in and desks were provided for the justices and the clerk. The general appearance of the court was extremely grubby, because apparently no internal decoration had been done, and the room bore signs of its long occupation by the Police Department. I think this is a most unsatisfactory court for a capital city of Australia, even though it is only for hearing maintenance cases, which are perhaps minor matters. Will the Chief Secretary say whether it is intended to use this court permanently,

and, if it is, whether some early steps will be taken at least to give it a face-lift and provide some accommodation for members of the public?

The Hon. A. J. SHARD: The question comes at an opportune time. As two of my colleagues, including the Attorney-General, and I have been subpoenaed to go to the Adelaide Police Court tomorrow morning, we shall be able to make a personal inspection of this courtroom. The matter will be taken up with the Attorney-General. If it is as bad as the honourable member has said, and it is intended that the court should be used in future, at least it should be cleaned up.

COMPULSORY UNIONISM.

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

Leave granted.

The Hon. R. A. GEDDES: Following the issue of Industrial Instruction No. 118 on Government policy regarding preference for unionists in the employment of people in the Public Service, I wish to direct a question to the Chief Secretary regarding teachers in the Education Department. Will he say whether a teacher under bond to the Education Department will receive appointment to a school if he is not a member of the South Australian Institute of Teachers and whether a teacher has to be a member of that institute before he can receive future promotion in the Education Department?

The Hon. A. J. SHARD: I think the question would have been more appropriately directed to the Minister who represents the Minister of Education, but I think it is about time I said something about unionism; I have been very polite to honourable members on the subject so far. I do not know whether the honourable member is trying to ride the high horse of Communism and whether some of his colleagues in another place are doing so, or whether he is trying to mimic a member of not very high repute in another Parliament of the Commonwealth. Whatever the case may be, I think it is not doing this Chamber any particular good. I say quite definitely that I am an anti-Communist.

The PRESIDENT: Order! The Minister must not reflect on another member.

The Hon. A. J. SHARD: I do not think I reflected on any member of this Parliament, Mr. President; I referred to a member of another Parliament in another State of the Commonwealth. Is that in order?

The PRESIDENT: If you want to answer the question, carry on.

The Hon. A. J. SHARD: I want to make my position quite clear, as I am not an Aunt Sally on Communism.

The Hon. C. D. Rowe: Nobody said anything about Communism.

The Hon. A. J. SHARD: But questions are asked as though we are. If honourable members want to raise the question, I will raise it, and I will stand any investigation into anyone in my Party on Communism.

The Hon. Sir Lyell McEwin: You have raised your voice, but Communism has not been raised.

The Hon. A. J. SHARD: You have raised your voice, too. If members want to have a go on Communism and on where I stand, I shall not run away from it.

The Hon. C. D. ROWE: I rise on a point of order, Mr. President. The Chief Secretary is talking about a matter that is completely foreign to the question that was raised. I do not think it is an answer to the question.

The PRESIDENT: The Hon. the Chief Secretary.

The Hon. A. J. SHARD: The question asked by Mr. Geddes followed a reply in which Communism was mentioned. He has tied up the question with Communism, and that is the insinuation right through his series of questions.

The Hon. C. D. Rowe: I do not think so.

The Hon. A. J. SHARD: Never mind what the honourable member thinks; it has been right through his questions. If members throw stones, we are going to throw them back. I shall not run away from anything on my stand on compulsory unionism. I have nothing to be ashamed of in my stand on Communism.

The Hon. C. D. Rowe: Nobody is suggesting that you have.

The Hon. A. J. SHARD: The questions implied it. I have just about had it, and I am entitled to say so. When money was valued, I made a great personal sacrifice in the interests of the trade union movement and the welfare of the people of this State to defeat Communism when in a certain position, and I do not appreciate these questions that imply that the Australian Labor Party and the Government are taking sides and helping Communism. Nothing is further from the truth.

The Hon. Sir LYELL McEWIN: I rise on a point of order, Mr. President. Is this in reply to a question or is it a speech? Communism was never mentioned.

The Hon. A. J. SHARD: It was mentioned.

The PRESIDENT: A Minister or any other honourable member cannot debate an answer to a question any more than an honourable member asking a question can debate it.

The Hon. A. J. SHARD: Mr. President, I bow to your ruling, with the greatest respect, but I hope that Standing Orders are applied as rigidly to every honourable member as they are to me. I want to say that I am prepared to take up the kernel of the question with my colleague, the Minister of Education. I hope we have heard the last of any insinuation that any of my Cabinet colleagues, the Government or myself are connected with Communism.

The Hon. Sir Lyell McEwin: I never mentioned it.

The Hon. R. A. GEDDES: I ask leave to make a personal explanation.

Leave granted.

The Hon. R. A. GEDDES: In reply to the Chief Secretary, first, I am not—

The PRESIDENT: Order! If the honourable member wants to make a personal explanation he can make one, but he cannot debate the matter.

The Hon. R. A. GEDDES: The question that I asked today was the result of a telephone call from a teacher in the north of the State last night.

PERSONAL EXPLANATION: JURY SERVICE.

The Hon. Sir ARTHUR RYMILL: I ask leave to make a personal explanation.

Leave granted.

The Hon. Sir ARTHUR RYMILL: A report in this morning's newspaper, under the heading "Juries Bill Attacked", says amongst other things:

Sir Arthur Rymill questioned the need to lower the minimum age to 21 for people required to give jury service.

Honourable members who were listening intently to what I said yesterday will realize that I did not say that.

The Hon. A. J. Shard: You should take your employees to task.

The Hon. Sir ARTHUR RYMILL: Any honourable member who might have been slumbering peacefully during my speech (for which I could not for one moment blame anybody) on referring to *Hansard* later would have discovered that it was not what I said at all.

The Hon. A. J. Shard: I listened intently to what you said, and I wondered when I read the report this morning.

The Hon. Sir ARTHUR RYMILL: I thank the Chief Secretary. I am aware that people are at present entitled to serve on juries at the age of 21 years, but the point I made was that if the Bill comes into force we shall have more of the younger age groups serving on juries than we have at present. I make this personal explanation so that, if anybody relies on the newspaper report, at a later date I shall not have the embarrassment of putting him right.

The Hon. A. J. Shard: You know now what it means when something is taken out of its context.

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL.

Second reading.

The Hon. A. F. KNEEBONE (Minister of Transport): I move:

That this Bill be now read a second time.

Its object is twofold. Clauses 4, 5 and 7 remove from sections 30, 32 and 94 of the principal Act references to maximum fares within the trust controlled areas, and clause 6 makes an amendment regarding suitability of roads within those areas. Before explaining the effect of the clauses which I have mentioned, I refer to clause 3, which merely makes a drafting amendment to the interpretation section of the principal Act following the enactment of the Road Traffic Act, 1961, as amended to date.

I deal now with clause 4. Section 30 of the principal Act gives the trust, in effect, exclusive rights, either by itself or through licensees, to carry passengers paying individual fares by bus within a certain area in and around the metropolitan area if the fares payable do not exceed 2s. 6d. each way. By proclamation, the area under the control of the trust will be extended as from October 1 to include Salisbury, Elizabeth and part of Munno Para. The effect of section 30 as it now stands and the proclamation would be that, if a private bus operator charged fares in excess of 2s. 6d. each way for a journey between Adelaide and Elizabeth, he would be outside the licensing powers of the trust. It has, accordingly, been decided to remove the limit upon fares chargeable in respect of bus services within the extended area, so that the trust will have complete control over the omnibus service, irrespective of the fare charged, and the amendment made by clause 4 will so provide.

The Hon. Sir Arthur Rymill: When was the Act last amended?

The Hon. A. F. KNEEBONE: A good while ago: 1952 was the last time it was amended. Clauses 5 and 7 of the Bill make consequential amendments. With regard to clause 6 of the Bill, I refer to section 33 of the principal Act, which places a statutory obligation on the trust to ensure the suitability of roads for bus services unless so used before October 9, 1928. With the extension of the area to be brought under trust control, which I have already mentioned, it is clearly reasonable to apply the same principle—that is, that the obligation of the trust as regards suitability should not apply to roads in an extended area which were used by buses before the date on which a new area is prescribed. Clause 6 so provides. I commend the Bill to honourable members.

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

WILLS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 15. Page 1482.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which I am sure will have the support of all honourable members except for clause 6, in respect of which some honourable members may feel, as I do, that they have not yet quite made up their minds whether it effects a desirable amendment or not. The main purpose of the Bill, other than clause 6, is to pass in this State legislation uniform with that of other States and of the United Kingdom, and so enable the Commonwealth States and the United Kingdom to ratify the Hague Convention dealing with the conflicts of laws on testamentary dispositions. In other words, this has an international implication and is of great importance. I have looked carefully at the Bill and it is obvious that its main clauses have been meticulously drawn. They deal with very technical matters and I can find no fault with any of them. All in all, it is desirable that we should recognize the fact that wills made in other countries are entitled to equal validity with those made in the form prescribed by our South Australian law, which, of course, is basically the British law. This measure will, perhaps, not affect many people (I am not suggesting that it will) but, it is important that a migrant to our country should be able to take advantage of this Act, and it is desirable that we should have it. It operates in favour of migrants to this country. Also, as I think the Minister said in his second reading explanation, many people travel abroad these days and it may be necessary for someone to make a will at some stage when abroad. For instance, he may meet with an accident or fall sick in some country. In that case he wants to be in a position to make a will there and then, with the assistance of somebody in that country, that will be valid here in South Australia. These questions do not often arise but, when they have in the past, the position has been difficult because this legislation was not then in existence. I need say no more about that part of the Bill. I am sure all honourable members will support it.

However, I voice some doubts about the provisions of clause 6. When the Bill was originally introduced in another place this provision was not in it; it was added by means of an amendment moved from the Opposition side and accepted by the Government. I noticed that the amendment was moved and adopted by the Government without much debate. In fact, it was given very brief consideration indeed. I happen to know something about this particular provision, because some time ago (I think nearly two years ago) the matter of whether it would be desirable to introduce in all States in Australia a provision that existed in the New Zealand law came before the National Marriage Guidance Council of Australia. Such a provision would allow married persons under 21 years of age to make valid and effective wills. The matter was considered by the council and was properly referred by it to the Law Council of Australia as being a matter that came exclusively within the province of law reform.

Eventually, that body considered the matter and, I understand, decided to recommend to the Attorneys-General of the States that amendments should be considered in each State to make it possible for married minors to make valid wills. However, this particular amendment goes much further than that and makes it possible for all persons, whether married or not, who are 18 years of age or more to make a valid will. In considering whether this is a desirable reform, I think we must have regard to the situation as it exists now, without having the benefit of this particular amendment. Briefly, as the law stands, no person under the age of 21 years can make a valid will except that, where a person is a member of the fighting forces, he is enabled to make a valid will even though under the age of 21. That provision is of long standing; in fact, it was introduced in the British legislation years or even centuries ago. However, no other person under the age of 21 years has

been able to make a valid will. Of course, that does not mean that if anyone under that age possessing property dies, the property is forfeited to the Crown, or anything like that.

The Hon. C. D. Rowe: Unfortunately, there is a misconception on that point.

The Hon. F. J. POTTER: Yes. It is believed widely in the community that the Crown takes all of a person's property if he has not left a valid will or if he is not able to make a valid will, but the position is simply that the property of an unmarried minor passes, under the laws of intestacy, to his parents and, if they are not alive, it goes to his next of kin, to his brothers or sisters or, perhaps, to relations further removed. If he was married, and under the age of 21 years, his property would go to either his wife or his children.

We might say, "Why was it urged that married minors should have the testamentary capacity? Why was this supported by the Australian Law Council?" I think it is obvious that it was done because it is so much easier from an administration point of view if a valid will exists. Instead of taking a grant in intestacy, it is much easier to get probate of a will. In addition to that, under the laws of intestacy, the estate of a married minor must be distributed among his widow and children and, of course, infant children would be of tender years and it would be undesirable in most cases for property to be tied up until those children, in their turn, attained the age of 21 years.

So, it would be desirable and probably usual in those cases that a testator under the age of 21 years would leave all his property to his wife, and this would be possible if he had testamentary capacity. I find myself in some doubt about whether we should open it up to all persons who are 18 years of age or over. I have already said that, in the case of a married person, no great hardship would exist, even under the present rule.

It was suggested that teenagers earn big money these days and accumulate quite some property prior to their attaining 21 years. This may be true of a few teenagers but I consider that if people between the ages of 18 and 21 years have any really substantial sum of money saved, in many cases they have received it from their parents in some way or other, either directly by way of gift or indirectly by sacrifice made by the parents as a result of which the child has been able to save more than he or she would have been able to save otherwise. In other words, the parents have kept them at home at some nominal board or something of that nature. In any case, if we have a display of thrift by young people, it usually has been done at the urging and example of parents.

Obviously, this measure would make it possible for young people, who sometimes are subject to stress and emotion, to leave property, perhaps substantial property, to girl friends or boy friends. That is what gives me some concern, although I doubt whether it is likely to occur on any large scale. Rather than suggest that I would go so far as to move an amendment, I prefer to sit back and listen to the opinions of other honourable members. However, it seems to me that not many young people would be making wills, anyway.

The Hon. A. F. Kneebone: What is the present position regarding a young person, under the age of 21 years, who is unmarried and who dies? Does his property go to the parents?

The Hon. F. J. POTTER: It goes to the next of kin, who are, first, the parents, or, secondly, brothers and sisters, and in 99 per cent of the cases this is the fair, proper and right thing. But a situation may arise where somebody under the stress of emotion, or perhaps because the person might have had a slight disagreement with parents, suddenly turns around and leaves property to a girl friend or to a boy friend.

The Hon. C. D. Rowe: Or distinguishes unfairly.

The Hon. F. J. POTTER: Yes, that could be so.

The Hon. Sir Arthur Rymill: This is the crux of the matter: is there sufficient maturity for the person to have the necessary judgment?

The Hon. F. J. POTTER: That is so. This is a fundamental thing and it affects far more than the question of whether a person has testamentary capacity, for I notice that the Minister in another place accepted this amendment and said, "Of course, this is only one of the first things in a whole series of things that we propose to do in connection with giving further responsibility to people of 18 years of age or more." That is what he said. In effect, he said, "We did not do it originally because the Parliamentary Draftsman has already been instructed in connection with many things giving more responsibility to people of 18 years of age." I suppose that this question of testamentary capacity is only one small facet, and it may be argued that a person of 21 years may not have any greater maturity than a person of

18 years, but a start has to be made somewhere and of course it has been traditional in our Commonwealth of Nations under our British law, and indeed under the laws of many foreign countries, that 21 is the accepted age.

The Hon. Sir Arthur Rymill: I think there are many good biological reasons as well as sociological reasons for this.

The Hon. F. J. POTTER: That is so, and I think the question of responsibility as divided into three periods of seven years that has been our particular law for many centuries and is accepted world-wide as the basis, is something from which we should not lightly depart. Indeed, in another place it was specifically agreed that this was a fundamental amendment. It was suggested there that this had been done in Victoria, but I have not had the opportunity to check whether it was done precisely in this way or whether they were merely adopting what had been suggested, namely, to give the right to married minors. I will check the position.

The Hon. Sir Arthur Rymill: You should ask the Chief Secretary to check it for you.

The Hon. C. D. Rowe: No, ask the Attorney-General. He is the adviser on law now.

The Hon. F. J. POTTER: However, it has been accepted world-wide that at the age of 21 years a person got certain responsibilities, such as the right to vote, the right to make a will, the right to marry without consent of parents, the right to give a valid receipt for property (and that is something deeply ingrained in the whole of our trust laws) and all of these things are important. If we start fiddling around with this concept except for good reasons—

The Hon. C. D. Rowe: The right to be responsible for contracts, too.

The Hon. F. J. POTTER: Yes, that is another thing. I could think of several that are of fundamental importance to the law and we should not fiddle with them just for doctrinaire reasons. I make it clear that I think it is desirable and right that we should give testamentary capacity to married minors, but I shall be interested to hear what other members think about going the whole way, as we do in this amendment, and giving all people of 18 years or more the capacity to make a valid will. So, with those reservations, I support the Bill wholeheartedly. I reserve the right to raise one or two of these aspects again when the Bill reaches the Committee stage.

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

JURIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 15. Page 1486.)

The Hon. JESSIE COOPER (Central No. 2): I rise to support this Bill in general although I consider one section of it is unnecessary and even dangerous. The Bill itself seems simple, but it is actually dramatic in its contents as it attempts to dispel a distasteful disparity between men and women in the matter of jury service. Before discussing the Bill in detail I trust that I may have the indulgence of the Council to discuss briefly the history of jury service because in this way I can describe the various changes that have come about through the centuries until the proposed change is seen in its true perspective. We are all indebted to the Hon. Mr. Rowe and the Hon. Sir Arthur Rymill for their scholarly contribution to this debate. Early this year (in April) the Secretary of State for the Home Department in Great Britain presented to Parliament by command of Her Majesty a departmental committee's report on jury service. This report is the most comprehensive modern discussion on jury service available and contains many cogent statements. I will, however, confine myself at this stage to one statement in it:

There is, we think, a fundamental conviction in the minds of the public that a jury is in a real sense a safeguard of our liberties.

I believe that this fundamental conviction has its roots deep in British history. Most honourable members know of Blackstone's famous statement:

The trial by jury, or the country, per patriam, is also that trial by the peers of every Englishman which, as the grand bulwark of his liberties is secured to him by the great charter—*nullus liber homo capiatur*—

The Hon. Sir Arthur Rymill: May I ask, are you using the old or the new pronunciation?

The Hon. JESSIE COOPER: The new. I am a "Kikero", not a "Sissero" person myself. Mr. President, I am going to finish my quotation—

vel imprisonetur, aut exulet aut aliquo alio modo destruatur, nisi per legale judicium parium suorum vel per legem terrae.

This merely states that any free man shall not be taken or imprisoned or sent into exile or in any way destroyed unless through the lawful judgment of his peers or the law of the land. Blackstone further says that the truth of every accusation must be confirmed by the unanimous suffrage of 12 of his equals and neighbours, indifferently chosen and superior to all suspicion. It is from these two statements of Blackstone that our concept of a jury as being

as fully representative of the community as possible stems. To many thinking people, a jury cannot be said to be fully representative of the community if only half of that community is represented. Hence this Bill in the matter of women as jurors will bring South Australia into line with Great Britain and most of the United States of America, and it will serve as an example, I believe, to certain States of Australia.

The Hon. Sir Arthur Rymill: What did Blackstone say about that?

The Hon. JESSIE COOPER: Dr. Blackstone had not really got around to that. Trial by jury has since its very beginning remained an essential and integral part of our British legal system. Arguments have gone on for centuries about where it originated; scholars have had great differences of opinion, but it is now generally considered that it started on the Continent and was brought over to England by the Normans, and from then on it developed. What is important is not really where it originated but what Britain did with it once she got it. The very system in its developed form is, of course, distinctly and exclusively British, and this can be seen today when one compares legal systems on the Continent with those of Britain and British countries.

A very important and early result of the jury system being brought to England by the Normans was the compilation of the Domesday Book from information supplied by people who were called "jurors" for the first time and who had expert knowledge of their locality and were able to give their opinion to the authorities. So, for the first time in history the tenure of land and the value of land was put on record in England. From then on the modern jury system developed. First, it was extended into civil law. That was done in the reign of Henry II. When a title to land was in dispute, a litigant might seek a royal writ summoning a jury to decide the issue. It was also in Henry's reign that the jury system came into use in criminal justice, when grand juries of presentment or accusation were established.

After trial by ordeal was dropped, judges turned to juries as an alternative way of arriving at verdicts. Of course, trial by ordeal did not necessarily disappear, as we know; it appeared centuries later, when women started to have ideas above their station and the good old "floating on the mill-pond" method proved a most efficacious method of getting rid of so-called "witches". From the fourteenth century the role of jurors changed from that of witnesses chosen for their expert knowledge to what we know as independent arbiters who come to the case without any previous knowledge of the facts.

The independence of jurors, as we know it, was not assured for several centuries. The Court of the Star Chamber, abolished in 1640, punished jurors if it thought they had corruptly returned a verdict of acquittal in a criminal case, and the famous case that brought about the independence of jurors is extremely interesting. It was in 1670, and the case of the foreman of a jury, who was called Bushell (therefore, Bushell's case is famous), was a famous vindication of the independence of juries. He was foreman of a jury that acquitted the Quakers Penn and Mead, who were accused of taking part in an unlawful assembly. In fact, what they really had done was refuse to "move on". Each juror was starved, and when he refused to alter his verdict he was fined what was quite a large sum for those days—46 marks, which was about £26—and then was imprisoned. The foreman of that jury brought a case against the Crown by means of a writ of *habeas corpus*, and when it was heard in court it was discharged. This settled the matter of independence, as from then on juries were independent.

It was not until the eighteenth century, however, that juries were empowered by Fox's Libel Act to find a general verdict on a whole issue. Honourable members will see that the British jury system never remained stationary but that it developed continuously to meet changing needs. Yesterday the Hon. Sir Arthur Rymill reminded us that juries had been dispensed with in this State for civil cases. This is in accordance with modern trends, but it is interesting to note that judges do not necessarily find their task easier in these circumstances. In 1954 Lord Justice Singleton said:

> It has been said more than once that a judge sitting by himself is not in as good a position to assess damages as are 12 members of a jury. They have an opportunity of discussing the matter among themselves and, although they may not have more experience in the matter, 12 heads are better than one.

Many Australian and British legal authorities think that handing over any jury function is dangerous in principle, as the jury system as a whole is the constitutional guarantee against the time when some Government might attempt to control all people by controlling justice for political ends.

So, this twentieth century has seen a change, but it has, moreover, seen a great change in jury service with the result obtained in Great Britain, the United States of America,

and more recently Australia, enabling women to sit on juries. From personal experience I do not find that women look on jury service as their right or, indeed, their privilege—far from it. I believe they regard jury service as part of their duty as members of the community. I should like to quote the words of Mrs. Soutar, a past President of the League of Women Voters in this State, who wrote to the *Advertiser* on this subject last year as follows:

When jury service is an obligation of democratic citizenship it should be undertaken by both men and women.

I do not believe for one moment that women, any more than men, welcome the opportunity to become judges of their fellow human beings. I will never be convinced that women suffer from any greater interest in or curiosity about certain unpleasant aspects of life than do men. Surely that must be one of the most immature and ignorant arguments ever advanced against the service of women jurors. It is known that, generally speaking, jurors approach their task seriously and perform their duties with a great sense of responsibility. The advent of women jurors in both Great Britain and the United States of America has not made any great change. The value of the contribution to justice made by women jurors is just as great as that made by men.

In Great Britain women were excluded from jury service until 1919, when the Sex Disqualification (Removal) Act was passed. This Act provided that a person should not be exempt by sex or marriage from the liability to serve as a juror. The Bill now before us, I think, follows very faithfully that British pattern of today. In the United States of America there any many variations in the service of women jurors. In some States suffrage and the right to serve on juries is regarded as synonymous. Today only three States—and they are in the deep South, which is not particularly noted for its tolerance of such depressed classes as women and negroes—debar women from serving on State juries but they permit them to serve on Federal juries. It is only when we study the exemptions in the various States of the United States that we see that, in point of fact, a great hotch-potch of conflicting ideas until recently caused female jury service to be a reality in name only. If honourable members can bear with me, I will tell them what these variations are. In 26 States and the District of Columbia, women may still claim exemptions not available to men. Of these, 14 and the District of Columbia provide that women may claim exemption solely on sex. Other States require women to state their desire to serve before they become eligible. Other States, again, permit women to be excused for family responsibilities; others again permit women to serve only when the courthouse facilities permit. However, in recent years most of the States of the United States have realized the position and they have sought revision of their laws to enable women to serve on juries under the same terms and conditions as men.

The various States of Australia have brought their own confusion into the issue. Victoria is the only State so far that has made jury service the same for men and women. Tasmania and Queensland may, at first sight, seem to have made jury service compulsory for women but, in point of fact, enrolment in both of these States is voluntary. I say that carefully.

In Queensland, section 6 (ii) of the Act states:

Any female person between the ages of 21 years and 60 years, who is of good fame and character and who resides within Queensland, who is so enrolled and who notifies in writing, addressed to the Principal Electoral Officer or the electoral registrar for the electoral district for which she is so enrolled, or other prescribed officer, that she desires to serve as a juror;

So she has to apply or say that she desires to be a juror before she is put on the roll. Once she is put on the roll it is compulsory but she has this right of going on or not, as she pleases.

Exactly the same position applies in Tasmania. There, section 5 of the Act states:

Any woman between the ages of twenty-five years and sixty-five years who—

i. Possesses the qualifications for service as a juror required by this Act in the case of a man:

ii. Is not exempted or disqualified by this Act: and—

and this is the point—

iii. Notifies the Sheriff, in writing, that she desires to serve as a juror, is qualified and liable to serve as a juror in the same manner in all respects as if she were a man.

So in both those States she has to write in to the appropriate authority and say, "I wish to be a juror." New South Wales is in much the same category. It makes it quite clear that jury service for women is voluntary. Women who submit their names for inclusion in the jury list for certain areas only have been eligible to act as jurors since 1952, but the history of this goes back much further because the first deputation that went to the Attorney-General of New South Wales was in 1904. It took another 20 years before the Juries Act Amendment Bill was introduced to enable women to sit on juries: that is, 20 years was taken up

in just getting the Bill presented. But, after the Bill was passed, it was not proclaimed until 1951. Honourable members may wonder why it took 27 years to proclaim this Bill. Need I tell honourable members that it was that old and Oh! so useful excuse, which always crops up when women are mentioned for service, whether on juries, in local government, or in Parliament—lack of suitable accommodation.

In Western Australia women became eligible for jury service under the Jurors Act, 1957, but the first women jurors were not empanelled until 1962. Again, in New Zealand the Women Jurors Act, passed in 1942, gave women the right to serve on juries voluntarily, but in 1963 the law was altered to provide for the automatic inclusion of women on jury rolls, and it became compulsory. All things considered, this Bill before us is more satisfactory than those in most Australian States. However, with the inclusion of clause 12, whereby women may cancel their liability to serve, there is a real possibility that this will not be so successful a measure as might be expected. Clause 12 states:

> The following section is inserted in the principal Act after section 14 thereof:—
>
> 14a. (1) A woman who is qualified and liable to serve as a juror may at any time, but subject to subsection (2) of this section, cancel her liability to serve as a juror by giving to the Sheriff notice in writing to that effect.

The rest of that section deals with her getting back again. I for one believe that it is not in the interests of women generally to expect or seek or be offered special privileges in this way. I realize that honourable members are concerned with the problem of women with domestic responsibilities, particularly those with small children. However, something has been happening to our social structure in the last 20 years. Whether or not we like the position, women have been escaping from their homes with ever-greater rapidity and in ever-increasing numbers, for one reason or another, for years now. They are either working in paid jobs or are working just as hard in unpaid voluntary jobs. Without this latter activity of women, I can assure honourable members that this State would be in a very poor position. This is the modern interpretation of a woman's role, which has always been the same—to care for the young, to succour the sick, to comfort the aged. Honourable members must know, by personal experience, that this role of women serving the community is most important.

My point is that women today are not confined to their homes, except in the case of the young marrieds, who after they have produced their 2.8 children move out once more into commercial or charitable activity. Another fact that I should like to bring to honourable members' attention is that most of the women in the greater part of the age group eligible for jury service under this Bill, from 40 to 65 for example, are completely free from child-rearing. For general interest, I quote the actual number of women working in paid jobs in Great Britain in 1962—and I think that the Hon. Mr. Shard will be interested because these figures were given by the General Secretary of the Trades Union Congress of 1962. There were 4,300,000 married women employed in Great Britain, not including widows, between the ages of 20 and 64, and these constituted 36 per cent of all married women in Great Britain. This tendency has its parallel in Australia. I should like to receive similar figures for Australia. If we add those figures (if we can get them) to the number of women (if we can get them) in voluntary jobs, then the percentage of married women not engaged wholly in domestic duties would, I believe, surprise most honourable members.

Although the Third Schedule to the principal Act has remained conservative, in that no special exemptions have been made, except in the case of wives of judges or magistrates, or nurses in practice, or women in religious orders living in convents, there will be far too much latitude given if clause 12 becomes law. I consider that section 16 of the principal Act would have been sufficient to cover all difficulties associated with the call-up of women for jury service. It states:

> On proof on oath or by affidavit or statutory declaration to the satisfaction of the judge or court before whom or which any person is summoned as juror that such person ought to be excused from attendance by reason of ill-health or matter of special urgency or importance, that judge or court may, if he or it thinks fit, in chambers or in open court discharge such person from further attendance on the court, or excuse such person from attendance for any period during the sittings of the court.

I consider that practically every reason could have been covered in that section, and women would then have been serving on equal terms with men. If that had been done, clause 12 would have been completely unnecessary, and, personally, I do not agree with special privileges. I think the clause destroys the intent of the Bill. It is interesting to note that since Great Britain has allowed women to sit on

juries, opinions have differed on where exemptions should end as far as spouses are concerned. The committee I mentioned before asked such questions as: Should the wives of all exempt men be themselves exempt? Should the husbands of all exempted women be exempt? What will be done about husbands of married women schoolteachers or about the wives of civil servants? So far, according to this Bill, we have only allowed for the wives of judges and magistrates.

We can see the difficulty. If it is only because it is inconvenient for these people to serve the community as jurors, well and good, but if it is desirable not to have them on the jury because of pre-knowledge, and so on, then the spouses are in the same position. I am reasonably sure that the actual passing of this Bill will not necessarily bring satisfaction to women's organizations that have sought this change.

The Hon. A. J. Shard: Do you think we shall ever achieve complete satisfaction for women's organizations?

The Hon. JESSIE COOPER: Yes, I am sure we shall. Further, the Bill will not remove the fears of those women who shun the idea of jury service. It will be many years before women will have the same responsibilities as men in their service as jurors in South Australia. Yesterday, the Hon. Sir Arthur Rymill drew our attention to clause 16, which proposes to insert a new paragraph in section 23 by which the number of men in each quota shall as nearly as possible bear to the number of women in that quota the ratio that the number of men in the subdivision roll bears to the number of women in that roll. Therefore, I looked up the departmental report that I mentioned earlier and found that although there is a similar rule in operation in Great Britain (rule 3 of the Women Jurors (Criminal Cases) Rules, 1920), the likelihood of equal numbers of women and men serving on any jury is remote. I think the Chamber might be interested to know what the report said, which was as follows:

It emerged in evidence that not all summoning officers were aware of this requirement. We therefore included in the questionnaire referred to above a question about the practice of summoning officers as regards the proportion of women to be (*a*) originally summoned and (*b*) included in the jury panel finally sent to the court in response to a precept. The answers made it clear that on average the proportion of women originally summoned to men originally summoned is about one in five or six, though it was as high as one in two at one place, and in another no women at all were summoned in 1963. Many summoning officers said that more women than men had good reason for being excused—for example because they had care of young children—with the result that an even smaller proportion of women were empanelled than had originally been summoned, and juries composed of men only were frequent.

The mention of the proportion of women originally summoned to men originally summoned being about one in five or six is practically what the Hon. Sir Arthur Rymill said yesterday. It has taken 45 years to get an average of two women on a jury of 12. However, I do not think that is going to happen here.

The only other clause of the Bill on which I wish to speak is clause 5. I cannot vote for this clause, which proposes that jury lists shall be made up from the House of Assembly roll, and no longer from the Legislative Council roll. To my mind, such a proposal introduces difficulties into a system that has worked well for many years, without making any improvemnt.

The first difficulty that I foresee is associated with our new citizens whose names appear on the House of Assembly roll. While it has been found necessary to incorporate in Juries Acts in other places among the qualifications for jury service the ability to read, write, speak and understand English, this is not the case in the South Australian Act. I am not speaking in any disparaging way of our newly naturalized citizens when I say that a great proportion of them cannot speak our language and have difficulty in understanding it. I am extremely sympathetic towards them, particularly the older ones who find great difficulty in accustoming themselves to our ways of life, as well as to our language.

Any honourable member who attends naturalization ceremonies in his district will bear out the truth of my statements. Anyone who has served at a polling-booth on election day will have personal experience of the inability of many voters to understand English, or our voting system. Yet, as soon as a person is naturalized, he or she is compelled by law to register on the House of Assembly roll. I consider, therefore, that it would be a hardship unnecessarily expected of such naturalized citizens if they were called for jury service and I consider that the whole matter would be a complete waste of time and an unmitigated waste of money if the courts had to resort to challenge to excuse these people after they have been summoned.

The second difficulty that I foresee is the nuisance of tracing the moving population. Many people who own no property move their place of residence frequently and I can assure honourable members that there is a definite shifting group, and these people are always difficult to find. To take an example (and I think the Hon. Mr. Potter knows what I mean here), many thousands of Australian husbands have deserted their wives and cannot be traced by the courts. This is proved when the question of maintenance arises, and the number of absconding husbands has been as high as 12,000.

The Hon. A. J. Shard: Is that in South Australia?

The Hon. JESSIE COOPER: This is for the whole of Australia, but it will be conceded that a number must come from South Australia. I expect that the number of wives who desert their husbands is also high. I do not say that none of the South Australian husbands are on the Legislative Council roll, but I do say that they are on the House of Assembly roll, or that, by law, they should be on it. More time and more money will be wasted tracing these people, and at the end there may not be success. As for uniformity with other States, why bother about that if it concerns only one clause? To my mind it would indeed take a Solomon to get uniformity in Australia under the present set of State laws referring to jury service.

The Hon. F. J. POTTER secured the adjournment of the debate.

LOCAL GOVERNMENT (DISTRICT COUNCIL OF EAST TORRENS) BILL.

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

The Hon. S. C. BEVAN (Minister of Local Government): I move:

That this Bill be now read a second time.

It is one of urgency and I ask members to pass it through this Chamber as soon as possible.

Its object, as the long title indicates, is to authorize the district council of East Torrens to borrow on overdraft a sum of £9,000 under a guarantee by the Treasurer. For some five or six years the council has not been collecting all of its rates and its accounts and records have not been kept in an appropriate manner. As a result, it is unable to carry on without some form of temporary accommodation. In the circumstances the council approached the Government with a request for a special grant. While sympathetic to the request of the council, the Government has no power to make such a grant. Under section 449 (1) (*b*) of the Local Government Act (which empowers a council to borrow on overdraft) a district council is limited in the amount which it can borrow to one-half of the amount of its previous year's income. The council's present overdraft has reached its limit and the council estimates the amount of financial assistance which it will want at least until the end of this year at £9,000. It is expected the major part of the current year's rates will not be received until early in 1966 and consequently the temporary accommodation will be required for up to one year. It is understood that the council will be able to secure a loan on overdraft up to this amount on the security of a guarantee by the Treasurer. This special Bill is accordingly introduced with a view to assisting the council which, without some form of temporary accommodation, will be unable to carry on.

I come now to the clauses of the Bill. Clause 3 will enable the council notwithstanding the limitations in the Local Government Act to borrow up to £9,000 from a bank by way of overdraft. This amount will be in addition to the present overdraft. It is also provided that the special overdraft is to be repayable not later than 12 months after commencement of the Bill. Clause 4 empowers the Treasurer to guarantee the repayment of any amounts lent to the council by a bank on overdraft on such conditions as are agreed between the Treasurer and the bank. Subclause (3) makes the necessary appropriation. Clause 5 empowers the Treasurer to recover any amounts paid pursuant to or in connection with the guarantee as a debt.

The Bill, being of a hybrid nature, was referred to a Select Committee in another place in accordance with Joint Standing Orders. The committee recommended passage of the Bill in its present form. The report presented to another place indicated that in the course of its inquiry the committee met on two occasions and took evidence from Mr. W. A. Badenoch, Chairman of the District Council of East Torrens; Mr. F. L. Jennings, Councillor of the District Council of East Torrens; Mr. G. H. P. Jeffery, the Auditor-General, and Dr. W. A. Wynes, the Parliamentary Draftsman. Advertisements were inserted in the daily press inviting persons desirous of giving evidence on the Bill to appear before the committee. There was no response to these advertisements. In evidence

before the committee the representatives of the council stated that the amount of overdraft authorized by the Bill would give the council the temporary financial assistance required, and this was supported by the Auditor-General. The Select Committee reached the conclusion that the financial aid sought by the Bill is necessary. A letter was received by it from the council's bankers, the Bank of Adelaide, confirming "that the terms and conditions relating to the proposed overdraft arrangements" were satisfactory to that bank. The committee was of the opinion that there was no objection to the Bill and recommended that it be passed without amendment.

The Bill passed through another place without delay. I urge honourable members to enable it to pass through its remaining stages as quickly as possible. There is an emergency. The council finds itself without funds to meet its obligations, such as salaries and wages, and, until such time as the Bill passes in this Chamber, the council concerned will be in a precarious position.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 14. Page 1451.)

The Hon. C. C. D. OCTOMAN: In speaking to this amending Bill I do not wish to deal with the whole Bill, as it has been thoroughly debated already. However, I want to comment on a few of the clauses. I agree with clause 3 which amends section 5 of the principal Act in relation to church property, where the definition of "ratable property" has been more clearly defined, but possibly this amendment could have gone further. I should like to make passing reference to the definition of "occupier" in section 5 of the Act. The Minister has mentioned a revision of the Local Government Act and has said that a revision committee has been appointed. Evidently it will be some time before the revised Act is introduced and becomes effective, and in view of this I ask the Minister to consider an amendment to clarify the definition of "occupier". I consider that this is urgent because there is considerable confusion amongst councils on this matter; this is proved by the fact that the solicitors retained by the Local Government Association have been asked of recent years to give no less than seven opinions on the interpretation on that section. These councils are spread out from as far away as Murat Bay in the west to Penola in the South-East. Because of this confusion, we have the anomalous position of an employee and his wife who live on a farm property being enrolled for council elections while the owner's wife is not enrolled. This interpretation is incorrect but, due to the ambiguity of the definition, these mistakes are being made, and I am sure they will continue to be made. The definition is:

"Occupier" means any person who, either jointly or alone, has the actual physical possession of any land to the substantial exclusion of all other persons from participating in the enjoyment thereof.

I believe that comparatively simple amendments to section 5 and possibly to section 172A would clarify the position. Before a revised Act is submitted there will be further council elections, so I ask the Minister to look at this particular definition with a view to clarifying it by amendment as early as possible.

I support clause 4. In respect of subclause (*c*), which inserts the words "or more favourable than" after the words "terms similar to", it is interesting to note that last week I was approached by the Chairman of a council and one of his councillors. It appears that their problem will be overcome by this clause. The councillor concerned is a supplier to the council of fuel and oil at a rate more favourable than that at which it is ordinarily supplied. The council considered that under the principal Act it could not renew the contract, as the Act said that the terms must be "similar to". The councillor therefore had the option of remaining on the council and forgoing the business or of resigning from the council and retaining the business. I do not think there is any reason why public-spirited citizens should be debarred for this reason from serving on councils, and I consider this clause covers that situation.

I entirely agree with the Hon. Mr. Banfield about clause 15, which deals with the increase in moieties from 1s. 6d. to 5s. This 250 per cent increase is, I think, too severe, and I should like to see an amendment to this clause. I disagree also with clause 20, which deals with entry and inspection. Although the Minister may have a valid reason for its insertion, I should like to know more about it than the Minister has said in his second reading explanation before I shall support it.

The Hon. R. C. DeGARIS (Southern): As usual, we have before us a hardy annual in this Bill amending the Local Government Act, and, as usual, it is largely a Committee Bill. The very size of the principal Act, the changes that take place in local government, and the

complexities of local government make it almost necessary that an annual amending Bill comes before Parliament. I am happy to know that a revision committee has been appointed to consolidate and possibly redraft the whole of the Act. Because of the size of the Act, its complexities, and the changes that take place in local government, however, no sooner will the committee have done its job than further amendments will be brought before us. The Minister has said that this committee will take at least two years to do its work, but I think it will possibly take longer. I believe certain amendments should be introduced immediately.

The Minister has said that he will oppose any instructions in relation to further amendments, but several members have received letters from local government associations asking for further amendments to be made to the Act at this stage. I have received such requests, and I know that other members have also received them. I am certain that the amendments requested are valid and reasonable and that they should be made before the two or three years in which the revision committee will be doing its consolidating and redrafting have elapsed. I am certain that the Minister will realize that an honourable member, in seeking an instruction to introduce a further amendment, is acting in the best interests of local government in this State. Possibly the Minister may even require to ask for an instruction to introduce further amendments before this Bill gets through this Chamber. I assure him that the honourable members who are seeking instructions are not in any way playing politics. Last year or the year before, when an instruction was sought in another place to amend the Local Government Act, it could be said that it was purely for political purposes.

The Hon. A. J. Shard: You would not know how to play politics!

The Hon. R. C. DeGARIS: That is probably so; I agree with the Minister. It may be necessary to seek instructions for further amendments to be made to the principal Act to give full effect and understanding to amendments made recently in this Chamber to the Hawkers Act. Referring to the Bill itself, I note that the amendment in clause 3 brings into line the definition of ratable property, in relation to church properties, as between assessments made under land values and those made under annual values. On the one hand, we have as ratable property:

any land or church, chapel, or buildings used exclusively for public worship.

Then, under a different form of assesment, we see:

land solely used for religious or educational purposes (other than land used for the purpose of any school or academical institution at which fees are charged) or solely used . . .

In any case the words are "solely used for religious purposes".

The Hon. S. C. Bevan: That is in one case.

The Hon. R. C. DeGARIS: Yes.

The Hon. S. C. Bevan: Otherwise, it must be "exclusively used".

The Hon. R. C. DeGARIS: Yes, for public worship.

The Hon. S. C. Bevan: One is under rental values and the other is under unimproved values.

The Hon. R. C. DeGARIS: Yes; I thank the Minister for putting me right there. As the Hon. Mr. Story pointed out, even with this new definition there is still difficulty in deciding exactly what is "land solely used for religious purposes". I have had some experience of this definition. The clause is interpreted by the assessors when making an assessment for a council. First, they decide whether any building or land is used solely for religious purposes. Secondly, it is interpreted by the council sitting as an assessment committee. I have witnessed various interpretations of "solely used for religious purposes". For example, when it is a building used for a church and all its various clubs, committees and fellowships—table tennis club, indoor bowls club, and missions and bands attached to it—where is the line drawn to show that it is "solely used for religious purposes"? Where does "religious purposes" begin and where does it end? In my own experience, we decided the matter by saying that it was not used for religious purposes when the actual building had been hired at a fee, but I agree with the Hon. Mr. Story's contention that even with this amendment there can be differing interpretations of the meaning of "solely used for religious purposes".

Clause 4 adds to section 52 of the principal Act, which deals with people standing for election as councillors. Section 52(d) states:

A person who directly or indirectly participates or is interested in a contract with or employment under the council.

This provision arises because of an occurrence in the South-East of the State, where the wife of a council employee stood at a district council election. Although she was defeated there was considerable discussion about the interpretation of section 52(d), whether this woman

could have taken her place as a councillor had she won the election. My own interpretation of that provision is that the woman could not have taken her seat as a councillor. The purpose of this addition to the section is to clarify this position. An odd point is that under the new provision the position of a *de facto* wife arises: is she a spouse or not? If a *de facto* wife, can she stand for election as a councillor? This is interesting: a legal wife cannot stand as councillor whereas a *de facto* wife may, under this new provision, be able to stand.

Clause 11 inserts new section 287b after section 287a of the principal Act. It gives additional powers to metropolitan councils for building flats for letting only. About two or three years ago the Council of the Corporation of the City of Adelaide asked for power to assist private developers and the Housing Trust in the building of flats in the metropolitan area. If my memory serves me correctly, the power was given that a metropolitan council could assist in the purchase of land on which the trust or a private developer could build flats. The maximum amount that could be contributed by a council in one year was £35,000. No extra amount could be approved by the Minister. I am open to correction on that. Now, in this addition to section 287, power is given to a metropolitan council to actually engage in the construction of flats for letting in the metropolitan area.

There seem to be five points in section 287b. First, the power is given to metropolitan councils to erect flats. Secondly, these flats are for the purpose of letting only. Thirdly, the Minister in his second reading explanation said that it was not desirable for the council to build cottages—that it was quite desirable for a metropolitan council to have the right to build flats for letting but it was not desirable that it should have the right to build cottages for letting. Fourthly, it is not desirable for a metropolitan council to have the right to build home units. Fifthly, this power is given only to metropolitan councils.

First, I believe that it is undesirable for local government to have this power to build flats for letting. I think we went as far as we could on this matter in the amendment introduced last year, in that in co-operation with the Housing Trust or a private developer, a metropolitan council was empowered to assist in the purchase of land for redevelopment, but the Housing Trust or private developer, as the case may be, was to remain the landlord. I consider it is going too far to allow a metropolitan council to become a landlord. It is the responsibility of the Housing Trust to co-operate in this matter.

Also, as far as I can see, there is no restriction on what proportion of a council's revenue may be spent on the building of residential flats for letting. It seems to me that a council could spend all its revenue on that, and I daresay that "revenue" includes what money it can raise by loan. I cannot see that if it is necessary for a council to have the right to build flats for letting, the council should not have the right to build flats or home units for sale. If a council decided to spend a large sum of money on the development of flats for letting and a subsequent council decided that it did not desire to have the function of a landlord, would the new council have power to sell the flats that had been built? As far as I can see, it would not.

I consider that the Minister will have to give further assurances as to the necessity for and urgency of granting this particular power enabling a local government body to build flats purely for letting. I consider that, in South Australia, that is the function of the Housing Trust or private developers.

Clauses 12, 13 and 14 (5) deal with the question of councils being able to insure their members against personal injury, whether fatal or not, arising out of their attendance at any council meeting or meeting of a committee that they are required to attend, or an injury, fatal or otherwise, arising out of a journey undertaken for any special business.

This morning's newspaper reported that Mr. Killen, M.H.R., broke into a speech with a verse. I think Sir Norman Jude said that he saw a rat in full flight and Sir Arthur Rymill added to that a small rhyming couplet. I do not know that I have seen a rat in full flight, but I am somewhat doubtful about this provision. First, when is a councillor on council business? I, along with other members of this Chamber, have considerable difficulty in deciding that. Then we come back to the question of workmen's compensation. Does the insurance take effect from the time the councillor leaves his home and apply until the meeting has been completed and he returns to his home, or does it only apply for a certain time?

The whole thing seems to have difficulties. It is also closely approaching an interpretation that councillors are being paid for their services. I am not enamoured of this particular amendment to the Local Government Act. I also consider that this is an expensive way of insuring a councillor. If one

takes time to think about the matter, one sees that the insurance premium would be fairly high because of the number of imponderables involved.

I now come to a matter that has cropped up on several occasions since I have been in this Council. I refer to the revenue received from parking meters. The Lord Mayor of Adelaide has been reported in the *Advertiser* of not so long ago as saying that the Adelaide City Council was already spending more on traffic lights and other facilities than it received from parking meters. The report went on:

We are spending, and propose to spend, vast amounts of money on off-street parking areas and buildings, he said. Mr. Irwin was commenting on a Bill introduced in Parliament on Wednesday to amend the Local Government Act. One of its main features is to compel councils to spend the whole of parking revenue, less authorized deductions in providing parking facilities, traffic lights and other aids. Mr. Irwin said it was very important what was meant by "other aids".

The important point there is that the council is spending far in excess of the money it already receives from parking meters on the provision of the things stated in this Bill.

The Hon. S. C. Bevan: What is the objection?

The Hon. R. C. DeGARIS: One of the objections I have to this particular clause is that the Local Government Act is being cluttered up with more sections that are of no avail whatsoever.

The Hon. S. C. Bevan: Don't give me that. The sections are already there. How are you cluttering it up, when they are there?

The Hon. R. C. DeGARIS: Perhaps I can explain this matter. It has always been the opinion of the Labor Party in this Chamber that local government should be directed as to how money from parking meters is to be spent. I remember that in a debate (I think last year) the present Minister wanted the whole of this money spent solely on the provision of off-street parking. Nothing less than that was wanted. At that particular stage, the Hon. Sir Arthur Rymill put the opposing view.

The Hon. S. C. Bevan: I have become more generous.

The Hon. R. C. DeGARIS: The Minister has shifted his ground quite a long way in 12 months and I think that if he is prepared to listen to reason and change his ground further, it may be better still.

The Hon. S. C. Bevan: That is only wishful thinking on your part.

The Hon. R. C. DeGARIS: Twelve months ago, the Minister wanted the whole revenue from meters spent on the provision of off-street parking. Once again, we get down to finding out what is off-street parking. One can almost say that a vast sum of money spent in widening a street could be regarded as money spent on the provision of off-street parking, or of extra parking facilities. In this amendment, the Minister has decided that not only will off-street parking be included but also the installation and maintenance of traffic lights and works associated therewith and the provision and maintenance of traffic lines. So it is taken a further step away from his contention of 12 months ago. The Hon. Sir Arthur Rymill wants to add further to this and insert "control device within the meaning of the Road Traffic Act, 1961-1964". I am prepared to support that amendment as against the amendment before us, but I point out to the Minister of Local Government that this may be applicable to the Adelaide City Council because the council for many years ahead will be spending far greater amounts of money than ever it will receive from meter revenue. However, there are councils that may wish to install parking meters purely to turn over parking space in a one-street town or a one-street suburb. That does occur, and there may be any amount of parking space on side streets, but the area to be used by shoppers is the one to be turned over quickly and the council puts in parking meters for that purpose. They are thus hamstrung by the section and have no cause to spend money on lights, archipelagoes or any other device.

The Hon. Sir Arthur Rymill: The basic reason for meters is to provide kerb space.

The Hon. S. C. Bevan: It is a means of raising revenue.

The Hon. R. C. DeGARIS: No. The first reason for installing them is to see that people have an equal opportunity to use kerb space in a crowded area. This can be achieved where there is any amount of off-street parking available or no call for traffic devices such as lights or archipelagoes. I would like to see this section apply only to the Adelaide City Council. My attitude is that I will be opposing this section altogether, but, if I cannot get my way there, I want to see it apply only to the Adelaide City Council. If the Chamber does not like that, I will support Sir Arthur Rymill's amendment. Other councils could be brought in later, if necessary.

The Hon. S. C. Bevan: What about other councils that have already installed parking meters? Will you let them off altogether?

The Hon. R. C. DeGARIS: It is not a matter of doing that. Already those councils are expending more money in providing these devices than ever they get.

The Hon. S. C. Bevan: What councils?

The Hon. R. C. DeGARIS: The Adelaide City Council is one, and I have the cutting from the *Advertiser*.

The Hon. S. C. Bevan: That is one.

The Hon. Sir Arthur Rymill: It is no use providing off-street parking where no-one wants it, and this clause would cause that to happen.

The Hon. R. C. DeGARIS: Yes, perhaps that is so. I consider that this amendment is, as far as I can see, satisfying the ego of the Minister because last year he moved an amendment that was defeated. All this seems to me to do is clutter up the Local Government Act with a provision that can never be effective.

Clause 15 is rather interesting, and I was interested yesterday when the Hon. Mr. Banfield spoke on it. I think we were all surprised with the conservative attitude that he took in relation to the moieties that can be charged. From what I understood him to say, he wanted them completely abolished. I cannot quite agree with that viewpoint, as I believe they are justified, but I do believe that the rise from 1s. 6d. to 5s., as provided in clause 15, is too much. I prefer a rise in both footpaths and roadways, and if the Minister should feel that way I shall be happy. I will move an amendment for a reduction from 5s. to 3s. as far as footpaths are concerned. I can imagine the criticism that the previous Government would have received if it had attempted to raise the moiety from 1s. 6d. to 5s.

The Hon. L. R. Hart: The Minister has said he may accept an amendment.

The Hon. R. C. DeGARIS: I think he probably would accept one but he would have to get an instruction on the matter. Moieties on roadways do not come under subsection (2) of section 328.

The Hon. S. C. Bevan: That is your contention.

The Hon. R. C. DeGARIS: I think it is correct. Dealing with clause 17, in 1963 there was an amendment to section 435 of the Local Government Act empowering the Minister to approve effluent disposal schemes and several country councils have availed themselves of the provision. I believe several more intend to do so. The amendment in clause 17 seems to me to place the whole scheme on the same basis as the Engineering and Water Supply Department. One point I stress is that made by the Hon. Mr. Gilfillan regarding subsection (4) of new section 530c which reads:

Notice in writing of the matters mentioned in the preceding subsection shall be given by the council to the owners of all the land in the portion of the area to be benefited by the scheme.

I would like to have the position clarified, because all councils have a number of owners of land who cannot be contacted as their addresses are unknown. Finally, I was looking forward to the Hon. Mr. Banfield carrying his rather conservative outlook on clause 15 to clause 20.

The Hon. M. B. Dawkins: You were rather disappointed?

The Hon. R. C. DeGARIS: I was.

The Hon. D. H. L. Banfield: The honourable member apparently wants the lot in one hit. If he cannot get the lot he is not satisfied!

The Hon. R. C. DeGARIS: Because of the way the honourable member started off on this Bill and how he gradually became more conservative, I was looking forward to hearing how he would deal with clause 20.

The Hon. D. H. L. Banfield: Time was running out!

The Hon. R. C. DeGARIS: I think he must have overlooked clause 20 because he feared that he may have mellowed a little. In his second reading explanation the Minister said that clause 20 was designed to enable officers to enter premises on which any trade, business or occupation is carried on under licence pursuant to the by-laws of the council, for the purpose of enforcing any such by-law and may inspect the accounts, books and documents relating to the licence or the trade, occupation or business conducted in pursuance thereof, and stressed that the provision is desirable.

I can remember that last year great opposition was shown towards giving powers to an inspector under the Fauna Conservation Bill. Under that measure an inspector had the right to enter without a warrant to search for things covered by the Bill, but under this Bill power is given to a council officer (which means any clerk, treasurer, surveyor, assessor, collector, poundkeeper, inspector, ranger, constable, or other person appointed to an office by a council) to enter, not only to search for anything that may be stolen (as was the case in the Fauna Conservation Bill) but, in the words of the clause, "for the purpose of enforcing any such by-law and may inspect the accounts,

books and documents relating to the licence or the trade, occupation or business conducted in pursuance thereof''.

The Hon. M. B. Dawkins: Powers already exist in section 876 that should be sufficient.

The Hon. R. C. DeGARIS: The first part of section 876 gives an officer of a council the right to enter property for specific purposes, which are laid down in the section. It does not give any right to search books and accounts or documents relating to the business of the person.

The Hon. S. C. Bevan: This is only in so far as his licence is concerned.

The Hon. R. C. DeGARIS: Yes, but it can concern practically every occupation to which a man can turn his hand. I have a list of some 50 occupations that can be conducted under council by-laws, and this clause gives any person employed by a council the right to enter and to investigate and inspect the books of the business being conducted by the person under a council by-law. Before I will support this clause, I will need much more assurance from the Minister.

The Hon. Sir Arthur Rymill: Take as an example a council that says it wants to determine what licence fee a man can afford to pay. It can then look at the whole of his business.

The Hon. R. C. DeGARIS: That is so, and that may be why this clause is in the Bill. Another point, which is valid and which was brought to the attention of the Council by the Hon. Mr. Gilfillan, is that this matter comes before the council and there is therefore no secrecy, as there is with an investigation by a Government department. I will need much more assurance from the Minister before I will favour this clause. Apart from these reservations, I support the Bill.

The Hon. S. C. BEVAN (Minister of Local Government): I appreciate the attention honourable members have given to this Bill. This was not unexpected, as a Bill amending the Local Government Act is usually fully debated. I expected more debate this time, as it is the first time I have had the opportunity to present a Bill amending this Act. I have listened attentively to the remarks of honourable members, several of whom have raised objections to certain clauses. Honourable members have said that primarily the Bill is, and has always been, a Committee Bill, and that most of the discussion on the various clauses will take place in Committee. I think some of the queries can therefore be better answered during the Committee stages than now.

The Hon. Sir Norman Jude said in relation to a certain clause that he would like to know where it came from. To try to inform honourable members about all the clauses, who requested them, and what examination was given them would be impossible. Clauses 8, 9, 11, 12, 14, and especially 20, have had a fair amount of criticism. Regarding clause 20, I draw attention to the fact that there is only one extension from the present Act, and that is in relation to the right of inspectors. The inspection must be carried out by an authorized officer of the council, who must be authorized in writing. For members to talk about any employee being able to carry out an inspection is just hogwash.

The Hon. R. C. DeGaris: Any officer can be authorized.

The Hon. S. C. BEVAN: But there must be an authority in writing. Will any council give offhand any person in its employ, irrespective of who he may be, an authority to inspect? Are these not responsible bodies, or do honourable members desire to impugn them by saying they are not capable of carrying out their affairs in an honest way?

The Hon. Sir Arthur Rymill: There is no suggestion of that, but, when this inspector inspects, the matter becomes the knowledge of many people who are entitled to know what he has found out.

The Hon. S. C. BEVAN: This clause can be elaborated on during the Committee stage. I am willing to tell honourable members the reason why it is desired that this clause be passed and become part of the Act, but I ask them to read the whole section amended by the clause. Subsection (2) shows how far this extension of powers goes.

The Hon. Mr. Story mentioned the clause relating to effluent schemes. He was not sure whether giving councils power to borrow money to implement effluent schemes would mean that a poll of ratepayers would have to be held. The same provisions apply in relation to borrowing powers in this matter as apply to borrowing powers already contained in the Act. If ratepayers demand a poll, one will be held, and that is a safeguard. The Hon. Mr. DeGaris stated that the Adelaide City Council already had the authority to help the Housing Trust or a private developer to purchase land for the purpose of building flats. I want to correct him on that: the City Council has no authority under the Local Government Act to supply ratepayers' money to a private developer for the purpose of building anything. It can supply up to £35,000 in any one financial

year to the Housing Trust to purchase land for the building of flats.

The Hon. R. C. DeGaris: I stand corrected.

The Hon. S. C. BEVAN: And it cannot supply a private developer. The honourable member criticizes the amending legislation, saying that it can be done for letting purposes but not for the building of cottages. We must look for what is requested, and what is intended by the authority.

The Hon. R. C. DeGaris: Did it request this?

The Hon. S. C. BEVAN: No—I just pulled it out of the thin air and brought it down for honourable members to consider! It has been requested for some time. The honourable member then said, "It should also be authorized to employ a private developer to do this". Apparently, the council would provide funds made up of ratepayers' contributions. What a nice sort of mess we should be in if that course was adopted! What would be the position if the council had the power to supply to a private developer £35,000 of the ratepayers' money in each financial year for the purpose of erecting flats?

The Hon. R. C. DeGaris: I did not suggest that.

The Hon. S. C. BEVAN: But the honourable member wanted to know why the council could not assist a private developer. I am pointing out what would happen if it had that power: the council would not own a brick in the building but the private developer would be free to use the £35,000 as a subsidy for himself, and then he would sell at a huge profit. Where would the ratepayers' money have gone? It is requested by the Adelaide City Council that, because of the lack of these facilities, it should have the power itself to erect flats. Is there anything wrong with that? I can see nothing wrong. Private developers might object because they themselves would want to get the contracts instead of the council. Surely it is not too much to give the council the power to build flats if it so desires, and use the ratepayers' money.

The Hon. Sir Norman Jude: Don't you think there might be some abuse of it, that councils would tend to become limited companies within themselves?

The Hon. S. C. BEVAN: No.

The Hon. Sir Norman Jude: We have had examples of that.

The Hon. S. C. BEVAN: I cannot see it; I cannot visualize that happening. At the moment it is restricted to the metropolitan area. Surely councils would not attempt to do what Sir Norman suggests might happen. If a council attempted to do that, would it not be possible for Parliament immediately to clamp down on that sort of thing? We have legislation to stop that.

The Hon. Sir Norman Jude: When we catch up with it.

The Hon. S. C. BEVAN: That is a point, but from my short experience as Minister of Local Government I can assure Sir Norman I am catching up with many things that have been happening for a long time. If anything like this did happen, it would not take long to catch up with it and, once we caught up with it, we could deal with it by legislation. I see nothing wrong with this provision.

The Hon. Mr. DeGaris also mentioned clause 20 and other clauses dealing with parking meters. He said that when I was in Opposition in this Chamber (and I make no apology for this) I said that "may" should be altered to "shall". Naturally, as there were only four Opposition members in this Chamber at that time we were a small minority and the suggested amendment was overwhelmingly defeated; but I am at least consistent in my belief. The honourable member said, "You have gone further." Certainly I have gone further. The clauses are in the Bill and it seems to be bordering on the ridiculous when a responsible member maintains that we are cluttering up the Act and are amending a provision already in the Act. This amendment extends by a few words the present powers of the council in regard to parking facilities. The difference is that I say "shall" and the Act says "may". The present position is that the Adelaide City Council may utilize this money for the specific purpose of off-street parking. Only a few more words are included in the clause. It is suggested that we are cluttering up the Act with these things, but it may be that the Act is already cluttered up with too many things.

The Hon. R. C. DeGaris: Agreed.

The Hon. Sir Arthur Rymill: Will the Minister unclutter the Act when he has the opportunity?

The Hon. S. C. BEVAN: I was coming to that point. For some time I have been aware of the shortcomings of the present Act. The Hon. Mr. Octoman this afternoon highlighted the fact of one of two occupiers of a property being on a roll and able to vote at a council election. I agree with him. It is evident from the present phraseology that this was not intended, because there is an anomaly when we come to owners and joint owners of properties.

In many cases there is only one vote for one property. There are certain possibilities in regard to only one vote being available to joint owners. Yet, on the present interpretation, a man and wife renting a property can both be enrolled and vote at municipal elections. One can find many sections in the Act in regard to which anomalies are occurring because of interpretations that are being given.

When we were in Opposition, I said many times that there should be a complete review and recasting of the Local Government Act, and the Hon. Mr. Octoman this afternoon gave justification for my appointment of a committee to do this. The committee should have been appointed years ago. If it had been, the Act would not be in the state in which we find it today.

I wish to refer to the matter of seeking an instruction of the Council on a certain amendment that is on honourable members' files. When we come to that particular amendment we shall see whether it is necessary or not. However, on my interpretation of Standing Orders, it is not necessary to seek an instruction to insert that provision, which deals with moieties. Moieties are already dealt with in the legislation before us and I consider that it will be quite in order to move that particular amendment at the appropriate time. I have a specific reason for the amendment contained in the Bill. It arises from something that happened after this legislation was introduced, and I can explain that to the Council.

The Hon. R. C. DeGARIS: Does the Minister intend to introduce an amendment to reduce the amount of 5s. laid down in the clause?

The Hon. S. C. BEVAN: I have never said that I would introduce an amendment to that clause. I understand that the honourable member is referring to the moieties. In the first instance, when the Hon. Mr. Hart was dealing with this clause, he suggested that the Minister have another look at it and amend it, when I said, "Why don't you amend it?", or words to that effect. I said that I would not amend it. The honourable member then said, "I might amend it myself." I said, "You might get a surprise. I might accept it."

I made no mention, either by interjection or otherwise, that I intended to move to amend the clause. If honourable members desire to move an amendment, that is their privilege and prerogative. I thank honourable members for the attention they have given to the legislation and if they desire information on the various clauses, I shall be happy to supply it in the Committee stages.

Bill read a second time.

The Hon. L. R. HART moved:

That it be an instruction to the Committee of the Whole on the Bill that it have power to consider new clauses dealing with voting by post.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, s. 5—Interpretation."

The Hon. R. C. DeGARIS: In my second reading speech I referred to the fact that the term "solely used for religious purposes" has been interpreted in different ways by different councils. I asked the Minister of Local Government whether he was satisfied with this particular method of defining the property that is excluded and, particularly, whether he would refer the matter to the revision committee in order to achieve greater clarity in relation to properties excluded from the rating provisions of the Act.

The Hon. S. C. BEVAN (Minister of Local Government): I consider that clause 3 is a simple amendment. As far as I know, the phraseology in one section has never created problems since I have had anything to do with the Local Government Act, but the phraseology in the other section has. In regard to the annual rental rating system, we had one phrase to the effect that the property must be used exclusively for public worship, and this created an anomaly. One council seized upon the phraseology and said, "All right, the building concerned is not used exclusively for public worship so far as the interpretation is concerned, so we shall make an assessment and make it a ratable property." The phrase "solely used for religious purposes" has been in the Act for a considerable period in connection with unimproved land value rating, and that has never created an anomaly. The proposed amendment brings both systems of rating into line.

The Hon. C. R. Story: What is the other system of which you speak?

The Hon. S. C. BEVAN: There is the annual rental value system and the unimproved land value system. The Local Government Act contains two sections dealing with church properties.

The Hon. C. R. Story: Under which do we have the problem?

The Hon. S. C. BEVAN: If we accept this amendment, both clauses will come under the

system of unimproved land values at the present time. At the moment, under the annual rental system of rating, the building has to be exclusively used for public worship, otherwise it is not exempt. Rates have been levied in some cases, because the buildings were not exempt under that section of the Act. All I suggest here, after giving the matter a complete investigation, is that the two clauses be both made to conform to what I consider was the intention of Parliament at the time that the section was inserted dealing with the system of unimproved land values.

The Hon. C. R. STORY: I rise only because the Minister has said that there have been no problems, but there have been great problems. The valuer has to decide whether a certain body doing certain things is, in fact, a religious body; for instance, when charging £2 a night for a hall, taking up a silver coin contribution or conducting an annual debutante ball where invitations are issued and a charge of 10s. is made for each invitation. This has caused confusion and I do not think the Government has clarified the matter. If one religion believes in dancing in a hall and charges £1 for the use of that hall and another body shows pictures of emancipated Africans and charges a silver coin for admission, while somebody else has a debutante's ball, it is an extremely difficult matter for the assessor to find out if the hall is being used for religious purposes. I am not sure how my particular church (which owns a hall, a rectory and a church) is affected, and just what portions of buildings owned by my denomination would be excluded from rating. Another organization may be Roman Catholics who let a hall to get young people off the streets and have a dance with a charge of 6d. to enter; that is really hiring. As I said, I am not sure that this amendment will cover all matters that I have mentioned and I would like to have the position clarified.

The Hon. S. C. BEVAN: Perhaps the Hon. Mr. Story prefers to leave the section as it now is. This phraseology is already contained in a section of the Act and it has been there for a number of years.

The Hon. C. R. Story: I don't know that the verbiage is correct.

The Hon. S. C. BEVAN: I am not amending the clause that the honourable member is referring to; I am asking this Committee to amend another clause under a different system of rating.

The Hon. C. R. Story: But you said you were going to be consistent.

The Hon. S. C. BEVAN: I think I am consistent in this matter. The honourable member is suggesting that we should have amended it the opposite way and inserted the words "used exclusively for public worship". If that is what the honourable member wants, he should defeat this clause.

The Hon. C. R. Story: I do not want that at all.

The Hon. S. C. BEVAN: I have endeavoured to explain the intention of the amendment. Two systems of rating exist, one being based on annual rental value and the other on unimproved land values.

The Hon. C. R. Story: Yes, but would you define what worship is?

The Hon. S. C. BEVAN: The only thing intended is to bring both systems of rating on a uniform basis and provide that where a building is used solely for religious purposes it shall be free of rates.

The Hon. C. R. STORY: I have listened to the Minister with a great deal of interest, but I am not sure at this moment that what he has said is completely correct. I ask him to report progress so that I can consider the matters put forward by him.

The Hon. R. C. DeGARIS: All members appreciate that this amendment is bringing the two systems of assessment into line in the Local Government Act. In one section "any land, church or chapel used exclusively for public workship" is being removed and in its place is the amendment "solely used for religious purposes". My only reason for bringing this matter to the attention of the Minister was that I know that this phrase "solely used for religious purposes" can be differently interpreted by assessors who assess for councils and by councils themselves when they sit on an assessment revision committee. What constitutes a religious purpose? Many functions are held in church halls. If a youth club uses the hall, that can be looked upon as a religious purpose, but if a table tennis club uses the building it may pay a fee to the church even though it may belong to the church.

The Hon. C. R. Story: It may make a donation.

The Hon. R. C. DeGARIS: Yes, every year such bodies make donations. The assessors may say, "This building is not solely used for religious purposes as the church is being paid a fee, and table tennis is not a religious purpose." All we ask the Minister to do is take this matter to the revision committee, point out the difficulties involved in this definition,

and point out also that assessors and assessment revision committees interpret this matter differently. I ask him to try to get some definition from which there will be no variation throughout this State.

The Hon. S. C. BEVAN: I will not withdraw this clause because if I do we shall have what has been operating up until now. The honourable member is asking that, if this is carried, I refer the matter to the revision committee for the purposes he has mentioned. I shall be happy to do that.

The Hon. C. R. STORY: Will the Minister give us time to consider this and try to introduce a useful amendment to the clause? He is happy for us to try to put this matter in order, and it is just a matter of getting a definition. However, I have not had time to see the Parliamentary Draftsman, so perhaps the Minister will agree to have the Bill recommitted so that we can consider this later.

Clause passed.

Clause 4 passed.

Clause 5—"Provisions as to meetings."

The Hon. R. C. DeGARIS: This clause, and clause 4 (*b*), are consequential on the power conferred in clause 12. If these can be recommitted, I shall be happy.

Clause passed.

Clauses 6 to 9 passed.

Clause 10—"Minimum rates."

The Hon. L. R. HART: I am not entirely happy with this clause, which seems to discriminate between town and country areas. I think the reason for this clause is that in 1959 the section that limited minimum rating was deleted, and councils are now using minimum rating as a revenue raising device. We have got to the position where a block of land is rated under minimum rating at a far higher rate than that at which it should be rated compared with other land in the area. I think the section limiting the amount of minimum rating should be reinserted, and we should probably also consider whether there should be a differential minimum rate. As this clause does not deal with differential rating, however, I do not suppose I am entitled to discuss it. Although the clause may set out to give relief to certain people, I do not think it is the proper answer to the problem that exists. I believe we should consider having a limit on minimum rating.

Clause passed.

Clause 11—"Power to erect flats for letting purposes."

The Hon. Sir ARTHUR RYMILL: I was prepared to go along with the idea of giving councils power to assist housing authorities to buy land on the basis that it might be a good commercial proposition for councils and would not involve them in actual housing. This clause, however, is breaking the ground to enable councils to get right into the housing business. It is all very well for the Minister to say that this is limited to flats, and so on; but it is establishing a principle. Once the principle that a council should become a housing authority is established, we do not know where it will end. I do not think the principle should be established, and I do not intend to vote for the clause. I do not believe councils have the revenue to carry this out.

We know that councils overseas have got into tremendous difficulties on this matter. There is no federal system in England, and local government takes on the role of our State Government, but where there is a Commonwealth Government and a State Government I see no reasons for councils to get into the housing arena. I can only think that the Government wishes to shelve its responsibility for housing on to local government, and this will be paid for by ratepayers and not by the general public. I think the principle is wrong and I propose to vote against the clause.

The Hon. Sir NORMAN JUDE: Is it not a fact that this clause is not so much designed for the Adelaide City Council as to tidy up the position of a municipal council that has already entered into this sort of transaction?

The Hon. S. C. BEVAN: No. The request came from the City Council for power to erect flats. In fact, the request went further than that: it asked for the power to erect flats and houses. I thought it was going too far and suggested that perhaps Cabinet would be prepared to examine the position in regard to flats, but I did not think it would consider housing—and it did not. There was a direct request from the City Council to be given the power in regard to housing.

The Hon. Sir ARTHUR RYMILL: As this clause raises important principles, I suggest that the Minister ask that progress be reported at this stage.

The Hon. S. C. BEVAN: In the circumstances, I ask that progress be reported.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 5.30 p.m. the Council adjourned until Tuesday, September 21, at 2.15 p.m.